

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

July 13, 2015

Meridith H. Moldenhauer
Griffin, Murphy, Moldenhauer & Wiggins, LLP
1912 Sunderland Place, NW
Washington DC, 20036



Re: 1512-1516 K Street SE- Square 1078, Lots 0005 and 0044 (the "Property")

Dear Ms. Moldenhauer,

This letter is in reference to a discussion I had with you, your client, and the architect for the proposed project, at a meeting on May 22, 2015, regarding your client's intended development at the Property, referenced above. I would like to memorialize the discussion regarding your client's proposed redevelopment of the Property.

The Property is located in the R-5-B District. The Property has street frontage on K Street SE and is located in Square 1078. Presently, 1512 K Street SE is improved with a church located, 1514 K Street is vacant and 1516 K Street SE is improved with an existing apartment building. In summary, at our May 22, 2015 meeting, I found the following:

Description of Proposed Project and Subdivision

As represented in the attached preliminary plans, the proposed project demolishes the existing church structure, subdivides the property, constructs two new apartment buildings, and renovates the existing apartment house located at 1516 K Street SE. The project includes an open off-street parking area for seven (7) vehicles. The proposed project will move the existing property lines and subdivide the three lots into three (3) irregularly shaped lots that comply with the zoning regulations.

The Proposed Three Apartment Houses comply with Zoning Regulations

Lot Dimensions

Lot Area: Pursuant to §401.3, apartment houses in the R-5-B District do not have minimum lot area requirements. As shown on the attached plans, the lot area for 1512 K Street, SE ("1512" or the "Blue Lot") will comprise 2,930 square feet; the lot area for 1514 K Street SE ("1514" or the "Yellow Lot") will comprise 2,930 square feet; and the lot area for 1516 K Street SE ("1516" or the "Red Lot") will comprise 4, 811 square feet.

Lot Width: In the R-5-B District, dwellings do not have a minimum lot width; however, 11 DCMR §401.7 requires that each lot created after February 15, 1966 that will be occupied by an apartment house have at least 30 feet of street frontage. As demonstrated in the plans, 1512 has 30 feet of street frontage along K Street, 1514 has 37 feet of street frontage along K Street, and 1516 has over 54 feet of street frontage along K Street, with 1512 K Street and 1514 K Street using a narrow strip of land along the front property line to achieve this minimum frontage

requirement. Thus, the proposed lots comply with the lot dimension requirements as a matter-of-right.

Height

The R-5-B District permits a maximum height of 50 feet; there are no restrictions on the number of stories. The proposed buildings will be constructed to the permitted height. 1512 will have a height of 50 feet and 1514 will have a height of 44 feet. The height of the existing apartment house will not be modified; it will remain 34 feet in height. Consequently, the proposed redevelopment complies with the height requirement.

Parking

Section 2101.1 requires an apartment house or multiple unit dwelling in the R-5-B District to provide 1 off-street parking space for every 2 dwelling units. 1512 will have 7 units and is required to provide 4 off-street parking spaces. 1514 will have 6 units and is required to provide 3 off-street parking spaces. As shown on the plan, 1512 and 1514 each provide the minimum number of required off-street parking spaces as set forth in §2101.1.

As represented in the attached plans, 1516 is a landlocked lot; vehicular access to the rear of the property does not exist. Moreover, the apartment house at 1516, which will remain, was constructed before May 12, 1958. Under §2100.6 and §2100.7, the parking regulations are not applicable to the existing structure until the number of dwelling units in the building increases by more than 25%. Presently, 1516 K Street SE has 13 units. The renovation will add one additional unit, thereby increasing the intensity of use of the building by 7.69%. As such, 1516 has no additional parking requirement.

Rear Yard

Under 11 DCMR §404.1, the minimum rear yard requirement in the R-5-B is 15 feet. Pursuant to 11 DCMR § 199.1, the rear yard may be computed using a mean ("yard, rear, depth of: the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title). The subdivision plan shows the lots are irregularly shaped and have varying rear yard dimensions. The Plan shows the Average Rear Yard Calculation by measuring approximately every 2 feet. As discussed, I have reviewed the provided average rear yard subdivision plan, and conclude that the average rear yard for 1512 is 18.01 feet and the rear yard for 1516 is 24.15 feet, both of which comply with 11 DCMR §404.1 and 11 DCMR §199.1.

I conclude that 1514 K Street SE has a rear yard of 14.78 feet, which deviates from the minimum rear yard requirement by less than 1.5%. Under 11 DCMR §407, the Zoning Administrator may permit a deviation of up to 10% of the rear yard requirement. I will grant the 1.5% minor flexibility for 1514 K Street SE, as granting such minor flexibility will not impair the purpose of the otherwise applicable rear yard requirement.

Therefore, based on the attached average rear yard site plan and in conjunction with the granting of minor flexibility, all lots meet the Zoning Regulation's rear yard requirement.

Inclusionary Zoning

Section 2602.1, regarding applicability of the Inclusionary Zoning (“IZ”), indicates that the Inclusionary Zoning requirements apply to developments with ten or more dwelling units and that are one of the three types of developments described in §2602.1(c). Sections 2602.1(c)(1) and (2) refer to new dwellings. Section 2602.1(c)(1) applies to new multiple dwellings. Section 2602.1(c)(2) refers to one-family dwellings, row dwellings, or flats constructed concurrently or in phases on contiguous lots or lots divided by an alley, if such lots were under common ownership at the time of construction.

In this instance, §2602.1(c)(1), regarding new multiple dwellings of 10 units or more, does not apply because neither of the proposed apartment houses has more than ten units. Section 2602.1(c)(2), regarding one-family dwellings, row dwellings, or flats constructed concurrently, does not apply because the proposed structures are not a one-family dwellings, row dwellings, or flats; each proposed structure will contain at least three (3) or more units, and as such, is an apartment house. Therefore, the proposed development is not subject to the IZ requirements, and, conversely, is not entitled to the IZ bonus.

GAR

The two new apartment buildings at 1512 and 1514 K Street SE are subject to the Green Area Ratio requirements set forth in Section 3401.2. The minimum required GAR “Score” for the subject R-5-B zone is .40. The project will be designed to meet this minimum required GAR.

Conclusion

Based on the attached plans and in conjunction with the minor flexibility I am granting, the proposed redevelopment of the Property complies with the R-5-B District requirements, and is permitted as a matter-of-right. Accordingly, when you file the plans for a subdivision and building permit, I will approve drawings that are consistent with the plans attached to this letter. Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments:

- 1) Preliminary Architectural Plans
- 2) Average Rear Yard Site Plan