



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

July 15, 2020

**Via Emailed PDF**

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

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

Dear Mr. Sullivan:

This letter confirms the conversation that you and the Property's contract purchasers had with Ernesto Warren on February 25, 2020, regarding certain proposed 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, according to public records, was constructed in 1961 (the "Building")<sup>1</sup>. 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. Originally, you asked for confirmation of two possible development scenarios: (A) the Property would remain in its current dimensions, and the Building would 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) the Building would be razed and the Property subdivided into nine (9) new record lots on which you would develop flats. I confirmed the compliance of these two scenarios with the Zoning Regulations in a determination letter dated April 3, 2020. Subsequently, you have asked for a determination on a third scenario: (C) the Property would be subdivided in a way which would allow 14 units in the existing Building on the remaining lot, with two new buildable record lots consisting of a new flat on each such lot.

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<sup>1</sup> Certificate of Occupancy No. CO1701873, issued August 24, 2017, authorizes use of the Building as a 14-unit multifamily dwelling (copy attached as Exhibit A).

### Third Scenario – Retain Building and Develop Two New Flats.

The third potential development option consists of retaining the existing Building and maintaining its fourteen (14) unit use, while subdividing off two record lots, on which will be built two new flats. This subdivision is represented by the plat attached hereto as Exhibit B. This proposed subdivision will result in three (3) new record lots. Lot A will be 12,607 square feet. The existing Building will be on Lot A. Since the remaining lot area is 12,607 sf, the Building may retain all fourteen (14) units, since 12,600 sf represents 900 sf for each of the fourteen (14) units, thereby meeting the minimum lot area requirements of E-201.7. The creation of Lot A does not create any nonconformities of lot or Building. While the Building's existing east side yard is currently nonconforming, that nonconformity is not being extended or expanded pursuant to the Exhibit B site/subdivision plan.

Together with the approval of certain minor deviation relief pursuant to the letter attached hereto as Exhibit C, the proposed subdivision of Lots B and C, and the proposed footprints of the buildings on those lots, complies with the Zoning Regulations. Specifically, regarding the subdivision, both Lots B and C, as lots for proposed flats, meet the fourteen-foot minimum lot frontage requirement of C-303.4, the 18-foot minimum lot width requirement of E-201.1 (with minor deviation), and the minimum lot area requirement of 1,800 square feet. Pursuant to C-304.1, the minimum lot width is measured at a point which is thirty (30) feet back from the front property line. Lot C has a width of over twenty (20) feet at that 30-foot mark. Lot B has a width of 17.66 feet.<sup>2</sup> I understand that this configuration is dictated by the existence of a 15-foot Building Restriction Line (BRL) on U Street. This proposed configuration is the only way you can attain fourteen-foot building widths as a result of that BRL, even though the total lot width for the two lots is more than double the 18-foot lot-width minimum for flats in the RF zone. At any rate, at the thirty-foot mark, both lots meet the minimum lot width requirement (with Lot B being granted a 2% minor deviation).

Regarding the proposed building footprints, neither are considered to have a side yard. Both have courts. There are no minimum court dimension requirements for flats. The required 20-foot rear-yard setback is included for each lot. Parking is not required, since there is no access to these lots from an alley. Each of the two proposed building footprints meets the lot occupancy requirements, with the help of the minor deviation determination. Provided these buildings meet all other zoning requirements, including those related to height and number of stories, this proposed plan is compliant with the Zoning Regulations, considering the minor deviation determination in Exhibit C.

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<sup>2</sup> Lot B has a one-foot long – and seven inches deep - “notch”, the center-point of which is at the thirty-foot lot width measuring point. This configuration technically meets the measurement calculation requirements for minimum lot width, pursuant to C-304.1. My office has previously made a similar decision in a determination letter dated December 6, 2017, for 1311 R St., NW. (attached as Exhibit D).

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

Sincerely, Matthew Le Grant  
Matthew Le Grant  
Zoning Administrator

Zoning Technician: Ernesto Warren

Attachments:

- A- C01701873
- B- Proposed Subdivision Plat
- C- Ltr re Minor Flexibility  
Determination Ltr dated 4-3-20

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 350 U St NW to Sullivan 7-15-20