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

November 21, 2016

Eric J. Williams DNP, RN, CNE, President
National Black Nurses Association, Inc.
8630 Fenton Street – Suite 330
Silver Spring, Maryland 20910

George R. Keys, Jr., Esq.
Jordan & Keys PLLC
910 17th Street, N.W. – Suite 317
Washington, D.C. 20006

Re: 251 8th Street, N.E., Lots 0822 and 0823, Square 917

Dear Messrs. Williams and Keys:

You have requested my opinion as to whether the Zoning Regulations require that horizontal areas of a two-story structure lying within public space are to be counted in the calculation of Floor Area Ratio ("FAR"). This question arises in the context of the two building(s) located at 251 8th Street, N.E. (Lots 822 and 823, Square 917). Mr. Keys met with David Vollin of my staff on June 9, 2016 in a Preliminary Design Review Meeting and presented the Location Drawing prepared by Duley and Associates, Inc., dated May 18, 2015 (the "Location Drawing").

The subject property is improved by two adjoining buildings in the C-2-A Zoning District which are owned by the National Black Nurses Association, Inc. ("NBNA"). NBNA intends, after renovation, to combine the two building and to use them as nonprofit offices. With such a use, the C-2-A regulations would limit the FAR to 1.5. Since the area of the combined lots is 1272.06 square feet, the gross floor area of the nonprofit office use cannot exceed 1908.09 square feet. From the Location Drawing, it is clear that portions of the building consisting of two projecting bays extend beyond the property line and into public space and that, if these areas were included in the FAR calculation, the combined buildings would exceed the 1.5 FAR limit in C-2-A. The buildings otherwise comply with the Zoning Regulations applicable to the C-2-A zoning district (height, rear yard, lot occupancy, off-street parking requirement).

It has been the consistent view of the Zoning Administrator's office that the FAR calculation includes only the building areas lying within the boundaries of the lot in question and that areas of the building projecting into public space, regardless of their dimensions, are excluded from FAR. Therefore, the full floor area of the combined buildings could be utilized for nonprofit offices as a matter of right under the Zoning Regulations. Please let me know if you have any further questions.

Sincerely,

Matthew Le Grant
Zoning Administrator

Attachment: Survey of 5-18-15

File: Det Let re 251 8th ST NE to Keys 11-21-16

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