



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

March 1, 2021

Via Emailed PDF

P.T. Blooms LLC Development
7905-C Cessna Ave.
Gaithersburg, MD 20879

Attn: Patrick Bloomfield
pat@ptbloomsllc.com

Re: Request for Determination for 1471 Florida Avenue, NW (Square 2660, Lot 213).

Dear Mr. Bloomfield:

This letter confirms the conversation you had with Ernesto Warren on February 5, 2021, and his review of the Plat and Plans (attached as Exhibit A and Exhibit B, respectively), regarding the proposed project located at 1471 Florida Avenue, NW (Square 2660, Lot 213) (the “Subject Property”).

The Subject Property is currently improved with a three-level structure currently used as a single-family dwelling (the “Building”). You are proposing to construct an addition to the Building and convert the Building to use for a ten (10) - unit dwelling (the “Project”). You have asked for a zoning review of the Project to confirm its compliance with the Zoning Regulations. You are also seeking a minor deviation from the maximum permitted lot occupancy percentage, as described herein.

Proposed Use

You are proposing to use the building for ten (10) dwelling units. Multi-family use is permitted as a matter-of-right in the RA-2 Zone.

DESCRIPTION OF PROPERTY	Potential	Proposed
Zoning District	RA-2	
Max Building Height from grade(LF)	50	38
Floor Height (floor-to-floor) (LF)	10.5	10.5
# of Floor	5	3
Lot SF	3,429	3,429
FAR (Floor Area Ratio)w/IZ	1.80	1.66
Total Gross Buildable Area Allowed (cellar Exc)	6,172	5,693
Lot Occupancy (%)	62%	62%
Lot Occupancy (SF)	2,125	2,125
Parking requirements (3U-1P>4)	0.00	0.0

DEVELOPMENT BUILDING PROFILE		Gross Buildable Area	Common	Net SF
Description				
Cellar		2,125	294	1,831
1st Floor		2,125	294	1,831
2nd Floor		2,125	163	1,962
3rd Floor		1,443	0	1,443
Totals		7,818	751	7,067
Building - Common vs. Net		100%	9.61%	90.39%
Residential Profile				
Type of Room	Parking	1 Beds	1 Bed & Den	2 beds Total Units
# of rooms	0	5	4	1
Total SF		2,923	2701	1,443
Average Unit Size		585	675	1,443

Density/FAR

Pursuant to F § 302.1, the maximum permitted FAR in the RA-2 zone is 1.8 (6,172.2 square feet of GFA based on a land area of 3,429 square feet). You are providing an FAR of 1.66 (5,693 square feet of GFA). Accordingly, the Project complies with the FAR requirements of the RA-2 zone.

Gross Floor Area Measurement Method

Assuming the accuracy of the dimensions and measurements you have provided herein, and according to the analysis below, I have determined that the none of the lowest level of the Building is included in Gross Floor Area (GFA) and therefore does not contribute to the overall FAR calculation. The make this determination, I have assumed the dimensions and measurements inherent in the attached plans representing the existing Property conditions and have applied to those assumptions the prescribed measurement method provided for in Subtitle B § 304.5 for the calculation of GFA, as follows:

I have determined that the existing natural grade at the mid-point of the Building's front façade is located as noted in Exhibit A. This front "grade" point is located in an area of earth which is primarily sustained by a retaining wall structure. It is clear from street view photos (attached as Exhibit A) that this condition has existed for many years - certainly more than five - and that the grade maintained by that retaining wall structure is consistent with the pattern of grade along the street. In fact, that grade is a little lower than said pattern. This is evidence of excavation in the area around this retaining wall

structure, rather than an artificial establishment of a grade. At any rate, this grade was clearly established more than five (5) years ago.

Between this natural grade point and the Building is an areaway, which according to your representations is of a depth of less than five (5) feet. As such it is considered an exception to grade, and therefore the floor of this areaway is not considered the existing grade, for purposes of this GFA calculation.

Attached as Exhibit A is a section drawing which shows the dimension between the line of the finished first floor and the line between the front mid-point grade established above, and the grade at the mid-point of the rear facade. As shown in that Section drawing, the dimension between these two lines is less than 5 feet for the entire run. Therefore, that the entire lower level is non-GFA space.

“For the purposes of this measurement, a building’s “front façade” is the façade facing the nearest street and a building’s “opposite face” is the portion of the building that faces the opposite direction of the front façade”. See the attached diagram illustrating the respective mid-points for each of the front and rear façades.

Height

Pursuant to F § 303.1, the maximum permitted height in the RA-2 zone is fifty feet (50 ft.). You are proposing a total building height of thirty-eight feet (38 ft.). Accordingly, the Project complies with the height requirements of the RA-2 Zone. This height is measured from the same mid-point of the front façade as is used for the GFA calculation.

Rear Yard

Pursuant to F § 305.1, the rear yard requirement is based on the height of the building (4 in./1 ft. of building height) but must be at least fifteen feet (15 ft.). A building height of thirty-eight feet (38 ft.) would produce a rear yard requirement of only twelve feet and eight inches (12 ft. 8 in.). Accordingly, the required rear yard is fifteen feet (15 ft.). You are proposing a rear yard of seventeen feet and four inches (17 ft. 4 in.). The Project therefore meets the rear yard requirements of the RA-2 Zone.

Side Yard

Pursuant to F § 306.2(b), a side yard shall not be required in the RA-2 Zone but if provided it shall be at least four feet (4 ft.). There is an existing side yard on the east side of the property. Portions of the side yard measure more than four feet (4 ft.), while some are less than four feet (4 ft.).

Pursuant to F § 306.6, in the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width

of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.). According to the plans, you are not proposing to increase the portions of the side yard that are currently nonconforming. The rear addition will maintain the existing conforming side yard width. Therefore, the proposed Project meets the side yard requirements of the RA-2 zone.

Green Area Ratio

The minimum green area ratio (GAR) is 0.4 (F § 307.1). You are only subject to the GAR requirement if the total amount of renovations exceeds the assessed value of the Building.

Inclusionary Zoning

Pursuant to C § 1001.2 (a) the Project will be subject to IZ if you are proposing (1) new gross floor area beyond that existing at the time of the building permit application that would result in ten (10) or more new dwelling units; or ten (10) or more new dwelling units constructed concurrently or in phases, on a lot, on contiguous lots, or on lots divided by an alley, if such lots were under common ownership, control, or affiliation within one (10) year prior to the application for the first building permit.

You are permitted to add up to nine (9) units in new gross floor area without triggering Inclusionary Zoning. You are adding nine (9) units to the existing one (1) unit to total ten (10) units. total, six (6) of which are in the new GFA. As the Project is not utilizing any bonus density, nor adding ten (10) or more units in new gross floor area, it is not subject to Inclusionary Zoning.

Off-Street Automobile Parking Requirement

The existing structure (containing a single-family dwelling) was constructed in 1910, and pre-dated the 1958 Zoning Regulations, and does not have any off-street parking spaces. Under the 2016 Zoning Regulations, the structure/use would have an off-street parking requirement of at least one (1) 9' by 18' off-street parking space, pursuant to C § 701.5. Therefore a parking credit for one (1) parking space is recognized for this property.

The site is located 0.32 mile from the *U St/African American Civil War Memorial/ Cardozo Metro Station*, therefore the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located pursuant to C § 702.1. The parking requirement for the new nine (9) dwelling units would be one (1) parking space. Due to the provision of one (1) parking credit, you are not required to provide off-street automobile parking spaces for the Project.

Bicycle Parking

The Property is located in the Greater U Street Historic District. Pursuant to C § 802.6, additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at

least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title. The additional minimum parking required shall be calculated based upon the entire gross floor area added. You are increasing the floor area by fifty percent (50%) or more; however, you will only be subject to bicycle parking requirements if the additional GFA is used to house 8 or more dwelling units, as residential bicycle parking is based on the number of units and is only triggered with 8 or more units. This is consistent with previous determinations by the Zoning Administrator. Accordingly, you are exempt from bicycle parking.

Lot Occupancy

The normal maximum permitted lot occupancy is sixty percent (60%). Based on a review of the plans, the proposed lot occupancy is 62%. You are therefore requesting a minor deviation from the lot occupancy requirements of F § 304.1.

Pursuant to 11-A DCMR § 304.2 of the 2016 Zoning Regulations, the Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the maximum percentage of lot occupancy, provided that the deviation will not impair the purpose of the otherwise applicable regulations. The maximum permitted lot occupancy in the RA-2 Zone is sixty percent (60%). In this case, you are proposing to increase the lot occupancy to sixty-two percent (62%), which does not exceed two percent (2%) of the maximum percentage of lot occupancy.

In accordance with 11-A DCMR § 304.3, I have considered the following issues in determining that the deviation would not impair the purpose of the otherwise applicable regulations:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of neighboring properties shall not be unduly compromised;
- (c) The level of noise in the neighborhood shall not be unduly increased;
- (d) The use and enjoyment of neighboring properties shall not be unduly compromised;
- (e) No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and

(f) The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of [the Zoning Regulations].

I have determined that the proposed deviation meet the above requirements, as described below:

(a) Providing a lot occupancy of sixty-two percent (62%) would not materially impact the size and scale of the proposed building. The additional lot occupancy results in a total additional building area of sixty-eight and a half (68.5 sq. ft.), effectively at the rear of the building, and the rear yard requirement is still met. Accordingly, I have determined that the light and air available to neighboring properties would not be unduly affected by the deviation.

(b) As noted in the above paragraph, the overall scale and size of the proposed building would not change materially if the deviation is granted. The additional lot occupancy results in a total additional building area of sixty-eight and a half (68.5 sq. ft.), effectively at the rear of the building, and no additional windows or balconies are being added in the additional space. Accordingly, I have determined that the privacy of neighboring properties will not be unduly compromised by the requested minor deviation.

(c) The minor deviation does not provide any significant additional living space and will not increase the overall density or proposed use as a single-family dwelling. For this reason, the level of noise in the neighborhood will not be unduly increased.

(d) For the reasons stated in (a) – (c), the use and enjoyment of neighboring properties will not be unduly compromised by the minor deviation.

(e) No trees will be damaged or removed because of the minor deviation.

(f) The deviation will result in an additional sixty-eight and a half (68.5 sq. ft.) of building area at the rear of the Property. Therefore, the general scale and pattern of buildings on the subject street frontage will be maintained consistent with the development standards of the zoning regulations.

For the above reasons, I have determined that the requested deviation will not impair the purpose of the otherwise applicable regulations, in accordance with A-304.3 (a) – (f). In

addition, the requested deviation amounts comply with the percentage limits within A-304.2(a). Therefore, my determination is to approve the herein-requested minor deviation.

Please feel free to contact me if you have any questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachments: A- Concept Drawings 2-26-21
B- Cellar Grade Depiction

Zoning Technician: Ernesto Warren

Disclaimer: This letter is issued in reliance upon, and therefore limited to, the questions asked, and documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a “final writing”, as used in Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator’s review. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provision established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.