

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



June 5, 2017

Steven E. Sher  
Director of Zoning and Land Use Services  
Holland & Knight LLP  
800 17<sup>th</sup> Street, N.W. - Suite 1100  
Washington, DC 20006

Re: 3255-3259 Prospect Street, N.W. (Square 1218, Lots 103 and 856)

Dear Mr. Sher:

This is to confirm the substance of our discussion on February 14, 2017, relating to the proposed development of the above referenced property. The property consists of Lots 103 and 856 in Square 1218 (the "Property") and contains approximately 8,785 square feet of land area. Lot 103 is improved with an existing historic townhome and Lot 856 is currently improved with a single story building and a parking lot. The current tenant of the building on Lot 856 is Domino's. The Property is largely zoned MU-4, but a small portion of the Property (approximately 105 square feet) on the north side is zoned R-20. The portion of the Property zoned R-20 will remain vacant.

You have informed me of the following facts:

The property owner proposes to combine the two existing lots into a single record lot and demolish the existing single story building on Lot 856. The property owner will retain the existing 1,500 square foot historic townhome currently on Lot 103, which will potentially be used as either retail, office or residential space. The proposed development also includes the construction of a six unit residential apartment house with ground floor retail. The first floor residential unit shown on the plans will also be "convertible space," which is convertible to retail and/or office space. The existing historic townhouse together with the new construction on the combined record lot would be connected, and would constitute a single building on a single record lot. In the event the Property is subdivided into a single record lot prior to the demolition of the existing building on Lot 856, the subdivision will not violate any provision of the Zoning Regulations, since pursuant to Subtitle C § 302.4 multiple primary buildings are permitted on a single record lot in the subject MU-4 District.

Pursuant to Subtitle A § 207.1(d), when a zone boundary line crosses a lot, the portion of the lot in the more restrictive zone district shall be devoted to required setbacks, courts or other open spaces. As a result, all of the below calculations regarding open spaces such as rear yard and lot occupancy include the portion of the Property zoned R-20, except for floor area ratio ("FAR"). The FAR is calculated based only on the portion of the Property zoned MU-4.

We reviewed architectural drawings, dated January 27, 2017, prepared by Beyer Binder Bell. A copy of those plans is attached.

Pursuant to Subtitle G § 403.1, the maximum permitted building height is 50 feet. A building height of 49 feet 6 inches is proposed. The building height is measured as the vertical distance from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet, in accordance with Subtitle B §307.1. The maximum permitted penthouse height is 12 feet; except 15 feet is permitted for penthouse mechanical space as per Subtitle G § 403.2. An all mechanical penthouse with a height of 12 feet 6 inches is provided. The mechanical penthouse will be setback at a ratio of at least 1:1 from the edge of the roof upon which it sits, on the east side where no setback is required in accordance with Subtitle C § 1502.1.

The maximum FAR in an MU-4 zone is 2.5, of which no more than 1.5 may be devoted to nonresidential use. The FAR provided is approximately 1.78 for the residential use and 0.35 for the non-residential use and, as stated above, the FAR calculation does not include the portion of the Property zoned R-20. The maximum lot occupancy of 60% is only applicable to residential use pursuant to Subtitle G § 404.1. A maximum lot occupancy of 60% is provided for the residential use. A green area ratio or GAR of 0.30 is required pursuant to Subtitle G § 407.1. You advised me that the property owner will comply with this requirement.

The minimum required rear yard is 15 feet, pursuant to Subtitle G § 405.2. Where a lot does not abut an alley, the rear yard is measured from the rear lot line to the rear wall of the building. Subtitle G § 405.5(b). Pursuant to Subtitle B § 318.1, in the case of a lot that is triangular or irregularly shaped, the furthestmost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured. When the rear yard is measured in accordance with Subtitle B § 318.1 the rear yard measures 45 feet. Pursuant to Subtitle B § 318.2, the depth of a required rear yard shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line. If the rear yard is measured in accordance with Subtitle B § 318.2, the mean depth of the rear yard is 24.2 feet. Pursuant to Subtitle B § 318.5, where there is more than one rear lot line generally parallel to the front lot line but separated by a lot line generally perpendicular to the rear lot lines, then the rear yard setback shall be measured from the rear lot line more distant from the front lot line, and measured across the full width of the property to where it intersects both side lot lines. If the rear yard is measured in accordance with Subtitle B § 318.5, the rear yard measures 45 feet. Thus, regardless of which sub-section of B-318 that is used, it is complies with the 15 foot minimum.

No side yard is required, but if one is provided it must measure 2 inches per 1 foot of height, but not less than 5 feet. Subtitle G § 406.1. No side yard is provided.

Pursuant to Subtitle G § 202.1, all open courts must have a minimum width of 4 inches per foot of height of the court, but not less than 10 feet. Three open courts are provided and the required minimum widths are 10 feet, 10 feet and 15.7 feet. The three courts measure 10 feet, 26.3 feet and 21 feet wide respectively.

Off street parking is required pursuant to Subtitle C § 701.5 at a rate of one space per three dwelling units in excess of four units for residential use and 1.33 spaces per 1,000 square

feet in excess of 3,000 square feet for retail uses. However, additions to historic resources are only required to provide additional parking spaces if: (1) the addition results in at least a 50% increase in gross floor area beyond the gross floor area existing on the effective date of this title; and (2) the resulting requirement is at least four parking spaces. Subtitle C § 704.2. Since the resulting parking calculation only yields two spaces, there is no minimum parking requirement for the addition to the historical resource. As a result, the minimum parking dimensions of Subtitle C § 712.1 are not applicable since none of the fourteen spaces provided are required parking.

No loading is required for a building with less than 50 dwelling units and less than 5,000 square feet of retail. Subtitle C § 901.1. No loading is provided for the proposed development.

Pursuant to Subtitle C § 802.1, bicycle parking is required at a rate of one space for each three dwelling units (long-term spaces) and one space for each twenty dwelling units (short-term spaces) for a residential use, and for a retail use none are required for less than 3,500 square feet of gross floor area. As a result, only two long term spaces are required and four bicycle parking spaces will be provided in the below grade parking garage.

Based on the architectural drawings reviewed, I find that the proposed development is permitted as a matter of right and without requirement for review by the Board of Zoning Adjustment [BZA]. Upon proper presentation of plans, I will approve a building permit application for the construction required and will sign off on the subdivision application.

I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely, 

Matthew Le Grant  
Zoning Administrator

Attachment: Architectural Drawings –HPRB Submission, January 27, 2017, Beyer Binder Bell.