

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

October 3, 2016

Kate M. Olson
Greenstein DeLorme & Luchs, P.C.
1620 L Street, NW - Suite 900
Washington, DC 20036

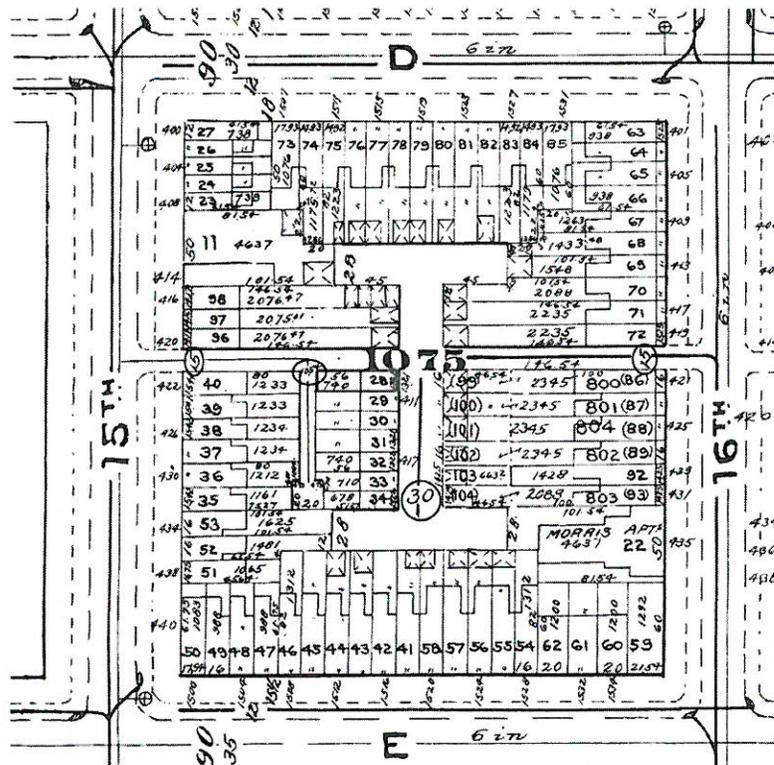


Re: Proposed Matter of Right Alley Residential Development pursuant to ZR16
409-421 15 1/2 Street, SE (Square 1075, Lot 28) ("Property")

Dear Ms. Olson,

The purpose of this letter is to confirm our discussion on June 29, 2016 regarding the above-referenced Property. For the reasons set forth below, I confirm that the proposed single family alley dwelling is permitted as a matter-of-right in the RF-1 zone under the 2016 Zoning Regulations ("**ZR16**").

Your client proposes to construct a two-story (20 ft.) single family residence with one parking space on a currently vacant alley lot ("**Project**") per the attached Plans ("**Plans**"). The Property consists of 740 square feet of unimproved land measuring 56 feet by 13.21 feet per the attached Surveyor's Plat. The Property is an alley lot and abuts three alleys in Square 1075.



Compliance with the Zoning Regulations Under ZR16

The Property is within the Residential Flat Zone (“RF-1”) per the attached Zone Map. Pursuant to Subtitle U, §600.1(e) ZR16 permits, as a matter-of-right, residential dwellings in the RF-1 Zone provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

(e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

The Project consists of one dwelling unit.

- (1) The alley lot is wholly within an R-3, R-13, or R-17 zone, an RF zone, or an RA zone;**

Complies. The Property is wholly within the RF-1 Zone.

- (2) A residential dwelling may not be constructed or other building converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;**

Complies. The Property contains 740 square feet of lot area.

- (3) The alley lot has access to an improved public street as follows:**
(A) Through an improved alley or alleys twenty-four feet (24 ft.) or more in width; or
(B) Through an improved alley no less than fifteen feet (15 ft.) in width and within three hundred (300) linear feet of an improved public street;

Complies. The Property has access through an improved alley, 15 feet wide, to 15th and 16th Streets (both of which are improved public streets within 300 linear feet of the Property).

- (4) The residential dwelling shall meet all building code requirements for a permanent residential structure; and**

Any new home will need to comply with the relevant building code.

- (5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.**

Gary W. Englebert MCP, CBO, Division Chief Permit Operations Division with DCRA is the “authorized building official”. Mr. Englebert confirmed that access from the proposed dwelling on the alley lot appears to be sufficient to provide the intended public safety, hygiene and other building requirements.

The Project, as shown on the attached Plans, complies with the required alley lot development standards under ZR16 as follows:

ZR16 Development Standard	RF-1	Existing	Proposed Construction	Relief Required
Lot Area (ZR16 Subtitle U, §600(e)(2))	450 sq. ft. minimum	740 sq. ft. Vacant Lot	Not Applicable	None
Building Height (ZR16 Subtitle E, §5102)	20 ft.(and 2 stories including the penthouse)	Vacant Lot	20 ft. + 3 ft. 6 in. to top of the parapet	None
Lot Occupancy (ZR16 Subtitle E, §5103)	100% maximum for an alley lot less than 1,800 sq. ft. ¹	Vacant Lot	Not Applicable	None
Rear Yard (ZR16 Subtitle E, §5104)	5 ft. minimum depth from any lot line of all abutting non-alley lots	Vacant Lot, <u>not</u> abutting non-alley lots	Not Applicable because the Property does not abut a non-alley lot	None
Side Yard (ZR16 Subtitle E, §5105)	5 ft. minimum depth from any lot line of all abutting non-alley lots	Vacant Lot, <u>not</u> abutting non-alley lots	Not Applicable because the Property does not abut a non-alley lot	None
Alley Centerline Setback (ZR16 Subtitle E, §5106)	12 ft. setback from the centerline of all alleys to which the alley lot abuts	Vacant Lot	Setback from alley to the north = 4 ft. 6 in. Setback from alley to the west = 6 ft. 9 in. <i>MORE FULLY EXPLAINED BELOW</i>	None

¹ ZC Case 08-06D Notice of Proposed Rulemaking, published in the June 10, 2016 DC Register, makes the technical correction stating that the Maximum Lot Occupancy for alley lots less than 1,8000 sq. ft. is “N/A”.

ZR16 Development Standard	RF-1	Existing	Proposed Construction	Relief Required
Pervious Surface (ZR16 Subtitle E, §5107 & Subtitle C, §500)	10% minimum pervious surface	Vacant Lot	+10%	None
Parking (ZR16 Subtitle C, §701.5)	1 Parking Space per principal dwelling unit.	Vacant Lot	1 Parking Space 9 ft. x 18 ft.	None

Height

The maximum permitted height and stories of a building on an alley lot in the RF zone shall be twenty feet (20 feet) and two (2) stories, including the penthouse. (ZR16, Subtitle E, §5102.1). Since the Project will have a flat roof, the height of the building is measured from the building height measuring point to the highest point of the roof. This height measurement excludes parapets that do not exceed four feet (4 ft.) in height. (ZR16, Subtitle B, §308.3). As shown on the attached Plans (Sheet A-401), the parapet measures 3 ft. 6 in. and is within the 4 ft. allowable parapet height and therefore the Project complies with the allowable height.

Lot Occupancy

The maximum lot occupancy for a building occupying an alley lot with less than 1,800 square feet of land is 100%. (ZR16, Subtitle E, §5103.1). Though, a building would not be able to occupy 100% of the lot because certain setbacks are required. (see *Footnote 1 for proposed rulemaking correcting this section*).

Rear Yard

“A rear yard shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.” (ZR16, Subtitle E, §5104.1). In this case, the Property does not abut a “non-alley lot” and therefore no rear yard is required.

Side Yard

“A required side yard shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.” (ZR16, Subtitle E, §5105.1). The Property does not abut a “non-alley” lot and therefore no side yard is required.

Alley Centerline Setback

“A required twelve foot (12 foot) setback from the centerline of all alleys to which the alley lot abuts shall be provided.” (ZR16, Subtitle E, §5106.1). As shown on Page A-302 of the attached Plans, the Project meets the alley centerline setback requirements by setting back the building 4 ft. 6 in. from the centerline of the 15 ft. alley to the north and setting back the building 6 ft. 9 in. from the centerline of the 10 ft. 6.5 in. alley to the west as summarized below:

Alley to the North = 15 ft. [7ft. 6 in. (half of the 15 ft. alley) + **4 ft. 6 in.** = 12 ft. setback]

Alley to the West = 10 ft. 6.5 in. [5 ft. 3 in. (half of the 10 ft. 6.5 in. alley) + **6 ft. 9 in.** = 12 ft. setback]

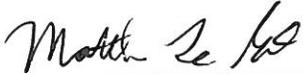
Alley to the East = 30 ft. [no setback is required since the centerline of the alley measures 15 ft., which exceeds the 12 ft. setback]

Projections into the Required Alley Centerline Setback

As discussed in the meeting, and shown on the attached Plans, three non-occupiable architectural features will be located along the northern side of the Project and will project no more than 2 ft. into the required 12 ft. alley centerline setback. Projections of this sort (less than 2 ft.) above the ground level are treated by this office as architectural embellishments and, as such, are permitted provided they do not contain interior spaces that could be deemed as adding to the gross floor area of the building.

Conclusion

The Project, as proposed, may be built as a matter-of-right pursuant to ZR16. When plans for a building permit are filed I will approve drawings that are consistent with the Plans attached to this letter.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Zoning Map
Plat
Plan Set dated 7-7-16

File: Det Let re 409 15 ½ St SE to Olson 10-3-16