

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



January 31, 2017

David Bamford
Element Design + Build
1422 Varnum St, NW
Washington, DC 20011

Re: PDRM Review for Cohen Residence at 5704 Nebraska Ave NW - Square: 2312, Lot: 0015

Dear Mr. Bamford:

This letter is to follow up on our 9 November 2016 Preliminary Design Review Meeting to review the applicable zoning regulations for 5704 Nebraska Ave NW (the Property). Per our discussion, I understand that the property owners would like to add a new building to their rear yard that will act as either an artist studio or accessory dwelling unit. Below are the determinations from that meeting based on the Zoning Regulation effective 6 September 2016:

1. Zoning District

The property is within the R-1-B zoning district.

2. Maximum Number of Dwelling Units

The property is allowed as a matter of right to have one primary dwelling unit and one accessory dwelling unit per 2016 DCMR Title 11 D-201:

201.1 In all R zones, one (1) principal dwelling unit per lot of record shall be permitted as a matter-of-right.

201.2 In all R zones, one (1) accessory apartment shall be permitted per lot of record subject to the use permissions specified in Subtitle U.

3. Use as Accessory Dwelling (ADU)

Detached Accessory Dwelling Units are allowed as a matter of right in a R-1-B per DCMR Title 11 (2016) U-253.2:

An accessory apartment shall be permitted in a principal dwelling or an accessory building as a matter-of-right in the R zones, except the R-19 or R-20 zones, subject to the provisions of this section.

(Subtitle D: 310.1 Use permissions for the R-1-A and R-1-B zones are as specified for Use Group A, in Subtitle U, Chapter 2.)

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Phone: (202) 442-4576 Fax: (202) 442-4871

4. Floor Area Ratio (FAR)

There is no FAR requirement for the R-1-B zone.

5. Lot Occupancy

The maximum lot occupancy for the R-1-B Zone is 40% per DCMR Title 11 (2016) D-304.1:

304.1 The maximum permitted lot occupancy in the R-1-A, R-1-B, and R-2 zones shall be forty percent (40%).

6. ADU Included in Lot Occupancy

A. The accessory building is included in lot occupancy requirements per DCMR Title 11 (2016) Subtitle D-5003.1:

5003.1 An accessory building in an R zone as a principal use on a lot other than an alley lot shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy of the zone in which the lot is located.

B. Lot Occupancy is determined by outside face of walls unless roof overhangs are 24" or greater.

C. Deck walking surfaces and steps less than 48" above grade are not included in Lot Occupancy.

7. Building Height + Number of Stories

The allowable maximum height of the primary structure is 40 ft. and allowable maximum number of stories is (3) per DCMR Title 11 (2016) D-303.1:

303.1 The maximum permitted building height, not including the penthouse, in the R-1-A, R-1-B, R-2, and R-3 zones shall not exceed forty feet (40 ft.) and the number of stories shall not exceed three (3) stories.

8. ADU Building Height + Number of Stories

For a detached ADU, the allowable maximum height is 20 ft. and the allowable maximum number of stories is (2) per DCMR Title 11 (2016) D-5002.1:

5002.1 The maximum height of an accessory building in an R zone shall be two (2) stories and twenty feet (20 ft.), including the penthouse. The height of an accessory building permitted by this section shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building

9. ADU Max Footprint

A. The maximum footprint for an accessory building is 30% of the required rear yard area or 450 s.f. (whichever is greater) per DCMR Title 11 (2016) D-5006.1

5006.1 The maximum building area for an accessory building in an R zone shall be the greater of thirty (30%) of the required rear yard area or four hundred and fifty square feet (450 sq. ft.).

B. The rear yard requirement is 25' x 40' lot width=1000 s.f. x 30% = 300 s.f. Thus the maximum allowable footprint is 450 s.f.

C. The accessory building footprint is determined by outside face of walls unless roof overhangs are 24" or greater.

D. Deck walking surfaces and steps less than 48" above grade are not included in accessory building footprint calculations.

10. Rear Yard

A. The R-1-B zone has a min rear yard of 25' per DCMR Title 11 (2016) D-306.1:
306.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-1-A and R-1-B zones

B. The accessory building can occupy no more than 50% of the rear yard per DCMR Title 11 (2016) D-100.2:

Yard: An exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

C. The rear yard is measured from the rear line of the building and the rear lot line per DCMR Title 11 (2016) B-100.2:

Yard, Rear: A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

11. Accessory Building Setback

A new accessory building is required to meet a minimum setback of 12' from the centerline of the alley per DCMR Title 11 (2016) D-5004.1:

5004.1 An accessory building in an R zone may be located within a rear yard provided, where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley.

12. Occupancy Requirement

Either the primary dwelling or ADU must be owner-occupied per DCMR Title 11 (2016) U-253.5:

Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.

13. Detached ADU Access

Access to the detached ADU through the 15'-wide public alley that is within 300' of Oliver St, NW is acceptable per DCMR Title 11 (2016) U-253.8.c3:

An accessory apartment in an accessory building in an R zone, except the R-19 and R-20 zone, shall be permitted as a matter-of-right subject to the following conditions:

- (a) There shall be permanent access to the accessory building apartment;*
- (b) The dwelling use of the accessory building shall be coterminous with the permanent access;*
- (c) The permanent access shall be provided by one (1) of the following:*

- (1) A permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback or shared recorded easement between properties;*
- (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or*
- (3) The accessory building is within three hundred feet (300 ft.) of a public street accessible through an improved public alley with a minimum width of fifteen feet (15 ft.);*

14. Alley Width

The alley connecting the rear of the property to Oliver St, NW is 15' wide (this is the width shown on the 1932 DC Surveyor's Office Plat).

15. Simultaneous Use

The accessory building housing the ADU can simultaneously be used as a garage, artist studio or storage area per DCMR Title 11 (2016) U-253.8.d:

- (d) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio, or storage for a dwelling unit on the lot.*

16. ADU Roof Deck

The accessory building can't have a roof deck per DCMR Title 11 (2016) U-253.8.e:

- (e) An accessory building that houses an apartment shall not have a roof deck.*

17. Side Yard-Primary Structure

Any addition to an existing primary structure must not decrease the side yard by less than the existing side yard and can result in a side yard no less than 5'-0" wide per DCMR Title 11 (2016) D-307.1(a):

- 307.1 A minimum side yard of eight feet (8 ft.) shall be provided in the R-1-A, R-1-B, and R-2 zones.*

- 307.5 For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).*

18. Side Yard- Accessory Building

The Accessory Building can be located within the side yard and up to the property line per DCMR Title 11 (2016) D-5005.1:

- 5005.1 An accessory building in an R zone may be located within a side yard or beside the main building; provided, if the accessory building is located beside the main building, it shall be removed from the side lot line a distance equal to the required side yard and from all building lines a distance of not less than ten feet (10 ft.).*

19. Pervious Surface

The lot is required to have a minimum pervious surface area of 50% per DCMR Title 11 (2016) D-308.1:

Subtitle 308.1 *The minimum percentage of pervious surface requirement of a lot in the R-1-A or R-1-B zones shall be fifty percent (50%)*

20. Parking

A. If an off-street parking spot is currently provided, it must be retained. If no off-street parking currently exists, there is not requirement to provide a new spot.

704.1 An addition to an existing building triggers additional parking requirements only when the gross floor area of the building is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on the effective date of this title, or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added.

B. Any new parking spots must meet minimum size standards per DCMR Title 11 (2016) D-712.5:

712.5 The minimum dimensions for full-sized parking spaces and aisles are as follows:

9'x18' for perpendicular parking

Accordingly, when you file the plans for a building permit, I will approve drawings that are consistent with the information noted above. Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

File: Det Let re 5704 Nebraska Ave NW to Bamford on 1-18-2017