

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



May 25, 2012

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: Calculation of Gross Floor Area -Florida Avenue at 8th and 9th Streets, N.W.

Gentlemen:

This is to follow-up on our discussion on Friday, March 9, 2012, concerning property located on Florida Avenue at 8th and 9th Streets (Square 393, lots 41, 44, 45, 46 and 826 and Square 416, lot 31). The property is zoned C-2-B in the ARTS Overlay District.

In previous meetings, I have determined that a property in an ARTS/C-2-B District using affordable housing bonuses is eligible for a total FAR of 5.0. I also confirmed for you that open balconies serving as access to the residential units on the upper floors that do not extend more than 6 feet from the face of the building will not be counted against the floor area ratio permitted for this zone.

The proposed development will consist of two separate buildings, one on each side of 8th Street. The ground floors will be devoted to commercial space and the upper floors will be devoted to apartment units. You have now asked me to address whether certain space will be included in gross floor area, as follows:

- The first floors of the buildings along Florida Avenue and portions wrapping around onto 8th and 9th Streets will be set back from the property line with a undulating façade. The second and higher floors will cantilever out over this setback to the property line. I conclude that the area on the first floor under the cantilever will not be included in gross floor area. The space is covered by the building above; there is only the wall of the building on one side of that space and no columns or walls on the other three sides. The space, which is unenclosed and not conditioned, is therefore not part of the building and not charged against gross floor area.
- There are ramps leading down into the below grade parking garages in each building. This office has consistently taken the position that such ramps are not included in gross floor area.

- On the west site, between 8th and 9th Streets, you propose to close an existing public alley to assemble the site and dedicate an alley easement to maintain public access to the subject property and to the lots further to the south. That alley easement will be covered by portions of the building above. The easement also leads into the parking ramp, discussed above. If the easement area has a slope, I will deem it to be a continuation of the ramp between 9th Street and the below grade garage, and I will not include that area of the ramp in gross floor area. If that portion of the easement area is flat, then the area under the building will be included in gross floor area.
- There are bays projecting into public space on all three street frontages of the buildings. Because gross floor area is a measure of "the sum of the gross horizontal areas of the several floors of all buildings on the lot," projections into and over public space are outside the lot and not counted in gross floor area.

Drawings showing the referenced areas are attached.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Plans

File: Det Let re Florida Ave at 8th and 9th St NW to Sher 5-25-12