

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



September 13, 2017

Ron Schneck
Square 134 Architects
1501 11th Street NW, Ste. #3
Washington, DC 20001

Re: 3614 and 3616 12th Street NE – Square 3882, Lot 0032 & 0033
(the “Property”) Market Rate Development

Dear Ron Schneck,

This letter is in reference to the Preliminary Design Review Meeting you had with my office on June 19, 2017 regarding your client’s intended residential development at the Property (the “Project”).

The Property is known as Lots 0032 & 0033 in Square 3882 and has a total land area of 3,024 square feet. Square 3882 is bounded by Otis Street NE to the north, 12th Street NE to the east, Newton Street NE to the south, and 10th Street NE to the west. The Property is rectangular and bounded by Lot 31 to the north, 12th Street NE to the east, Lot 34 to the south, and an alley to the west (behind the property). The Property has no Building Restriction Line.

The Property is wholly located in the MU-4 Zone District, and all land abutting the Property is similarly zoned MU-4. A copy of the Zoning Map is attached here at Exhibit A. Commercial and residential uses surround The Property with clothing shops, small restaurants, medical offices, a CVS, and single family homes, etc.

The Project will convert two existing retail buildings into an eleven-unit apartment house. The current retail buildings have office space on the second level and partially excavated basements. The Project will consolidate the two lots into one via subdivision, remove the party wall between 3614 and 3616 12th Street NE, add new front, rear facades, add third, fourth, and penthouse levels. The party walls between 3612 and 3614 and 3616 and 3618 12th Street NE that account for over 50% of the existing walls will remain. The Project will be considered an alteration and repair of existing structures, and a raze permit will not apply.

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The Project will front on 12th Street NE and have a building height of 50'-0" to the top of the parapet as measured from the Building Height Measuring Point ("BHMP") from the curb at the center front of the building. The Project proposes a 12'-0" tall penthouse. The Project proposes ten (10) market rate and one (1) Inclusionary Zoning (IZ) residential units for a total of eleven (11) units. The Project also includes two off-street vehicle and four long-term bicycle parking spaces.

In summary, at our meetings, the PDRM review team found the following:

The Project on the Property is in compliance with the Zoning Regulations

As represented in the conceptual plans attached as Exhibit A, the Project is a four-story, multiple-dwelling apartment house development with ten market rate and one IZ residential units, three (3) automobile parking spaces, and three (3) bicycle parking spaces. Multiple dwelling uses are permitted as a matter of right in the MU-4 zone. *See*, U § 512.1(a).

Height

Pursuant to Subtitle G-403.1, the maximum permitted building height in the MU-4 zone is fifty feet (50'). In accordance with B-307.1, the height for the Project will be measured from the curb at the center of the building front façade to top of the main parapet. The Project complies with the height requirement.

Penthouse Height

Under G-403.2, the maximum permitted penthouse height in the MU-4 Zone District is 12'-0", except 15'-0" for penthouse mechanical space. This zone permits habitable penthouse uses in one story plus a mezzanine and a second story for mechanical space.

The Project proposes a 12'-0" tall habitable penthouse which is permitted in the MU-4 zone.

Penthouse Setback

Subtitle C-1502.1 (a) and (b) require a setback at 1:1 ratio from the front and rear building wall of the roof upon which it is located. The proposed penthouse will be setback 12'-0" from the front and rear roof walls. No side penthouse setback is required from the adjacent properties at Lots 0030 and 0034 because that lot is also zoned MU-4 and is not considered an exterior wall. Accordingly, the proposed penthouse setbacks satisfy the penthouse setback requirements of C-1502.1 (a), (b) and (c).

Floor Area Ratio (FAR)

Under G-402.1, the maximum permitted FAR for a building located in the MU-4 zone is 2.5, which can be increased to 3.0 with Inclusionary Zoning ("IZ"). As discussed below, this Project follows the IZ requirements, and will provide the IZ set aside; thus, this Project will obtain IZ bonus density. The Property has a total land area of 3,024 square feet. The Project proposes a maximum of 9,072 square feet of gross floor area, which constitutes an FAR of 3.0. This FAR complies with the requirement for the MU-4 zone.

The cellar level does not count towards FAR per Subtitle B-304.5(b) - the distance between the finished grade line and the ground floor of the story directly above is less than six feet.

Lot Occupancy

Under Subtitle G-404.1, the maximum lot occupancy for a building located in the MU-4 zone is 60%, which can be increased to 75% with IZ. As discussed, the Project is eligible for the IZ bonus density. The attached proposed plans show a maximum Project size of 2,268 square feet of land area, which is maximum lot occupancy of 75%. This lot occupancy complies with the requirement for the MU-4 zone.

Front Yard

The Property has no front yard requirements, but will sit back from the property line 4'-3" at its closest and 6'-7" at its furthest. There is no requirement to take an average of front yards adjacent properties and, therefore the front yard is compliant.

Rear Yard

The Project property line abuts the rear alley which serves as the rear lot line. Pursuant to G-405.2 a property in the MU-4 zone must provide a rear yard of 15 feet. The Project is providing a full 15-foot setback from the alley on all floors and the rear yard complies with the requirement for the MU-4 zone.

Side Yard

No side yard is provided or required between the Property and the adjacent property at Lot 0031 and 0034. This complies with the requirements for the MU-4 zone.

Open Courts

The Project proposes no open courts and complies with the requirement for the MU-4 zone.

Vehicle Parking

Under C-702.1, "...Within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C-701.5 shall be reduced by fifty percent (50%) for any site which is located: (a) within one-half mile (0.5 mi.) of a Metrorail station that is currently in operation..."

As represented in the attached plans, the Project proposes eleven (11) units, which would require a minimum of 4 parking spaces (1 space per 3 units; $11 \text{ units} / 3 = 3.667$ or 4 parking spaces). However The Project complies with Subtitle C § 702.1 above as it is one-quarter mile (0.25 mi) from the Brookland - Catholic University of America Metrorail station and therefore receives a reduction of 50%, requiring only two (2) spaces. Three (3) spaces are provided; therefore this project is compliant for required parking.

Bicycle Parking

Pursuant to C-802.1, residential apartments require one long term bicycle parking space for every three dwelling units and one short-term bicycle parking space for every 20 dwelling units.

The Project proposes eleven (11) units and, accordingly, is required to provide a maximum of four (4) long-term bicycle parking spaces (1 space per 3 units; $11 \text{ units} / 3 = 3.667$ or 4 parking spaces) and zero short-term bicycle parking spaces. The Project provides four (4) long-term bicycle parking spaces in a dedicated area on the cellar level. The Project will provide the necessary bike spaces on site, and thus complies with the bicycle parking requirement.

Loading

Pursuant to C-901.1, a loading berth and a service/delivery area is required for residential developments with 50 or more dwelling units. The Project proposes eleven (11) dwelling units and therefore, is not required to include a loading berth and one service/delivery area.

Green Area Ratio (GAR)

Under G-707.1, the GAR requirement in the MU-4 zone is 0.30. The Project will satisfy the GAR requirement with permeable pavers, plantings in landscaped areas, and if needed, a vegetated roof. The Project will not obtain a GAR exemption.

Inclusionary Zoning

Subtitle C-1001.2(b) states that a development will be subject to IZ requirements when a project proposes new gross floor area that results in ten (10) or more dwelling units. Here, the Project proposes eleven (11) dwelling units and will comply with IZ.

According to Subtitle C-1003.1 the IZ requirement “shall set aside the greater of ten percent (10%) of the gross floor area dedicated to residential use including penthouse habitable space as described in Subtitle C-1001.2(d), or seventy-five percent (75%) of its achievable bonus density to inclusionary units plus an area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C-1001.2(d).” Furthermore, for sale units, the IZ set aside must be dedicated to households earning equal to or less than 80% of Median Family Income.

The Project has a gross floor area, including penthouse, of 10,273 square feet which translates into 1,027 square feet of IZ area. Calculated the using the other method ($75\% \times 1,512$ square feet achievable bonus density) + ($10\% \times 1,200$ square feet of penthouse) the requirement for IZ is 1,254 square feet of floor area. The larger of the two, 1,254 square feet, becomes the requirement.

The Project does not employ Type I construction and will provide the necessary affordable dwelling unit set aside to satisfy the IZ requirements in place at the time of building permit approval.

Conclusion

Based on the review of the attached plans and exhibits, the Project on the Property complies with the MU-4 Zone District requirements, and the Project may be permitted as a matter-of-right.

Accordingly, when the building permit application for the Project is filed, my office will approve drawings that are consistent with the plans attached to this letter, exhibit A. Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments:

Exhibit A: Preliminary Architectural Drawings dated 8-17-2017

File: Det Let re 3614 and 3616 12th St NE to Schneck on 9-13-2017