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

August 11, 2014

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

Re: Gallaudet Street, NE- Square 4048, Lots 1, 2, 3 (the "Property")

Dear Ms. Moldenhauer:

This letter is in reference to discussion I had with you and your client at a meeting on May 16, 2014 regarding your client's intended development at the Property, referred to above. I would like to memorialize the discussion regarding your client's proposed redevelopment of the Property.

The Property is located in the R-4 District. The Property currently consists of three vacant lots totaling 8,565 square feet, as show on the attached Plat. The Property has street frontage on Gallaudet, Corcoran, and Kendall Streets NE, and is located in Square 4048. In summary, at our May 16, 2014, meeting I found the following:

Description of Proposed Project & Subdivision
As represented in the accompanying preliminary Site Plan, the proposed project is the construction of five (5) new flats totaling 10 dwelling units. The project includes an open off-street parking area which provides four (4) standard parking spaces and 1 handicap parking space, for a total of five (5) spaces. The project calls for the existing curb cut and drive aisle on Kendall Street to remain. The proposed project will subdivide the current three lots, that have a total lot area of 8,565 square feet, into five (5) irregularly shaped lots.

The Proposed Flats Comply with the Zoning Regulations
A "flat" is defined in 11 DCMR §199.1 as a "two-family dwelling." A "two-family dwelling" is defined as "a dwelling used exclusively as a residence for two (2) families living independently of each other. A two-family dwelling is a flat." Thus, the proposed structures are flats.

Lot Area, Lot Width& Inclusionary Zoning
As per Chapter 26 of DCMR 11, inclusionary zoning will apply to the proposed project because 10 dwelling units will be constructed concurrently on contiguous lots [11 DCMR 2602.1]. Section 2604.3 allows, in the subject R-4 zone, a reduction in the minimum lot area to 1,500 square feet. As shown in the attachment, Lots 1, 4 and 5 will have a lot width of 18 feet (or greater) and thus comply with the lot width requirement as a matter-of-right. Lots 2 and 3 deviate from the 18 foot lot width requirement by less than 2%. Under 11 DCMR §407, the

Zoning Administrator may permit a deviation of up to 2% of the lot width requirement. I will grant the 2% minor flexibility for Lots 2 and 3 upon submission of architectural floor plans, as granting such minor flexibility will not impair the purpose of the otherwise applicable lot width requirement. Therefore, based on the attached subdivision plans, and in conjunction with the granting of minor flexibility, all lots will meet the lot area and lot width requirements in the zoning regulations.

Height

The R-4 District permits a maximum height of 40 feet and 3 stories. Under the definition of building height, the Zoning Regulations state that unless otherwise restricted or permitted in [Title 11], that in those districts in which the height of the building is limited to 40 feet, the height of the building may be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story [11 DCMR §199.1]. The proposed buildings will be constructed to the permitted height.

Parking

Section 2101 requires a flat in the R-4 District provide 1 space for every 2 dwelling units. Thus, each lot must have 1 parking space. There will be 5 total available spaces, sufficient to comply with the minimum number of required parking spaces set forth in § 2101.1.While each lot contains a legal parking space, an easement will be recorded to provide access across the varying lots. All parking and drive access requirements under Chapter 21 are required to be met.

Rear Yard

Under 11 DCMR §404.1, the rear yard requirement in the R-4 District is 20 feet. As shown in the attachment, the project provides a rear yard of at least 20 feet or greater on each lot. The rear lot line has been designated in conformity with the Board's conclusions in BZA Appeal No. 18152. Thus, the rear yard satisfies the Zoning Regulations.

Conclusion

Based on the attached drawings, the proposed subdivision and construction of five (5) flats, with a total of 10 dwelling units, complies with the R-4 District requirements and, in conjunction with the minor flexibility I am granting, 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: Existing Plat; Site Plan; and Proposed Lot Configuration