



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

June 11, 2019

Gregory A. Kearley, AIA, LEED AP, SEED
Inscape Studio
1353 U Street, NW
Washington, DC 20009

Re: 4510 East Capitol Street, NE (Square 5138, Lot 0865)
19-Z-PDRM-00083

Mr. Kearley:

You have asked for a determination regarding the proposed construction (the “Project”) of a six-story mixed-use building on the property located at 4510 East Capitol Street, NE (the “Property”). This review included a review of the schematic design plans attached hereto as the “Schematic Design Plans.”

The Property is triangular in shape, and is located at the intersections of Benning Road NE, Central Avenue NE, and East Capitol Street NE. The property is located in the MU-7 Zoning District and is currently improved with a two-story structure (which will be razed). The Property has a lot area of 5,754 square feet.

You are proposing to construct a six-story mixed-use building with ground level retail and service uses, and eighteen (18) dwelling units above. The development will include a “Checkers” fast food establishment with a drive-thru. We have reviewed the Schematic Design Plans and according to those plans and your further representations, the Project is in conformance with all discussed bulk development and use standards as indicated below.

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

Height.

Pursuant to DCMR 11 G-403.1, the maximum permitted building height in the MU-7 Zoning District is sixty-five (65) feet. The proposed height of the building, established at the curb opposite to the middle of the front of the building, to the highest point of the parapet, is 65’-0”. Therefore, the Project will comply with the maximum permitted building height requirement.

Maximum Number of Stories.

Pursuant to DCMR 11 G-403.1, there are no limit on the number of stories. The proposed number of stories is six (6), with a proposed cellar. Therefore, the Project will comply with the maximum permitted number of stories.

Floor Area Ratio.

Pursuant to DCMR 11 G-402.1, the maximum permitted floor area ratio in the MU-7 Zoning District is 4.8 (2.5 for non-residential uses). The maximum permitted gross floor area (GFA) for the Project is 27,619.20 SF (14,385 SF for non-residential uses). The Project will have an FAR of 2.71 (GFA of 15,636 SF). Therefore, the Project will comply with the maximum permitted floor area ratio.

Lot Occupancy.

Pursuant to DCMR 11 G-404.1, the maximum lot occupancy for the Project is 75%. This would result in a maximum permitted building area of 4,315.50 SF. You have represented that the overall lot occupancy for the Property will be 45.32% (Building Area of 2,608 SF).

Rear Yard.

Pursuant to DCMR 11 G-405.3, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided in the MU-7 Zoning District. The Project has a proposed rear yard of 50'-0", and therefore is in compliance with the minimum rear yard requirements.

Green Area Ratio.

Pursuant to G-407.2, the minimum required Green Area Ratio (GAR) shall be 0.25. The project will incorporate landscape elements to provide a proposed GAR of 0.26.

Vehicle Parking.

Pursuant to Table C-701.5, a total of five (5) off-street vehicle spaces are required. The property is located within one-half mile (0.5 mile) of the Benning Road Metrorail Station, therefore the parking requirement of C-701.5 shall be reduced by fifty percent (50%). This results in a requirement of three (3) off-street parking spaces. Three 9' by 18' off-street parking spaces are provided on the subject Property.

Long-Term Bicycle Parking.

Pursuant to table C-802.1, a minimum of five (5) long-term bicycle spaces are required. Six (6) long-term bicycle spaces will be provided in the cellar level of the Project.

Short-Term Bicycle Parking.

Pursuant to table C-802.1, a minimum of three (3) short-term bicycle spaces are required. Three (3) short-term bicycle spaces will be provided in the public space.

Fast Food Establishment Use Permissions.

The proposed ground level fast food establishment is permitted by right in the MU-7 Zoning District pursuant to U-515.1 (F).

Drive-Through Queuing Lanes.

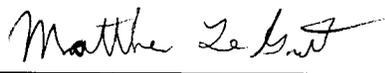
The proposed fast food establishment shall have a drive-through aisle and window. Pursuant to C-716.2, the queuing lane shall provide a minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space. The proposed drive-through will be developed in accordance with the standards of C-716. The proposed queuing spaces are located within twenty feet (20 ft.) of any street lot line, therefore is not in conformance with C-716.3, and will require approval of an Area Variance via the Board of Zoning Adjustment (BZA) pursuant to X-1001.2.

Inclusionary Zoning.

As noted, the Project is proposing eighteen (18) dwelling units, therefore it is subject to the Inclusionary Zoning standards of C, Chapter 10. The proposed development does employ Type I construction as defined by Chapter 6 of the International Building Code as incorporated into District of Columbia Construction Codes shall set aside the greater of eight percent (8%) of the gross floor area dedicated to residential use or fifty percent (50%) of its achievable bonus density to inclusionary units pursuant to C-1003.2.

The proposed gross floor area devoted to residential use is 6,884 SF. Preliminary studies indicates that Unit 301 (717 SF) will be designated as an IZ Unit, to satisfy the IZ obligation. Further analysis upon review of the building permit application will be required to determine conformance to the Inclusionary Zoning Regulations.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Enclosures:

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.

Zoning Technicians: Shawn Gibbs, Chyna Barber

File: Det Let re 4510 East Capitol Street, NE to Kearley – June 11, 2019