

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



October 3, 2016

Allison Prince, Esq.
Goulston & Storrs, P.C.
1999 K Street NW, Suite 500
Washington, DC 20006
aprince@goulstonstorrs.com

Re: 901 4th Street NW (Square 560, Lots 856, 861, 862, & 863) – Confirmation of Zoning Standards for New Commercial Building

Dear Ms. Prince:

This letter and attached exhibits serve as confirmation of our meeting on August 17, 2016 regarding the proposed development at 901 4th Street NW (“Subject Property”). As I describe below, the proposed project is permitted as a matter-of-right.

The Subject Property is currently improved with a parking lot and is part of a larger record lot (Lot 22), as shown on the site plan attached as Exhibit A. The Subject Property is in the DD/MVT/C-2-C Zone District and, according to tax records, contains 15,675 square feet of land area. The record lot of which the Subject Property is a part contains approximately 56,486 square feet of land area and fronts on 3rd, 4th, I, and K Streets NW. The Subject Property is located at the southwest corner of the record lot and fronts on 4th and I Streets. At its southeast corner, the square (Square 560) contains an existing building, located on Record Lot 21, which is directly east of and adjacent to the Subject Property. The proposed project on the Subject Property will be a new eight-story office and retail building with underground parking (the “Project”). The Project will have a height of approximately 114 feet and will contain approximately 102,407 square feet of gross floor area. Any future buildings constructed on the record lot shall be connected to the Project above-grade so that they are all one building for zoning purposes.

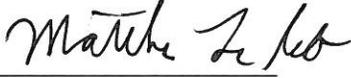
My conclusions are summarized below:

1. The filing of a complete building permit application (No. B1611271) for the Project on July 29, 2016 has vested the Project under the 1958 Zoning Regulations.
2. No residential use is required in the Project or on the Subject Property. Residential use is required pursuant to the DD Overlay (§ 1706.4(b) of the Zoning Regulations), and the record lot has a residential requirement of 177,260 square feet. However, three combined lot development rights (CLD) covenants are recorded on the record lot to satisfy the residential requirement. As

permitted under § 1708.1 of the Zoning Regulations, CLDs may satisfy the residential use requirement. A total of 177,260 square feet of CLDs are recorded on the record lot by these three covenants. As CLD Covenant No. 3 (recorded in the D.C. Land Records as Instrument No. 2016047950-51) states, as a result of the CLDs recorded on the record lot, the residential requirement on the record lot is zero (0).

3. The maximum permitted building height on the Subject Property is 130 feet, pursuant to § 1701.7 of the Zoning Regulations. Because the record lot of which the Subject Property is a part fronts on K Street NW, the maximum permitted height on the Subject Property may be based on the width of K Street. However, the Project's height may be measured from I Street, on which the Subject Property fronts. Thus, the proposed building height of 114 feet for the Project is permitted.
4. The parking provided within the Project and elsewhere on the record lot will satisfy the parking requirement for the Project. Pursuant to § 2101.1 of the Zoning Regulations, the Project has a total parking requirement 57 spaces. The Project will include 40 compliant spaces, and 17 spaces will be provided elsewhere on the record lot. This is permitted as a matter-of-right because the spaces provided elsewhere will still be on the same record lot and will be, therefore, on the same "lot" as the Project, as required in § 2116.1 of the Zoning Regulations.
5. The loading provided within the Project and elsewhere on the record lot will satisfy the loading requirement for the Project. Pursuant to § 2201.1 of the Zoning Regulations, the Project has a loading requirement of two 30-foot berths, two 100-square foot platforms, and one 20-foot delivery space. All of the required loading will be provided in the Project except for one berth and one platform. These will be provided elsewhere on the record lot. This is permitted as a matter-of-right because the loading provided elsewhere will still be on the same record lot and will be, therefore, on the same "lot" as the Project, as required in § 2203.1(b)(3) of the Zoning Regulations
6. The required green area ratio (GAR) for the Project is 0.2, pursuant to § 3401.2 of the Zoning Regulations. The Project's GAR calculation shall be based on the Subject Property, and the satisfaction of GAR for the Project shall be based solely on the Subject Property, not the entire record lot. Any other projects that might be constructed on the record lot shall independently satisfy the GAR for the site area(s) of those projects. This delineation of GAR satisfaction for each project on the record lot has been memorialized in the Single Record Lot Covenant recorded in the D.C. Land Records.
8. Office of Planning (OP) review, normally required in the DD Overlay pursuant to §§ 1700.6 and 1721.1 of the Zoning Regulations, is not required for the Project. The Project underwent Large Tract Review (LTR) that was completed on February 22, 2016. Accordingly, the completed LTR for the Project suffices for the OP review otherwise required since it assessed the same (and more) considerations as the OP review required under the Zoning Regulations.

9. The opening between the east wall of the Project and the west wall of the existing building on the adjacent record lot, as shown on the attached site plan, is permitted as a court niche. The east wall of the Project will include an art feature. The opening will be an architectural feature of the Project necessary for view of the art feature; therefore, it will be a court niche. In addition, the proposed gate at the north end of the court niche/opening will further define the court niche/opening, thereby affirming its primary purpose as an architectural feature for display of the art feature. This is shown on the attachment Exhibit B, on Page 1 of the Plan Set.
10. The 15-foot rear yard for the Project, measured to the center of 3rd Street NW, conforms to the rear yard requirement under § 774.1. The record lot on which the Project will be located is a corner lot abutting three or more streets, thus under § 774.11, measuring the rear yard to the center of 3rd Street is permitted. For purposes of determining the rear yard, the front of the Project may be 4th Street, and the rear of the Project may be 3rd Street.
11. The I Street and 4th Street streetwalls of the Project shall conform to the streetwall requirement in § 1701.3. At least 85% of the I Street streetwall shall be constructed within four feet of the property line for at least 15 feet of height. One hundred percent (100%) of the 4th Street streetwall shall be constructed within four feet of the property line for at least 15 feet of height. Thus, the Project will satisfy the requirement that at least 75% of the streetwall is constructed within four feet of the property line.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments – Exhibit A – Site Plan
Exhibit B - Plan Set