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

December 23, 2011

By US Mail and Email PDF

Jeffrey C. Utz
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, DC 20006

Re: 700 Constitution Avenue, NE (Lot 76, Square 895) (the "Property")

Dear Mr. Utz:

The purpose of this letter is to confirm the matters discussed in our meeting on September 29, 2011 concerning the above-referenced Property. Specifically, among other items, the issue discussed was whether the proposed renovation of the southern structure on the Property complies with the District of Columbia Zoning Regulations. I have concluded that the proposed renovation project complies with the Zoning Regulations as described below.

The Property is located in the R-5-B Zone District[1]. The Property is therefore permitted a height of 50 feet, an FAR of 1.8, and a maximum lot occupancy of 60%.

The Property is comprised of approximately 96,464 square feet of land area and contains an existing health care-related complex of heights varying from one story to six stories (the "**Building**"). The Building is comprised of a "north portion" and a "south portion" which together are treated as one building for zoning purposes. The Building contains a health care facility and hospital as the result of special exception approvals by the BZA.[2]

It is my understanding that the "south portion" of the Building (the "**South Structure**") is being renovated from a hospital use to a residential building with approximately 142 units (the "**Project**"). Multi-family uses are permitted in the R-5-B Zone District as a matter-of-right. The use of the Building can be modified from the current health care use to a multi-family residential use. The South Structure will be redesigned as shown on Exhibit A.

Floor Area Ratio

The Building is non-conforming as to floor area ratio ("**FAR**") for the R-5-B Zone District since it exceeds 1.8 FAR. Therefore, given the current envelope of the Building, the gross floor area of the Building cannot be increased.

Even though the Building is non-conforming as to FAR, portions of the Building may be demolished and added elsewhere on the Property, provided that the current gross floor area on

[1] ZC Order No. 05-34 rezoned the Property from R-5-D to R-5-B.
[2] BZA Order No. 15542 (1991) and BZA Order No. 17043 (2004).

the Property is not exceeded, and the extent of the demolition does not constitute a building raze. Based on the attached plans (since Zoning Computation Sheets do not exist in the District's records for this Property), the existing square footage of the southern portion of the Building is 107,276 square feet. The Project will retain such square footage for the South Structure by demolishing and relocating 21,265 square feet as shown on pages 5-9 of Exhibit A.

Since the ceilings of the cellar level are not greater than four (4) feet above the adjacent grade, the cellar level is not calculated as part of the Project's gross floor area or is counted as part of the lot's FAR. For purposes of the calculation of gross floor area, it should be noted that light wells or area ways at the cellar level are exceptions to grade. That is, such areas do not alter a building's adjacent grade provided when they do not logically create a new grade. Therefore, the light wells and area ways shown on page 4 of Exhibit A do not alter the exclusion of any portion of such cellar level from gross floor area.

Lot occupancy

The lot occupancy of the Building will be made conforming as a result of the Project. The lot occupancy for the Building is 68% and will reduced to 55% after the Project, as shown on page 10 of Exhibit A.

Inclusionary Zoning ("**IZ**")

Since the Project will not expand the gross floor area of the Building by 50% or more, IZ will not apply to the Project, as per 11 DCMR 2602.1(c)(3).

Rear and Side Yards

The R-5-B Zone District requires a rear yard with a minimum depth of four (4) inches per foot of building height measured from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than fifteen (15) feet. Under Section 404.2, when there is a corner lot abutting three (3) or more streets, the depth of the rear yard may be measured from the center line of the street abutting the lot at the rear of the structure; in this case the lot abuts on four (4) streets, so it does qualify under Section 404.2. Here, the rear yard may be measured from Constitution Avenue, Massachusetts Avenue, 7th Street, or G Street, NE and such rear yards are sufficient.

A side yard is not required in the R-5-B Zone District, however, if one is provided, if must be at least three (3) inches wide per foot of height of building, but not less than eight (8) feet wide. Here, no side yards have been created on the Property and none are required.

Moreover, since the Building is being reused, and the rear yard and side yards are not being modified, the Project may maintain the existing configuration for such zoning elements.

Parking & Loading

Once a portion or portions of the Building have been deemed contributing to the Historic District by the D.C. Historic Preservation Office ("**HPO**"), the parking and loading requirements for any redevelopment on the Property would be as follows:

Under Section 2120.3 of the Zoning Regulations, a historic resource and any additions thereto are exempt from the requirements to provide additional parking as a result of a change of

use and or an increase in intensity of use, however, additional parking would be required if the gross floor area of the historic resource is being increased by 50% or more (and the parking attributable to the increase in gross floor area is at least four (4) parking spaces). Therefore, no additional parking is required on the Property as a result of the Project since the gross floor area is not being increased by 50% or more. Typically, the R-5-B Zone District requires one (1) parking space for each two (2) dwelling units. Since the Project includes approximately 142 residential units, 71 parking spaces would typically be required. Although additional parking would not be required for the Project, approximately 82 legal parking spaces will be provided in two below grade levels and in the courtyard of the South Structure.

In addition, no additional loading facilities would be required under Section 2200.5 of the Zoning Regulations because of the Property's historic status. Therefore, no additional parking is required on the Property as a result of the Project. Typically, a 55 foot loading berth, a 20 foot service/delivery parking space, and a 200 square foot loading platform are required for buildings with 50 or more dwelling units. Although additional loading would not be required for the Project a loading berth, loading space, and loading platform will be provided in the courtyard of the South Structure.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely, Matthew Le Grant

Matthew Le Grant
Zoning Administrator

Attachment – Exhibit A

File: Det Let re 700 Constitution Ave NE to Utz 12-23-11