

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

September 3, 2014

Mr. Getinet Bantayehu
PO Box 29589
Washington DC 20017



Re: Square 3831, Lots 42-45 and 830 on the 3300 Block of 9th Street NE

Dear Mr. Bantayehu:

Per our meeting of July 9, 2014, I would like to memorialize our discussion regarding your proposal to subdivide and subsequently develop the properties at Lots 42,43,44,45, and 830 of Square 3831. The aforementioned lots are contiguous empty lots comprised with 12,409 square feet of lot area, and are in a R-4 Zone (pursuant to Zoning Commission Case No.13-13, which approved an amendment to the Zoning Map to rezone the property from the C-M-1 Zone District to the R-4 Zone District). The property is not subject to any zoning overlay, nor an active PUD.

Subdivision

Pursuant to the table in Section 2604.3 of the D.C. Municipal Regulations- Zoning ("Zoning Regulations"), Inclusionary developments in an R-4 zone are required to have a minimum lot size of 1,500 Square feet. As such, your proposal to subdivide Lots 42,43,44,45, and 830 of Square 3831 into eight (8) separate record lots--as discussed in our meeting and indicated in your schematic site plan titled "Site Plan" dated 7-9-14 [attached]--is permitted as a matter-of-right in the R-4 Zone, as such lot are all 1,500 square feet or greater, but less than 1,800 square feet. I should note that all lots exceed the matter of right lot width requirement of 18 feet, with the lots having a width of at least 21 feet 5 inches, or greater. Accordingly, I will approve your application for subdivision into eight (8) record lots that are consistent with the attached Site Plan.

Use

You propose to build a 2-unit building (or flat) on each of the eight new lots, as allowed by Section 330.5 (b) of the Zoning Regulations, for a total of 16 dwelling units.

Height

The proposed buildings, as shown in the attached "Section Plan" dated 7-9-14 [attached] will not be taller than 40' as separately measured from the building height measuring point [BHMP] at the existing grade at the middle of the front of each building, to the ceiling of the third floor. Also as shown in the attached section plan, the number of floors will be limited to three stories plus a cellar, the ceiling of which shall not be higher than 3'-11" above the adjacent grade. The areaways and window wells as shown at the cellar level will not affect the designation of the lower level as cellar and will not affect building height or number of stories. Stairway enclosures for access to roof decks on the proposed buildings will be allowed as per Section 400.7 and Section 411 of the Zoning Regulations.

Floor Area Ratio

As per the table in Section 403.2 of the Zoning Regulations, no floor area ratio limitation is prescribed for R-4 districts.

Lot Occupancy

As per the table in Section 403.2 of the Zoning Regulations, the maximum lot occupancy allowed is 60% of the lot. Your proposed lot occupancy of 60%, as shown in the attached Site Plan, is in compliance with the Zoning Regulations.

Rear Yard

The Zoning Regulations require a rear yard setback of at least 20 feet in the R-4 zone. The proposed new buildings, as shown in the attached Site Plan, have a lot occupancy ranging from 58% to 60% so as to satisfy this requirement.

Side Yard

The Zoning Regulations do not require a side yard in the R-4 Zone for flats. The proposed new buildings, as shown in the attached Site Plan, will have no side yards and are therefore in compliance with the Zoning Regulations.

Parking

As per Section 2101.1, a minimum of one parking space must be provided for every two (2) dwelling units in the R-4 district. The proposed development will provide 1(one) full size parking space for every 2 (two) dwelling units, and is therefore in compliance with the parking requirements of the Zoning Regulations.

Access to the parking will be provided via the extension of Kearney Street NE from the existing curb cut to the rear of the property and a subsequent 14' wide drive aisle across the rear of each lot. An easement for vehicle access across the lots will be recorded. Each parking space will be a minimum of 9 feet wide by 19 feet. The configuration you have provided in the attached site plan is acceptable.

Inclusionary Zoning

Since you are not employing a steel or concrete framed structure and are in the R-4 zone, you will need to devote the greater of 10% of the gross floor area being devoted to residential use, or 75% of the bonus density being utilized for the inclusionary units, as per 11 DCRM 2603.1 for Inclusionary Zoning [IZ]. Since there is habitable residential area located within cellars' levels, the cellar area also must be added to the floor area calculation for IZ purposes. The attached Unit Layouts designate one (1) of the sixteen (16) dwelling units as an IZ Unit. This Inclusionary Unit, as shown in the calculations of the attached draft CIZC form, comprises at least 10% of the floor area being devoted to residential use, and therefore satisfies the minimum Inclusionary Zoning set-aside for this inclusionary development.

Conclusion

To the extent addressed in this letter and further depicted in the attached Site Plan, Section Plan, Unit Layouts, draft CIZC form and Zoning Analysis, the proposed subdivision of lots 42-45 and 830 at square 3831 into eight (8) buildable record lots and subsequent residential development of

these lots into a total of fifteen (15) market-rate flats and one (1) IZ-designated flat is permitted as a matter of right and is consistent with the requirements set forth in Title 11 of the Zoning Regulations. As such, I will approve an application for subdivision as well as an application for building permits that are consistent with the this letter and the attached exhibits.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Site Plan -- dated July 9, 2014
Unit Layouts -- dated July 9, 2014
Section Plan -- dated July 9, 2014
Draft CIZC -- dated July 9, 2014
Zoning Analysis -- dated July 9, 2014