

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

December 30, 2013



Meridith H. Moldenhauer
Griffin, Murphy, Moldenhauer & Wiggins, LLP
1912 Sunderland Place, NW
Washington, DC 20036

Re: Jackson Place- Square 3931, Lots 0032, 0806, 0026, 0044, 0043, 0028
(the "Property")

Dear Ms. Moldenhauer,

This letter is in reference to discussion I had with your client at a meeting on May 17, 2013 and subsequent meeting on October 25, 2013 regarding your client's intended development at the Property, referred to above. I would like to memorialize the discussion regarding your client's proposed redevelopment of the Property.

The Property is in a split zone between a C-1 District and the R-1-B District. The majority of the Property is located within the C-1 neighborhood shopping district, and consists of six lots that will be combined and re-apportioned to create 11 separate record lots totaling 23,750 square feet. There is a zone district boundary line separating existing lot #0028, zoned R-1-B, from the other existing lots which are zoned C-1. The Property currently is improved with six (6) buildings that will be demolished along with various parking lots. The Property has street frontages onto 12nd Street NE and Jackson Street NE, and is located in Square 3931, which is bounded by Kearny Street to the north, 13th Street to the east, Jackson Street to the south and 12th Street to the West.

In summary, at the May 17, 2013 & October 25, 2013 meeting I found as follows:

Summary & Description of Proposed Project & Subdivision

As represented in the accompanying preliminary Site Plan (sheet SP1), the proposed project is the construction of ten (10) new flats and a multi-family building consisting of 14 dwelling units. The project includes an open off-street parking area which provides twenty-four (24) standard parking spaces. The project calls for the existing curb cut and drive aisle on Jackson Street to remain. The project will have a total of thirty four (34) units when complete.

The proposed project will subdivide the existing 23,750 square foot lot into 11 separate lots. Lots #1 through #10 are irregularly shaped lots located 100% in the C-1 zone and meeting all zoning requirements (including rear yard, side yard, FAR and parking) as shown on the attached lot diagrams (LT0 through LT10). Lot #11 will be a split zone lot with a multi-family building constructed only of the C-1 portion of the lot and complying with all zoning requirements, as shown on the attached lot diagrams (LT11).

The Proposed Flats Comply with the Zoning Regulations

A “flat” is defined in 11 DCMR §199.1 as a “two-family dwelling.” A “two-family dwelling” is defined as “a dwelling used exclusively as a residence for two (2) families living independently of each other. A two-family dwelling is a flat.” Thus, the proposed structures are flats.

Proposed Apartment Use on Lots 11

The multifamily building will be located on Lot 11. The structure will be located on the C-1 portion of lot 11. Architectural embellishments, balconies and projections do encroach into the R-1-B portion of the lot; however, the apartment use and minor projections shall be permitted as a matter of right on Lot 11 since the habitable portion of the apartment use is located in the C-1 zone.

FAR & Inclusionary Zoning Bonus Density

The allowable FAR in a C-1 zone is 1.0 FAR for apartment house or other residential use. Furthermore, under § 2604.1, inclusionary developments may construct up to twenty percent (20%) more gross floor area than permitted as matter of right (“bonus density”).

The lots 1 through 10 are all contained within the C-1 zone. As such, each building complies with a maximum permitted FAR of 1.2. Furthermore, as shown on sheets LT1 through LT10, each individual lot has been sized to be large enough for each building’s proposed area. It is noted that the lots and building area could change slightly as the plans develop further; however, the square footages will remain within the limits described above.

Lot #11, containing the multi-unit apartment building, and has a zone district boundary line running through it. Section 2514.1 does not apply because the two lots were not in single ownership on May 12, 1958. Therefore, we apply the C-1 FAR and a theoretical FAR for the R-1-B zone.

Lot #11 contains 5,947 square feet in the C-1 portion and 4,848 square feet in the R-1-B portion. With inclusionary zoning, only applying to the C-1 portion, this equates to an allowable building area of 7,136.4 square feet. Plus, we calculate the R-1-B portion based on a theoretical FAR (40% lot occupancy multiplied by maximum of 3 stories provides a 1.2 FAR), which equates to an allowable building area of 5,817.6 square feet. Combined the C-1 and R-1-B, FAR for lot #11 is 12,954.

The area of building #11 is approximately 10,782 square feet, significantly under the 12,954 SF limit. Building areas calculated do not include architectural projections extending 2’-0” or less from the building face when the usable floor area is not extended into the projection. These types of projections are considered similar to cornices and eaves permitted per section 2502.2.

Height

The C-1 District permits a maximum height of 40 feet and 3 stories. Under the definition of building height, the Zoning Regulations state that in those districts in which the height of the

building is limited to 40 feet, such as the C-1 District, the height of the building may be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story. 11 DCMR §199.1. As indicated in the attached plans, the height of the structure does not exceed 36 feet.

Parking

Section 2101 requires that a flat in the C-1 District provide 1 space for every 2 dwelling units. Thus, each lot must have 1 parking space. While all parking is contained on each individual lot, an easement will be recorded to legally provide access across the varying lots. There will be 24 total available spaces, sufficient to comply with the minimum number of required parking spaces set forth in § 2101.1. All, parking and drive access requirements under chapter 20 and 21 are met.

Rear Yard

Under 11 DCMR §774.1, the rear yard requirement in the C-1 District is 20 feet. The project provides a rear yard of 20 feet per lot or more. Thus, the rear yard satisfies the Zoning Regulations.

Conclusion

Based on the attached drawings, the proposed subdivision and construction of 11 lots and 34 units complies with the C-1 and R-1-B District requirements and is permitted as a matter-of-right. Accordingly, when you file the plans for a building permit, I will approve drawings that are consistent with the plans attached to this letter. Please let me know if you have any further questions.

Sincerely,



Matthew LeGrant
Zoning Administrator

Attachments: Exhibit A: Architectural Plans