



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

December 6, 2019

Richard McGill, P.E.
McLaren Engineering Group
601 East Pratt Street, Suite 302
Baltimore, Maryland 21202

RE: Square 4494, Lot 140 – 1724 H Street NE (the “Property”)

Dear Mr. Mellits,

This letter is in reference to the Preliminary Design Review Meeting that my office held with you and your colleague on July 19, 2018 regarding your client's potential redevelopment of the above referenced property. I would like to memorialize these discussions.

The Property is located on Lot 140 in Square 4494 and has the street address of 1724 H Street NE. The Property has a lot area of 1,512 square feet, and the Property is zoned MU-7. The Property is a mid-block lot bounded by H Street to the south, a public alley to the north, 18th Street to the east and 17th Street to the west. See, Zoning Map at Tab "A".

The Property is rectangular in shape and 16-feet wide. The Property currently is a 2-story residential rowhouse. Your client seeks to convert the Property's existing 2-story structure into a 6-story residential building with 6 residential units (the "Project") [See, Architectural Concept Plans, attached]. This project will not be seeking Inclusionary zoning any zoning variances. All development will be matter-of-right development.

The Project would have a first-floor primary entrance on H Street via a stairway at street level, the project will also have a secondary egress stairway located towards the public alley

The Project will include a habitable penthouse of approximately 837 square feet of gross floor area in size (the "Penthouse"). A penthouse addendum CIZC will be filed as part of the Building Permit.

The Project is not within the boundary of the H Street NE Great Streets Initiative. The H Street Great Streets Initiative, is a one-and-half mile commercial district just north of the US Capitol. This historic corridor, which reaches from Union Station to 17th Street, NE, is undergoing a dramatic transformation. The goal of the H Street Great Streets Initiative is to transform the H Street, NE Corridor into a thriving and inviting neighborhood center.

In summary, I have found the following:

Compliance with Applicable Development Standards

The Project will comply with the matter-of-right development standards for the MU-7 Zone District as follows

Floor Area Ratio

Pursuant to Subtitle G § 402.1, the maximum FAR in the MU-7 zone district, is 4.0. FAR is "The ratio of the total gross floor area of a building to the area of its lot; determined by dividing the GFA of all buildings on a lot by the area of that lot." See, Subtitle B § 100.2. FAR is measured by dividing the total GFA of all buildings on a lot by the area of that lot and is indicative of the density permitted on a lot. See, Subtitle B § 303.1.

The Project will contain approximately 3,347 square feet of GFA, which equals a 2.9 FAR (3,347 g.s.f. / 1,152 s.f.). Also, the Penthouse is approximately 0.3 FAR (1,773 s.f. / 5,800 s.f.), which is less than the 0.4 FAR that is exempted from the Project's overall FAR calculation pursuant to Subtitle C §1503.1(c). Accordingly, the Project will satisfy the zone's FAR requirement.

Cellar

The Zoning Regulations define a Cellar as "That portion of a story partly below grade where the finished floor of the ground floor is less than five feet (5 ft.) above the adjacent natural or finished grade, whichever is the lower elevation." Subtitle B §100.2. In the Project, the cellar is 4 feet 4 ¾ inches below grade, as shown on Sheet ZA-6 of Tab "B". Accordingly, it satisfies the definition of a "cellar." As such, for the purposes of calculating GFA, and therefore, FAR, the Zoning Regulations state that "GFA shall not include cellars ..." Therefore, cellar areas are not included in the calculation of FAR, and the Project's cellar is not chargeable to the Project's FAR.

Height

Pursuant to Subtitle B § 307.1, Building Height "...the building height measuring point (BHMP) shall be established at the at the level of the curb, opposite the middle of the front of the building, and the building height shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or a point designated by a specific zone district". Further, as set out in the definition of "Building Height" at Subtitle B § 101.1, "the term "curb" shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height (Subtitle B § 308)." The curb has not been artificially changed on this Property. Accordingly, that curb grade can be used for the Building Height Measuring Point (the "BHMP").

The proposed height of the building, from the BHMP at the top of the curb opposite from the front of the building to the top of the parapet is 59 feet 10 7/8 inches, which does not exceed the applicable 65 foot height limit as set forth for the MU-7 zone in G-403.1, and therefore complies.

Penthouse Height

Under Subtitle H § 403.3, the maximum permitted penthouse height in the MU-7 Zone District is 12 feet, except 15 feet for penthouse mechanical space. This regulation limits the penthouse to one story, and a second story is permitted for penthouse mechanical space. The proposed Penthouse is 10 feet in height above the roof level, and therefore complies.

Penthouse Setback

As shown on the Penthouse plan on Sheet ZA-5 of Tab "B", the proposed penthouse will satisfy the penthouse setback requirements of Subtitle C § 1502.1(a), (b) and (c). The habitable penthouse will be set back on at least a 1:1 ratio from the roof of the front building wall (setback of 10'-3") and the side building walls adjacent to 11th Street (setback of 12'-11") as required by Subtitle C §§ 1502.1 (b) and (d). No side wall setback is required adjacent to 1107 H Street, because that property is adjacent and has the same permitted matter of right height. The front setback required by Subtitle C § 1502.1 (a) is satisfied by the proposed Trellis off that portion of the

penthouse roof. It has been my office's prior decisions that a trellis would be deemed to constitute a roof provided the horizontal members of the trellis are no further than 24 inches on center [See March 27, 2013 Zoning Determination Letter for 1011 151 Street S.E.]. The proposed Trellis on this Project satisfies these requirements and is 10'-3" in length.

Yards

No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.). Subtitle G § 406.1. The project has no side yard that is required.

As to the rear yard, the subject zone requires a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance 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 twelve feet (12 ft.). Sections G-405.4 and G-405.5 provides that the portion of the building below a 20 foot horizontal plane is to be set back from the centerline of the adjacent alley and the portion of the building above said plane is to be setback from the rear property line. The attached site plan illustrates that the respective portions of the building are 13.3 feet from the respective alley centerline and rear lot line reference lines, which exceeds the minimum requirement of 12.5 feet and therefore is compliant.

In addition, there are stairs located in the rear yard, and they are expressly permitted to be in that location pursuant to Subtitle B § 324.1(c), which states "stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the Construction Code." Accordingly, because the stairs lead to the ground floor the stairs are permitted to be located in the rear yard.

Lot Occupancy

Pursuant to Subtitle H § 404.1, the maximum lot occupancy in the MU-7 Zone District is 75%, for projects which a portion of their GFA is devoted to residential use. The Project will not participate in Inclusionary Zoning Requirements. This Project will have a residential lot occupancy of 75% (775 square feet/ 1,152 square feet), which will comply.

Green Area Ratio

The Project will provide a green area ratio of 0.25, which meets the minimum green area ratio ("GAR") of 0.25 that is required in the MU-7 Zone District, through landscaping and a green roof.

Vehicle Parking - Residential

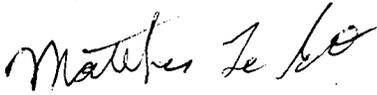
Pursuant to Subtitle C § 701.5, a residential, multiple dwelling development must provide one (1) parking space per three dwelling units in excess of four units. Additionally, proximity to streetcar service divides the requirement in half, pursuant to Subtitle C § 701.2 (b). The Project proposes to construct 6 units. Therefore zero (0) parking spaces are required. $6 \text{ units} - 4 \text{ units} = 2 \text{ units}$; $2 \text{ units} < 3 \text{ units}$, no parking space required/

Conclusion

Based on the review of the attached plans and exhibits, the Project complies with the MU-7 Zone District and may be permitted as a matter-of-right. Accordingly, when building permit applications for the development are filed, my office will approve drawings so long as the plans for the Property are consistent with Architectural Plans and the zoning maximums set out in those plans are not exceeded.

Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments:

- Tab A -Zoning Map
- Tab B - Architectural Plan Set dated 11-19-19

Disclaimer: This letter is issued in reliance upon, and therefore limited to, the questions asked, and documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.