

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



October 11, 2011

Norman M. Glasgow, Jr.
Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. - Suite 100
Washington, DC 20006

Re: 1328 14th Street, N.W. (Square 211, Lots 864 and 867) ARTS/C-3-A Overlay and Inclusionary Zoning ("IZ") Requirements

Gentlemen:

This is to follow-up on our discussion on Tuesday, July 19, 2011 concerning 1328 14th Street, N.W. (Square 211, Lots 864 and 867), which is located in an ARTS/C-3-A District. Consistent with my prior rulings dated April 2, 2010 and June 7, 2011 regarding computation of the permitted FAR for properties in the ARTS overlay and subject to the IZ requirements, I confirm that the reasoning and logic set forth in those decisions also apply to the proposed development of 1328 14th Street, N.W. (Square 211, Lots 864 and 867), and would yield a maximum of 5.3 FAR for this property, provided that the conditions set forth below are met.

The C-3-A District permits a maximum of 4.0 FAR, pursuant to §771.2. The IZ regulations (§2604.1), which would be applicable to any new development of ten units or more, authorize an increase in density of twenty percent, which would make the allowable FAR 4.8, subject to compliance with the IZ requirements. The IZ regulations for the ARTS Overlay (§1904.1(c)) further provide that "No property subject to Chapter 26, Inclusionary Zoning, shall be eligible for bonus gross floor area unless it has met the set-aside requirements of § 2603 and used all the bonus density of available through § 2604."

The ARTS Overlay District (Chapter 19 of the Regulations) also authorizes extra density for providing certain preferred uses. A project that includes at least 3.0 FAR devoted to residential use is entitled to a bonus FAR of 0.5 (§ 1904.3).

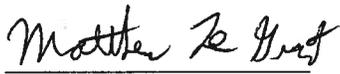
Reading all those provisions together, I conclude that the permitted density for a site zoned ARTS/C-3-A which provides at least 3.0 FAR of residential use and meets the IZ requirements is 5.3 FAR (4.0 base FAR + 20% IZ bonus FAR + 0.5 ARTS residential bonus FAR). It is further my view that § 1904.1(b) does not limit the overall density in this situation to 4.5 FAR, since § 1904.1, which is qualified and limited by § 1904.1 (b), refers to a limit on FAR

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for bonus density under § 1904.2; while the bonus density which is discussed above is specified in §1904.3.

Any construction on this site must be preceded by an application for and issuance of building permits. My ruling in this matter is only with respect to compliance with the Zoning Regulations as discussed above. You will also have to comply with all other applicable District codes and ordinances.

Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator