

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



August 3, 2015

Joseph Yaffe
New City Construction
14440 Cherry Lane Court, Suite 218
Laurel, MD 20707

RE: 511 FRANKLIN STREET, NE - Square 3638, Lot 73

Dear Mr. Yaffe:

This letter has been written to summarize and document the topics discussed at our Preliminary Design Review Meeting (PDRM) held on May 22, 2015 at my office. The following description constitutes my determination that, regarding the items discussed below, your proposed plans for development of the property located at 511 Franklin Street, NE (per the plans and site plans presented at our meeting and attached to this letter) are in compliance with the applicable Zoning Regulations.

Subject Property and Use

The subject property is an existing four (4) unit apartment building constructed in an R-4 zone prior to 1958. It is grandfathered as a non-conforming use on a 4,298 SF lot. You propose a subdivision or split of the current lot into two lots, each of which must be 1,800 SF or larger and 18' wide or wider, as per the Zoning regulations. At your option, you may use either a) the average of the front and the rear widths of the lot or b) the average of the width of that lot taken at the front and at succeeding 10' intervals, to conform to this minimum width. By right, each of these new lots may contain a flat (2-unit dwelling), which may have its units configured in any arrangement.

The proposed development must meet the following requirements:

- Maximum 60% lot occupancy for each resultant lot that contains a flat
- Minimum pervious surface of 20% for lots larger than 2,000 SF and 10% for lots 1,800 - 2,000 SF
- Minimum rear yard setback of 20'
- No floor area ratio (FAR) restrictions
- Maximum of 3 stories above grade and 35' in height
- 1 parking space per 2 dwelling units on each lot

We have discussed the fact that your plan includes the equal subdivision of the property into two lots of 2,149 SF each. The proposed building footprint for each property is 1,319 SF, which constitutes a lot occupancy of 61.37%. However, under Section 407.1, this deviation of less than 2% is allowed under my granting of minor flexibility which I find is appropriate in this case, as it will not impair the purpose of the otherwise applicable regulations. Therefore, the minor flexibility is granted.

So long as the requirements listed above are maintained, the configuration as shown in the site plan we reviewed together and attached to this letter, I find the proposal is acceptable under the Zoning Regulations.

Corner Lot and Side Yard

The site is located at the corner of Franklin Street NE and Montana Avenue NE. This property is considered a corner lot per the definition under Section 199.1. If the lot is subdivided fronting Franklin Street as anticipated, the eastern lot would become an interior lot and the western lot would remain a corner lot. At the corner lot, one side may be selected as a front condition, and the other will become the side. The proposed corner lot, being configured in an irregular manner, requires special interpretation as follows:

The zone does not require a setback at either front or side property lines; except, where the structure sets back from the side property line, a minimum 8' wide side yard shall be provided unless a zero setback condition is established at least one point along the side property line. Once this single point is established, the indentations that are illustrated on the attached site plan shall be regulated as 'court niches' and shall be subject to the bulk restrictions thus defined.

Based on the site plan reviewed and attached to this letter, the southwest corner of the principal structure touches the side property line and establishes a zero lot line relationship at the proposed Montana Avenue alignment. All other illustrated indentations shall be regulated as court niches. The configuration as shown in the site plan that we reviewed and attached to this letter is acceptable under the applicable Zoning regulations.

Roof Structures & Building Height

For purposes of any roof structure, each wall along a yard, open court, or facing public space is considered a public wall and will require a one to one setback for all portions of the wall above the prescribed height limitation of the zone (currently at 35'). All rooftop penthouse structures that are below the prescribed height limit, and comply with Section 411, shall not constitute a 4th story, provided that they function solely as access space for the roof or roof deck, or house mechanical equipment, and are not to provide habitable area as defined by the building code.

The building height shall be measured in accordance with the zoning regulations, and the building height measuring point (BHMP) shall be established prior to any excavation, grading or demolition and shall be recorded on the building plans accordingly. The minimum 1:1 setback of roof structures shall be from all exterior walls.

Subdivision and Zoning Raze

In order to subdivide the existing property, a new party wall extension shall be constructed directly upon the new proposed property line. It is understood that construction of this party wall will require significant structural alteration to the existing building, including removal of much of the roof and existing second floor. However, it is also my understanding that the degree of work anticipated will not constitute a construction raze, as much of the party wall, front wall and existing foundation shall be maintained. Nonetheless, this project shall be considered a raze from a zoning standpoint, which will eliminate any of the grandfathered conditions currently associated with this property. However, based on my assessment of the project as presented to me, the buildings planned for the two new lots are fully compliant with R-4 zoning requirements and can be constructed as proposed, by right. Please note that my office will need to see an approved demolition permit from DCRA in order to authorize the subdivision of the property into two new lots per the plan.

Changes to the R-4 Zone

In our meeting, we also discussed the amendments to the R-4 regulations recently approved by the Zoning Commission under Order 14-11 (these were proposals at the time we met, but they are went into effect on 6-26-15). The attached plan complies with the new restrictions, so long as the building height is maintained at 35' or lower. The plan as presented constitutes a "by right" development of the two proposed lots, based on the new regulations.

This summarizes my understanding of the proposed development. If there are any additional questions regarding this project, please contact me directly at (202) 442-4576.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Site Plan