

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



February 16 2011

R Street Storage Associates, LLC
4600 East-West Highway, Suite 200
Bethesda, MD 20814

Re: 175 R Street, NE aka 1629-1631 Eckington Place, NE, Lot 21 Parcel 117 and unimproved parcel Lots 807, 49 and Part of Lot 53 in Square 3576 "Subject Property"

Dear Sirs:

Based upon the Preliminary Design Review Meeting conducted on December 8, 2010 concerning the above referenced properties, this letter serves as my Zoning Determination regarding the zoning regulation for the matter of right of use of the Subject Property for Electronic Equipment Facility (EEF) use.

The Subject Property is split or bifurcated between the C-M-2 and M zones, as the Zoning Certificate dated July 22, 2002 from the Office of Zoning clearly denotes. The current use of the Subject Property is a Self Storage Facility and the proposed use is "Data" or "Telecommunication" Center. Per 11 DCMR 801.7 (c), a Data Center is specifically referenced and this type of facility would be designated as an Electronic Equipment Facility (EEF).

Under the C-M-2 designation, Section 801.7 (c) further stipulates that an EEF exceeding twenty-five (25%) of the gross floor area of a building shall not be located within eight hundred feet (800 ft.) of an established or planned Metrorail station, or within one thousand, two hundred and fifty feet (1,250 ft.) of the edge of a river as measured at mean high tide.

The Subject Property is located 1,735 feet from the Red Line New York Avenue – Florida Ave – Gallaudet University Station, and is over two and one quarter miles in distance from both the Anacostia and the Potomac Rivers. Therefore, under C-M-2 requirements, the Subject Property is zoned for EEF by right.

Furthermore, under the M District zoning designation, per Section 821.2 any uses permitted in a C-M District under Sections 801.2 and 801.4 through 801.10 are allowable without restriction and therefore allowed as a matter of right.

The EEF is also be subject to Section 804 of the zoning ordinance, Standards of External Effects (C-M). This section outlines the emissions and noise restrictions for properties in the C-M zone. Backup generators will be installed to support the EEF, and will be designed to meet the Federal EPA emissions requirements and the restrictions referenced in Section 804.

Section 804.14 (b) additionally states that back-up generators shall be either:

- (1) Fully enclosed within the principal structure; or
- (2) Located no closer than two hundred (200 ft) from the nearest R, SP, W or CR zoned property line.

Mechanical Equipment supporting an EEF, including backup generators, are able to be mounted on the rooftop provided they meet the regulations in Section 411 including setback from perimeter greater than 4 feet and 1:1 ratio based upon height with a fully enclosed screen wall or structure to a maximum height of 18-1/2 feet.

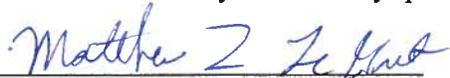
The existing building on parcel 117/21, which is presently used as a Self Storage Facility, does not have any off-street parking and contains four loading dock berths which are 17'- 6" deep. Per Section 2101.1, an EEF shall provide the same parking as prior use. Per Section 2201.2, an EEF shall have two Loading Berths of 30' deep and one Loading Space of 20' deep. Due to the existing nature of the building, the non-conforming dimensions and number of loading dock berths and the absence of existing off-street parking and loading docks are grandfathered conditions which allow the use for an EEF facility.

It was further confirmed that if both parcels were merged into one lot, the unimproved parcel could be utilized to expand, or add to, the improvements now contained on the 175 R Street parcel. In doing so, the owner of these properties could deem the unimproved parcel to either be the side, or the back yard, of the joined properties.

Providing the requirements outlined in either Section 842, Rear Yards (C-M, M), or Section 843, Side Yards (C-M, M) were satisfied, an addition could be constructed on the unimproved parcel to fully enclose generators.

The addition of new floor area on the unimproved parcel would be subject to parking requirements of 1/3000 GSF for new construction as an EEF and allowable FAR would be calculated based upon adjudication of C-M-2/M survey split with 4.0 attributable to C-M-2 and 6.0 to M. Maximum building height would be 65'. The first floor in the 20' plane doesn't require a rear yard setback from the adjacent residential lot, but the second and subsequent floors would require a 13-1/2 foot setback.

Please feel free to contact me if you have any questions on this mater

Sincerely, 

Mathew Le Grant
Zoning Administrator

Attachments

File: Determination Ltr re 175 R St NE to Hutson 2-16-2011

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., July 19, 2002

Plat for Building Permit of SQUARE 3576 LOTS 49, 50, 807
and PARCEL 117/21

Scale: 1 inch = 50 feet Recorded in Book 66 Page 75 (LOTS 49,50)
A & T Book Page 3727-L (LOT 807)
A & T Book Page 1793 (PARCEL 117/21)

Receipt No. 009621

Furnished to: Y. MOORE


Surveyor, D.C. DA

By: L.E.S.

(Signature of owner or his authorized agent)

Date: _____

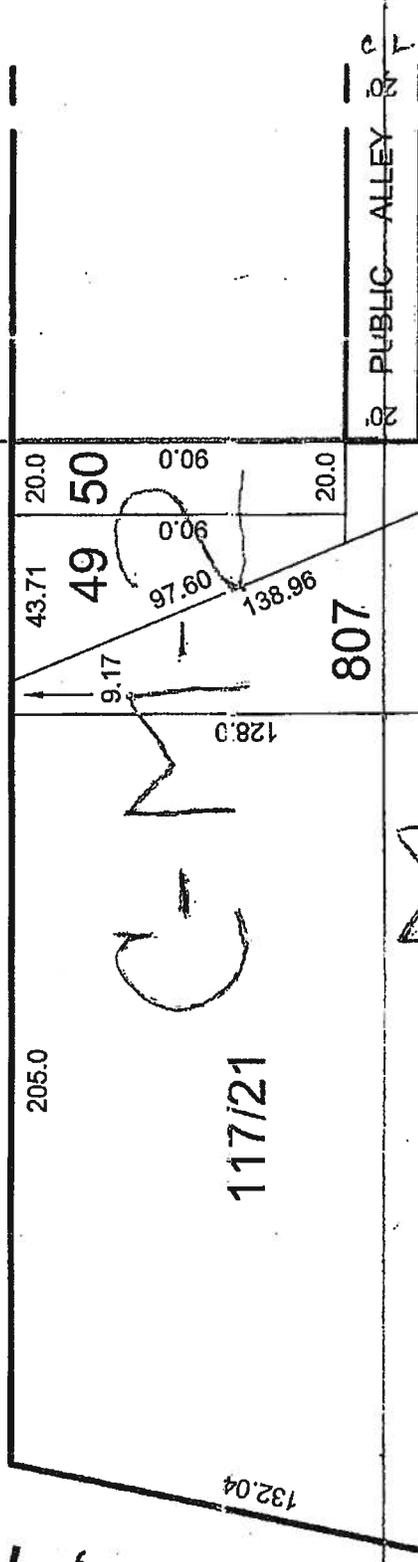
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

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NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

R STREET, N.E.

ECKINGTON PLACE, N.E.



July 22, 2002

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicate that Lots

49 and 50 in Square 3576 are zoned C-M-2 and Parcel 117/21 and Lot 807 in Square 3576 are split-zoned C-M-2/M, as shown on this plat.

Jerry R. Kress
 JERRY R. KRESS, FAIA
 Director
 Office of Zoning

