

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



June 13, 2011

Sassan Gharai, Founder
SGA Companies, Inc.
7508 Wisconsin Avenue, 4th Floor
Bethesda, Maryland 20814

Re: 1421 Florida Avenue NW (Square 2660, Lot 237 "Subject Property")

Dear Mr. Gharai:

This letter responds to your request regarding a proposed project at the subject property referenced above, and memorializes the substance of the preliminary design review meeting (PDRM) of May 4, 2010 in respect of same.

Specifically, your request seeks confirmation of compliance in two areas of zoning regulation:

- (1) with respect to the minimum depth of rear yard setback requirement and the use of the method of mean rear yard depth calculation and;
- (2) with respect to compliance with the Floor Area Ratio (FAR) limitation, by either calculating the FAR by using the "Perimeter Wall Method", as measured from finished grade, or by the "Grade Plane Method" calculation.

Property and Project Description

The Subject Property is located within the R-5-B residence zone district, and consists of 4,140.62 ft² on an irregularly-shaped lot. An interior lot by definition, the Subject Property has street frontage only on Florida Avenue, and is located in Square 2660, which is bounded by Florida Avenue on the south, 15th Street to the west, 14th Street to the east, and Belmont Street to the North. The Subject property is otherwise unimproved, vacant, and is characterized by dramatically steep topography with an elevation change of approximately twenty-seven feet (27 ft.) to thirty feet (30 ft.) from the rear downward to front property line where there is an existing retaining wall within the property.

As represented in the accompanying preliminary plans and drawings (revised, and submitted to me after our PDRM meeting), the proposed project is the construction of a new eight (8) unit apartment house, including an entrance lobby and a parking level which provides four (4) parking spaces, sufficient to comply with the minimum number of required parking set forth in § 2101.1, for the proposed use in the underlying R-5-B zone district. Also, because the project contains less than 10 dwelling units, it is not subject to an Inclusionary Zoning requirement.

According to and as depicted in the drawings reviewed and attached herein, the building is proposed to be constructed to the side property lot line on the west, but setback in sufficient distance to comply with the required side yard setback requirement, based on proposed height of building, as further outlined below. The adjoining existing three story apartment house to the east is constructed to the common side property lot line, thereby serving the functional duality of a face-on-line wall and a retaining wall which preserves the natural topography of the site where the side terrace intersects the property lot line.

Further, the building is proposed to be constructed to contain 7,435 square feet of gross floor area (1.79 F.A.R.), based on the definition of the term set forth in § 199.1 and utilizing the “Grade Plane Method”, given the site’s drastic topography. You assert that the project also complies with the maximum FAR limit by using the “Perimeter Wall Method”, as measured at finished grade at the perimeter of the subject property lot lines but since you may choose either method, my analysis is based upon your use of the “Grade Plane Method” as depicted in the schematic FAR drawings attached to this letter.

You have chosen to use the “Grade Plane Method” for calculating FAR. BZA Order No. 17109, Finding of Fact No. D 33 and 36, sets forth the criteria for this method. The relevant excerpt is:

“Under the “grade plane” method, a plane is established between the grade at the front of the building and the grade at the rear of the building. The point at which this plane intersects at a four foot level, any portion that exceeds that plane counts toward FAR and any portion that does not is considered cellar”.

After reviewing your submitted section drawing labeled SK-ZNG, dated 6/6/11, I conclude that the drawing accurately depicts the use of the Grade Plane Method, and the shaded areas may be deemed as a cellar and excluded from the FAR calculation. If the resultant floor area contains 7,435 square feet of gross floor area (1.79 F.A.R.), this is less than the maximum 1.8 FAR and would comply.

Finally, the new building is proposed to be constructed to a height not to exceed fifty feet (50 ft.), measured from curb opposite the middle of the front of the building to the highest point of the main roof of the building or parapet.

Zoning Compliance Analysis

Minimum Depth of Rear Yard Setback Requirement: As set forth in § 404.1, the minimum rear yard setback requirement for the underlying R-5-B zone district is 4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but in no event, less than 15 ft.

As depicted in the provided section labeled SK-ZNG, the height at the middle of the rear of the proposed structure as measured from mean finished grade, based on the drastic change in topographical elevation, to the highest point of the main roof or parapet is thirty-four feet and three inch (34 ft- 3 inches) which results in a minimum rear yard setback requirement of eleven feet and five inches (11 ft- 5 inches) (height at mean finished grade x 4 inches = 137 inches ÷ 12 = 11.41ft). Therefore the 15 foot rear yard standard applies.

Because the lot shape is irregular, with the rear lot line at variable distance from the front lot line, the portion of the definition for “*Yard, rear, depth of*” that is set forth in § 199.1 is pertinent, as follows:

“the mean horizontal distance between the rear line of a building and the rear lot line”

In the case of an irregularly-shaped lot, the minimum depth of the required rear yard setback may be determined by means of an average calculation as follows:

Total square feet in area of portion of lot behind a line drawn at the farthest point of the rear building line parallel to the rear property lot line, divided by the linear distance of the line so drawn at the points at which the line intersects the two side property lot lines; consistent with the graphic and numerical illustration attached as drawing SK-Z1.

Based on this drawing and applicable calculations, I have determined that the proposed depicted rear yard setback complies.

Minimum Side Yard Setback Requirement: The R-5-B zone district does not require a side yard setback, but if one is provided, it shall not be less than 3 inches per foot of height, but not less than eight feet (8ft.) in any event. The proposed project is required to provide a minimum twelve feet and six inches (12 ft- 6 inches), based on a proposed building height of fifty feet (50 ft.), (3 inches x 50 = 150 inches ÷ 12 = 12.5 ft.). The proposed project provides fourteen feet and two inches (14ft- 2inches) of side yard setback, and therefore complies.

Conclusion

After careful consideration of the representations made in the PDRM, review of the revised submitted preliminary project plans attached herein, and based on all the foregoing above, including the applicable provisions of the Zoning Regulations, it is my determination that the

proposed project may be constructed as a matter of right, provided that the project plans at the time of filing for a building permit do not substantially deviate from the preliminary plans, except for interior reconfiguration as may be dictated by the demands of other applicable District of Columbia regulations.

Please let me know if I can be of further assistance.

Sincerely, Matthew LeGrant

Matthew LeGrant
Zoning Administrator

Attachments



SCHEMATIC DESIGN

1421 FLORIDA AVENUE, NW, WASHINGTON DC

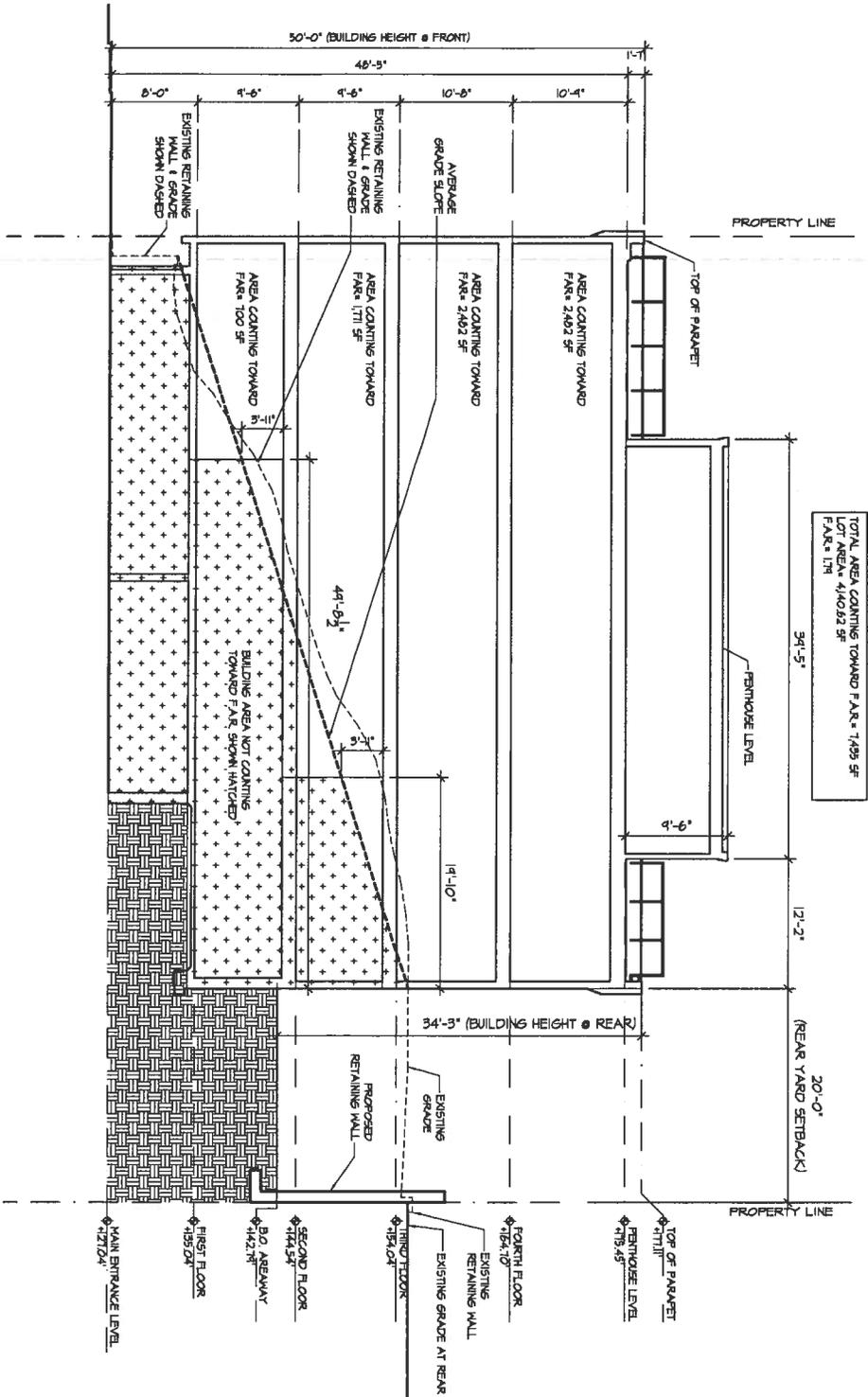
DIAGRAMATIC BUILDING SECTION
ZONING ANALYSIS

SCALE: 3/32" = 1'-0"

DATE: 06/06/11

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SK-ZNC





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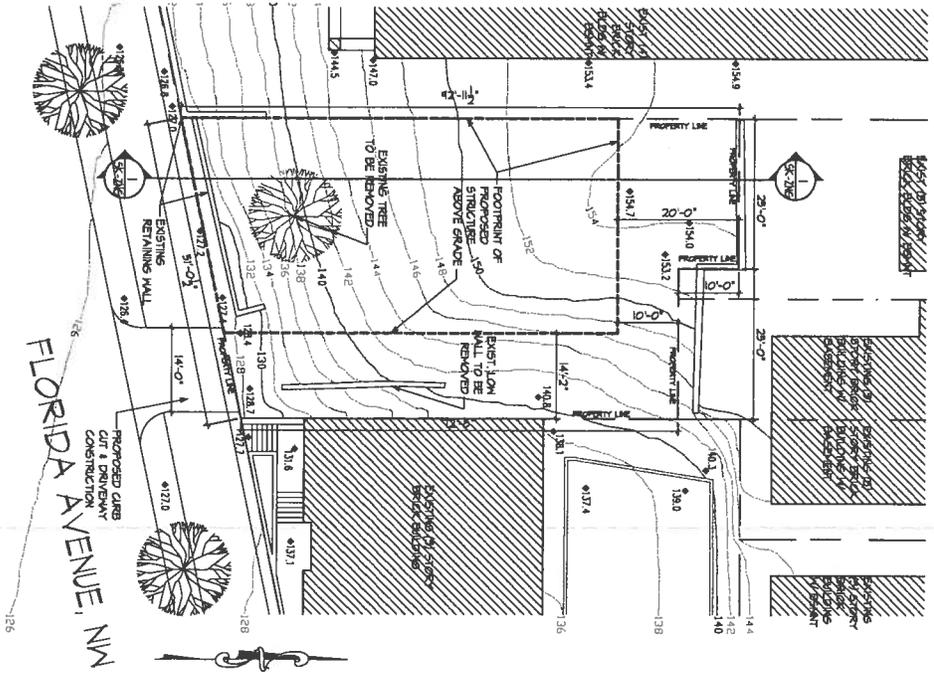
SCHEMATIC DESIGN

1421 FLORIDA AVENUE, NW, WASHINGTON DC

DATE: 06/06/11

SK-SP

SITE PLAN
1" = 20' = 0"



SITE



SCALE: N/A

ZONING ANALYSIS

	ACTUAL/ ALLOWABLE	PROPOSED
ZONED USE:	R-3-B	NO CHANGE
LOT SIZE:	41,406.62 SF	NO CHANGE
F.A.R.:	1.8	1.74 (700 SF+ 1,171 SF+ 2,482 SF+ 2,482 SF)
LOT OCCUPANCY:	60%	54.9% (2,482 SF)
ALLOWABLE BUILDING HEIGHT:	50'	50'
REAR SETBACKS:	NONE	NO CHANGE
- FRONT:	NONE BUT IF PROVIDED (25' / 15 REAR (3 1/2' BLDG HT)	14'-2"
- SIDE:	15' (750 SF)	15' AVERAGE (750 SF DIVIDED BY 50' WIDTH)
- REAR:	NONE PRESCRIBED	4 + PARKING GARAGE LEVEL
NUMBER OF STORIES:	NONE PRESCRIBED	8
NUMBER OF DWELLING UNITS:	NONE PRESCRIBED	4
NUMBER OF PARKING SPACES:	1 PER 2 UNITS	4



1421 FLORIDA AVENUE, NW, WASHINGTON DC

SCHEMATIC DESIGN

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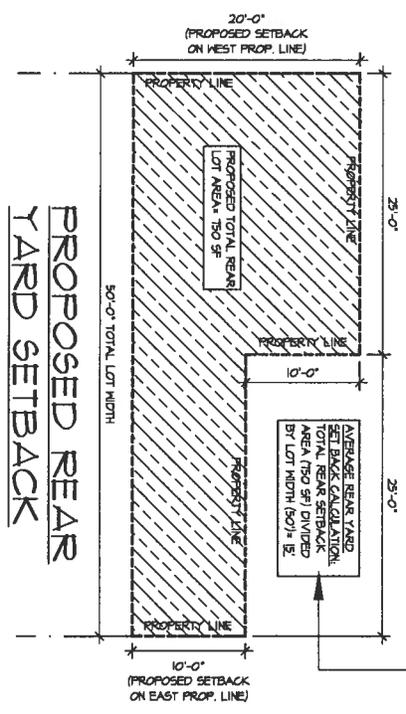
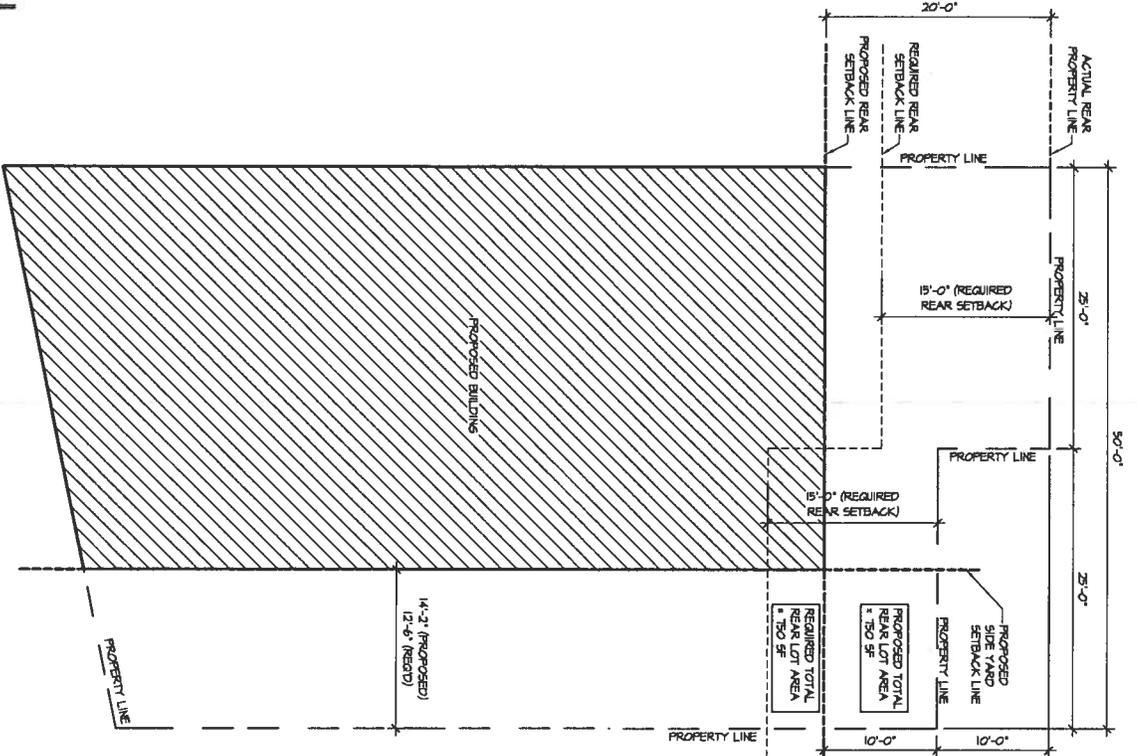
DATE: 06/06/11

SCALE: 3/32" = 1'-0"

SK-Z1

PROPOSED
SITE PLAN

REQUIRED REAR
YARD SETBACK



MATHEMATICAL
FORMULA USED TO
DETERMINE REQ'D
REAR YARD SETBACK

