

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



October 29, 2012

**Via US Mail and Email PDF**

Martin P. Sullivan  
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Re: 1343 Pennsylvania Avenue, S.E. (Square 1045; Lot 846, part of Record Lot 138)

Dear Mr. Sullivan:

This letter is in reference to our October 15, 2012 meeting between me, you, and your client, Philip and Lee Simon of S2 Development (“S2”). As we discussed, S2 has a contract to purchase the property located at 1343 Pennsylvania Avenue, S.E., Square 1045, A&T Lot 846, part of Record Lot 138 (the “Subject Property”). Located on the Subject Property are two existing (pre-1958) row houses (the “Townhouses”), as shown on the Location Survey attached as Exhibit A.

The Townhouses are currently approved for commercial office use, pursuant to Certificate of Occupancy No. 190893 dated March 1, 2002, attached as Exhibit B. You have asked for a determination that you may convert the use of the Townhouses from commercial office to a six-unit apartment house use without the need to provide any additional off-street parking spaces, and without triggering the need for relief from the first-floor residential lot occupancy requirements in the C-2-B zone district. Pursuant to our discussion, I have determined that such a conversion is permitted without the need for additional parking spaces and without the need for relief from the residential lot occupancy requirements, as provided herein.

The Subject Property is part of Record Lot 138. According to available records, Lot 138 is the product of a subdivision of previous record lots 132, 133, 134, 135, 136, 137, 834, 835, 838, and 839. In addition to the Townhouses, Lot 138 consists of a mixed-use development known as Jenkins Row, which includes a Harris Teeter grocery store and approximately 247 residential units.

Residential Lot Occupancy

In 2004, prior to subdivision into Record Lot 138, the above-referenced lots were the subject of BZA Application No. 17224 of JPI Apartments Development LP, on behalf of Father Flanagan's Boys Home, et al. (Order attached as Exhibit C).

In BZA Case No. 17224, the applicant requested and received relief from the first-floor residential lot occupancy requirements. Although Order No. 17224 was a summary order, it is apparent from the transcript in that hearing (portions of which are attached as Exhibit D) that the primary – perhaps sole – purpose for requesting the lot occupancy relief was for the eventual conversion of the Townhouses back to residential use. It is also apparent from the transcript that the Board understood this to be the case and issued its approval with the understanding that any eventual conversion of the Townhouses to residential use would be permitted pursuant to their decision in Order No. 17224; *i.e.*, the Board granted such relief specifically to allow the future conversion of the Townhouses to residential use. I have also reviewed the report from the Office of Planning in that case (Exhibit E), which also reflects (on page 3), that the BZA relief would include the permission to convert the Townhouses to residential at some undefined point in the future. Therefore, based on this information, I have determined that a conversion of the Townhouses use from commercial to residential will not cause Record Lot 138 or the Subject Property to be in violation of the maximum permitted lot occupancy under §772 of the Zoning Regulations.

Parking

Pursuant to documentation provided by the applicant in Case No. 17224 (included as Exhibit F), the Townhouses consist of approximately 4,096 square feet of GFA of commercial office use. The additional amount of parking required as a result of the Townhouses, therefore – if considered together with the Jenkins Row development - was two parking spaces; or one for each 1,800 square feet of gross floor area over the first 2,000 square foot of gross floor area of retail use for Jenkins Row and the Townhouses. If we considered the Townhouses in isolation, the current parking requirement attributable to the Townhouses would be only one space. It is likely that the Townhouses were one-family dwellings in 1958, which would have a parking requirement of two spaces if built today. The total parking requirement for a six-unit apartment house would be 2 parking spaces. So the change in use results in no additional parking requirement (2 spaces to 2 spaces), in my opinion.

In any event, the total parking requirement for Record Lot 138, according to the material in BZA Case No. 17224, is 152 spaces, and the number of spaces provided was identified as 430, so even if this conversion resulted in an increased parking requirement for the Record Lot, there is more than enough parking available. Therefore, under any interpretation, because the Townhouses are

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on the same Record Lot as the Jenkins Row parking spaces, no additional parking is required as a result of the conversion of the Townhouses to a six-unit residential apartment house.

Other Zoning Criteria

You have represented that you will not be undertaking any exterior additions to the Townhouses other than possibly second-level decks and first floor patios less than four feet above grade. If this is the case, then you will not need to calculate or provide the existing lot occupancy or gross floor area calculations for the entire Record Lot 138, as no changes to these numbers is contemplated.

Please feel free to contact me if you have any questions.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments: Exhibits A, B, C, D, E, and F