

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



December 6, 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, D.C. 20006

Re: 2448 18th Street, N.W.

Gentlemen:

This is to follow-up on our discussion on Thursday, September 22, 2011, concerning the above-referenced property (Square 2551, Lot 42) located on the west side of 18th Street, south of its intersection with Columbia Road, N.W. The property is zoned C-2-B.

This letter is a follow-up to my previous confirmation letter, dated May 7, 2009, concerning Jubilee Housing's proposed use of this property as transitional housing for people ready to assume enough responsibility for themselves to take the first step out of homelessness. Based on the description from Jubilee of how the use would be operated, for zoning purposes, I concluded that the use would be classified as a boarding house and such a use is permitted as a matter-of-right in a C-2-B District.

Subsequent to the issuance of that letter, Jubilee pursued another option for use of the building, which was to use the entire building as office space. Since the total floor area proposed to be devoted to office space exceed the 1.5 FAR limit applicable in a C-2-B District, Jubilee sought approval for an FAR variance from the Board of Zoning Adjustment. By BZA Order #18141, dated December 15, 2010, the Board granted that application.

Jubilee has since determined to go back to the original concept of using the property as a boarding house. In meetings with the architects, my staff and I determined that Jubilee could not proceed under the Board's order since that order applied to office use and the proposed use is now a boarding house, which was not shown on the plans submitted to and approved by the Board.

I concur with your reasoning that the BZA's approval does not have any relevance to the proposed residential use of the building. The total gross floor area of the building with the additions that are proposed will be less than the maximum 3.5 FAR permitted and any nonresidential use will occupy no more than 1.5 FAR within the building, so no FAR variance is required.

The C-2-B District requires a minimum rear yard of 15 feet. A one story portion of the existing building extends all the way to the rear lot line at the northwest corner of the building, so the existing building is nonconforming as to rear yard. Section 2001.3 of the Zoning Regulations allows enlargements or additions to a nonconforming structure devoted to a conforming use provided that:

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13;
- (b) The addition or enlargement itself shall:
 - (1) Conform to use and structure requirements; and
 - (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

The additions conform to the use and structure requirements, none of the additions are proposed to be located in the area that would be the rear yard if a rear yard was provided and the additions do not increase or extend any existing nonconforming aspect of the structure and do not create any new nonconformity of structure and addition combined.

As to lot occupancy, §772.1 permits a maximum lot occupancy of 80 % for the C-2-B District. The existing building occupies 1,295 square feet of a 1,458 square foot lot, or 88%. If you can reduce the lot occupancy to 80% by removing a portion of the building at the rear, then you would meet the proviso specified in §2001.3(a). So as to minimize the amount of space you would have to take away from the building, I am prepared to consider granting up to 2% additional lot occupancy as authorized by §2522.1(a), which would allow a total lot occupancy of 81.6%.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator