



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

OFFICE OF THE ZONING ADMINISTRATOR

April 3, 2020

Martin P. Sullivan
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005

Re: Determination Letter for 350 U Street, NE (Square 3563, Lot 804)

Dear Mr. Sullivan:

This letter confirms the conversation that you and the contract purchasers had with my staff person Ernesto Warren on February 25, 2020, regarding certain redevelopment options for the property located at 350 U Street, NE, (Square 3563, Lot 804) (the “Property”). The Property is in the RF-1 zone district. You have represented that the Property is currently improved with a fourteen (14) unit multiple-dwelling apartment house, which was constructed in 1961 (the “Building”). At the meeting with Mr. Warren, you discussed several questions involving the expansion of the existing Building and the number of units, and the razing of the Building and subdivision into multiple lots.

The Building currently has a certificate of occupancy for fourteen (14) dwelling units. You have asked for confirmation of two possible alternative scenarios: (A) that the Building may be expanded, both structurally, and as to the number of units, without the need for BZA relief and without triggering Inclusionary Zoning requirements; and (B) that if you raze the Building, you may subdivide and create new record lots, on which you would develop flats.

A. EXPANDING THE EXISTING BUILDING

According to public records (Property Quest), Lot 804 has a land area of 16,295 square feet. Provided you subdivide Lot 804 to convert it into a Record Lot, which is permitted as a matter-of-right, you may then expand the number of units in the Building to eighteen (18). The expansion to eighteen dwelling units from the current fourteen (14) units is permitted as a matter-of-right, pursuant to E-201.7 of the 1958 Zoning Regulations. This level of unit expansion, by itself, will not require BZA relief; nor will it trigger any Inclusionary Zoning requirements.

You may also structurally expand the Building in accordance with the Zoning Regulations, *i.e.*, such structural expansion must comply with all area zoning requirements, including sixty percent (60%) lot occupancy, and all yard setback requirements. I will address certain specific requirements below.

Front Setback – Pursuant to E-505.1, “a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.” There are only three structures on this side of the street, including the Building. The other two structures generally have the same front setback line as the Building, as the covered front porches on those buildings do not figure in the calculation of their current setback line, and the Property is also subject to a Building Restriction Line at the current point of the Building’s front setback. Therefore, the “range” is effectively just the current front setback line of the Building. Therefore, if you extend the Building along its existing front line (as shown in the proposed footprint on the plat attached hereto as Exhibit A), the Building will be in compliance with E-505.1.

Side Yard Setback – Pursuant to E-207.1, no side yards are required for a Row Building. A Row Building is defined as a building that has no side yards. Therefore, the proposed footprint illustrated in Exhibit A, which extends the Building to each of the two side lot lines, will comply with the side yard requirements of E-207.1.

Rear Yard Setback – The Property is irregularly shaped, and as such is subject to certain rear yard measurement rules. Pursuant to B-318.5, the footprint proposed in Exhibit A would be in compliance with the Rear Yard Setback requirements of E-306, as a twenty-foot setback is provided to the rear lot line which is the more distant rear lot line from the front lot line.

Parking – Pursuant to C-705 of the 2016 Zoning Regulations, for an expansion of the number of units, you will need to provide additional parking spaces equivalent to the increase in the parking requirement for the proposed number of units, over the current number of units. Therefore, as the existing number of units is fourteen (14), the increase to eighteen (18) units will require two (2) additional parking spaces.

No Inclusionary Zoning – Because an expansion to eighteen (18) units would not include the addition of new Gross Floor Area, and also separately because it would not create ten (10) new units, such an expansion would not include any Inclusionary Zoning requirement.

B. RAZE AND SUBDIVIDE.

You have also asked for confirmation of a potential plan to raze the Building, and subdivide the Property into nine record lots, pursuant to the plats attached hereto as Exhibit B and Exhibit C. Under this plan, eight lots would front on U Street, and one lot would front on 4th Street. The Exhibit B and Exhibit C plats illustrates new record

lots which will comply with the minimum lot area requirements of 1,500 feet (for an Inclusionary Zoning project), and a minimum lot width of eighteen feet (18 ft.). These also show 20-foot rear yard setbacks, and lot occupancies of sixty percent or less. Side yards are not required, unless provided. You have asked for specific confirmation of the rear yard setback for proposed Lot 8 on the Exhibit B and C plats. This proposed lot will extend to the side and then turn toward the further of the two rear property lines on the current lot. Pursuant to B-318.5, the rear yard for this lot can be measured from that far rear lot line, providing a rear yard setback of 35.3 feet.

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

Sincerely,

Matthew Le Grant

Matthew Le Grant
Zoning Administrator

Zoning Technician: Ernesto Warren

Attachment – Plans

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the 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-302.5 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 provisions 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 350 U St NE to Sullivan 4-3-20