

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



February 22, 2011

Jacques B. DePuy, Esquire
Greenstein DeLorme & Luchs, P.C.
1620 L Street, N.W. – Suite 900
Washington, D.C. 20036-5605

Re: 3246, 3248 and 3250 N Street, N.W.; Lots 853, 855, 858, 860 and 862, Square
1218 ("Property")

Dear Mr. DePuy:

This letter is in response to your letter dated December 10, 2010 and is in furtherance of the meeting with Guiseppe Cecchi, Vincent Mark Policy (your law partner) and you in my office on December 8, 2010. This letter is also to confirm my analysis and conclusions with respect to zoning matters. This letter supersedes my letter to you dated December 23, 2010.

As indicated in your letter and the meeting and as you advised me subsequent to the initial meeting, the building currently contains ten (10) apartment units, seven (7) of which are in the rear and three (3) of which are in the mansion-like structure in the front. The seven units in the rear will be reduced to six (6) units and this portion of the building will become a 6-unit condominium. The existing seventh unit in the rear will be joined with the three units in the front, these four units will be consolidated into one unit and all of those units will be used as a one-family dwelling. Thus, six units in the rear and one unit in the front results in seven units total. Mr. Cecchi's company desires to maintain with no change the existing six (6) indoor parking spaces. The six (6) condominium units are and will continue to be located in the rear of the existing building and the one-family dwelling is and will continue to be located in the front of the existing building. The 6-unit condominium will be located on one assessment and taxation lot (under the ownership of a condominium association and unit owners) and the one-family dwelling will be located on a different assessment and taxation lot (under separate ownership). No subdivision of the existing record lot, Lot 81, would be necessary and no exterior work (only interior repair and replacement) is proposed.

During the meeting, we agreed that the Property is unique in several respects, including its large size in relation to surrounding and nearby single-family homes, its prior use as an eleemosynary institution (nursing home), its current use as a ten-unit apartment house on land that is zoned R-3, the actual use (for all intents and purposes) of the three (3) units in the front of the Property by Leo and Beverley Bernstein as a one-family dwelling, and the approval in 1966 by the BZA of a change in use from an eleemosynary institution into an apartment house. Because of these unique factors, I indicated that determinations by this office with respect to zoning matters pertaining to the Property would not be or become precedents for determinations on similar matters with respect to other properties.

Based on my review of the 1966 BZA order and applicable Zoning Regulations, I concluded at the meeting and hereby confirm the following:

1. The establishment of the 6-unit condominium in the rear of the building does not generate zoning issues or requirements;
2. The establishment of the one-family dwelling in the front of the building does not generate zoning issues or requirements;
3. The reduction of apartment units from ten (10) to seven (7) is a lessening of the intensity of use of the Property and moves in the direction of conformity with the Zoning Regulations and, therefore, no BZA approvals of your client's proposal are needed;
4. Given the absence of a specific allocation of parking by the BZA Order, although this office enforces the parking requirements it does not allocate parking spaces among or between users, including with respect to the Property among the condominium units and one-family dwelling, and such an allocation is a matter left to the owner of the Property; and
5. As to the issue of whether it would be appropriate for the new owner to (A) obtain a new Certificate of Occupancy for the 6-unit condominium (which is classified under the Zoning Regulations as an apartment house), with no Certificate of Occupancy being required for the one-family dwelling pursuant to Section 3203.1(a) of the Zoning Regulations or (B) obtain a new Certificate of Occupancy for a seven unit multiple dwelling use, I have determined that option B would apply. Specifically, the use listed on the Certificate of Occupancy may read as follows: Multiple Dwelling consisting of a six (6) unit Apartment house containing one and two bedroom units located on A&T Lot ____ and five or six bedroom dwelling on A&T Lot ____ to be used as a one-family dwelling.

[NOTE: You have advised me that new A&T Lot numbers will be obtained and inserted in the foregoing blanks at the time of the application for, and issuance of, the new C of O.]

Your client agreed in the meeting and in your letter that a building permit will be necessary for any plumbing, electrical, structural and other work necessary for interior renovations and that an application for such a permit will be filed and prosecuted in the normal course pursuant to all usual and customary DCRA requirements.

Please contact me or my office with any further questions you might have.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator