



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

May 1, 2020

Alexandra Wilson
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005
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Re: 302-304 Florida Avenue, NW (Square 0519, Lots 71-72)

Dear Ms. Wilson:

This letter confirms the conversation you, architects Ron Schneck and Samson Cheng, and the owner Joey Yaffe, had with Ramon Washington on April 17, 2020, and his subsequent review of plans and plat (attached as Exhibit A and Exhibit B), regarding the proposed project located at 302-304 Florida Avenue, NW (Square 519, Lots 71-72) (the "Subject Property"). You are proposing to combine the lots, demolish a portion of the internal party wall and internally connect the buildings to create one building. You are also proposing to construct an addition at the rear of the building at 304 Florida to bring it in line with the rear of the building at 302 Florida and construct a third story addition on top of the expanded Building footprint. The proposed Building will have fourteen (14) residential units (the "Project"), one (1) of which will be set aside as an Inclusionary Zoning ("IZ") unit

The subject Property is located in the MU-4 zone and is part of a group of buildings designated as a historical landmark, known as the Wardman Flats. The Project is over the lot occupancy limitations, portions of the building do not meet the minimum rear yard requirement, and you are proposing a side yard which does not comply with the side yard requirements. Accordingly, you are requesting special exception relief from the Board of Zoning Adjustment. Other than the requested relief, the proposed Project complies with the applicable Zoning Regulations.

Floor Area Ratio

The MU-4 zone permits a total Floor Area Ratio (“FAR”) of 2.5 pursuant to G § 402.1 and up to 3.0 for an IZ development. According to the plans, the proposed Project is providing a FAR of 2.2. As confirmed by my office, the exterior stairwell does not count towards the Gross Floor Area (“GFA”) requirement and therefore does not count towards the permitted FAR. Accordingly, the Project complies with the FAR requirements of the MU-4 zone.

Building Height

The maximum permitted building height, not including the penthouse, in the MU-4 zone shall be fifty feet (50 ft.), pursuant to G § 403.1. There is no story limit in the MU-4 zone. The attached plans show a proposed building height of thirty-eight feet and two inches (32 ft. 2 in.) and three stories. Accordingly, the Project complies with the height requirements of the MU-4 zone.

Penthouse Requirements

You are not proposing a penthouse level, only private roof deck space. Any railings are required to be set back a distance equal to its height from the front and rear of the building, and to have a ½:1 setback from sides of the building that do not adjoin another building wall.

According to the plans, you are proposing parapets, not railings, to enclose the proposed private deck space. Parapets do not need to be set back. As confirmed in the meeting, the third-floor balcony space is not subject to these requirements.

Lot Occupancy

The maximum permitted lot occupancy for residential buildings in the MU-4 zone is sixty percent (60%), or seventy-five percent (75%) for an IZ development, pursuant to G § 404.1. The attached plans show that the Project has a proposed lot occupancy of eighty four percent (84%), including the lightwell. As noted above, you are requesting relief from this provision to the Board of Zoning Adjustment.

Rear Yard Setback

A building in the MU-4 Zone is required to provide a fifteen-foot (15 ft.) rear yard. Pursuant to G §§ 405.4-5, the rear yard is measured from the centerline of the alley for the first twenty feet (20 ft.) of building height and from the rear lot line for any portion of the Building above twenty feet (20 ft.) from grade. The first and second stories of the Addition are set back thirteen feet and nine inches (13 ft. 9 in.) from the rear lot line, and eighteen feet and nine inches (18 ft. 9 in.) from the centerline of the ten-foot alley to the rear.

The top of the second story is twenty-three feet and three and one-eighth inches (23 ft. 3 1/8 in.) above grade. Accordingly, the majority of the Addition—the first twenty feet (20 ft.) of height as measured from grade— meets the rear yard requirement. The third story Addition is set back three feet (3 ft.) from the rear façade and has a

rear yard setback of sixteen feet and nine inches (16 ft. 9 in.). Accordingly, there is only a small vertical portion of the Addition, measuring three feet and three and one-eighth inches (3 ft. 3 1/8 in.) in vertical distance – the upper-most portion of the second story, for which the Applicant must request relief from the rear yard requirement. The relief from the required rear yard is minimal, only one foot and three inches (1 ft. 3 in.) shy of the fifteen-foot (15 ft.) requirement, and that for only a vertical distance of less than three and a half feet.

The first special exception criterion for requesting rear yard relief in the MU-4 zone, is that “No apartment window shall be located within forty feet (40 ft.) directly in front of another building.” You are proposing windows at the rear of the building which face the side of a building across the alley to the south (1712 3rd Street, NW), and that building is within forty feet (40 ft.) of the proposed windows. However, because the proposed windows are on a portion of the Addition that meets the rear yard requirements, you are permitted to request special exception relief.

Side Yard Setback

A side yard is not required in the MU-4 zone, but if provided it must be two inches (2 in.) in width per one foot (1 ft.) of building height (with a 5 ft. minimum). You are proposing a building height of thirty-eight feet and two inches (38 ft. 2 in.); accordingly, the minimum side yard requirement is 6.36 feet, or approximately six feet and five inches (6 ft. and 5 in.). The attached plans show only one side yard of five feet (5 ft.). Accordingly, the Project requires special exception relief from the side yard requirements of the MU-4 zone.

Parking

The subject Property is part of a group of buildings (302-312 Florida Avenue, NW), known as the Wardman Flats, which are designated historic landmarks. Pursuant to C § 704.2, additions to historic resources shall be required to provide additional parking spaces for an addition only if: (a) 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; and (b) The resulting requirement is at least four (4) parking spaces. As you are not increasing the GFA by fifty percent or more, you are not required to provide additional parking.

You are, nonetheless, providing one compact parking space parallel to the public alley. The space meets the compact parking space layout requirements (20 ft. x 8 ft.) and the access requirements of Subtitle C, Chapter 7.

Bicycle Parking

You are providing six bicycle parking spaces in a storage room in the cellar level. The Subject Property is a designated historic landmark. 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. As you are not increasing the GFA by fifty percent (50%) or more, you are not required to provide bicycle parking.

Green Area Ratio

Pursuant to C § 601.7, a historic resource and any additions thereto are exempt from the requirement of this chapter as a result of a change of use or an increase of intensity of use, except that this chapter shall be applicable when any addition results in an increase in the gross floor area of the historic resource by fifty percent (50%) or more. In the meeting, you informed Mr. Washington that the GFA is not increasing by fifty percent (50%) or more. Accordingly, you are not subject to the Green Area Ratio requirements of Subtitle C, Chapter 6.

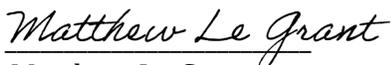
Inclusionary Zoning

As the Project is providing ten or more new residential units, it is subject to the IZ requirements of Subtitle C, Chapter 10.

Summary

Based on the attached plans, I find that the proposed Project complies with the General Zoning Requirements and the specific MU-4 zone requirements—other than the areas requiring BZA relief as noted- the Project is otherwise permitted as a matter-of-right. When you file the plans for a building permit, and if the required BZA relief is obtained, I will approve drawings consistent with the plans and plat attached to this letter.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Exhibit A – Plan Set dated 4-23-20 and Exhibit B - Plat

Reviewer: Ramon Washington

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.

File: Det Let re 302-304 Florida Ave NW to Wilson 5-1-2020