

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



November 24, 2014

Christine Moseley Shiker  
Holland & Knight LLP  
800 17<sup>th</sup> Street, N.W. - Suite 1100  
Washington, DC 20006

Re: PEPCO - Alabama Avenue Substation - 1501 Alabama Avenue, S.E. (Square 5912)

Dear Ms. Shiker:

This is to confirm the substance of our discussion on September 3, 2014, regarding the proposed modification to the existing PEPCO substation building known as the Alabama Avenue Substation ("Substation Building"). The Substation Building is located at 3302 15<sup>th</sup> Street, S.E., and is known as Lot 10, Square 5912 ("Existing Substation Property"). The Existing Substation Property is zoned R-5-A.

The substation use was approved as a special exception by the Board of Zoning Adjustment ("BZA") in Order No. 11714. The Substation Building was constructed in or around 1975 according to Zoning Computation Sheet ZA 75-110 ("Zoning Computation Sheet"). According to the Zoning Computation Sheet, the Substation Building was constructed to a height of 31 feet and included 19,062 square feet of gross floor area.

PEPCO owns the property adjacent to the Existing Substation Property, located at 1501 Alabama Avenue, S.E., and known as Parcel 229 0020 (the "Adjacent Property"). The Adjacent Property is also zoned R-5-A. You informed me that PEPCO intends to subdivide the Existing Substation Property and the Adjacent Property to create a new record lot (the "Substation Lot").

You informed me that the Substation Building was approved, designed and constructed for a 210 MVA capacity. However, operating constraints limit the use of the full design capacity. PEPCO is proposing to upgrade and incorporate additional equipment in order to allow for more efficient use of the existing facilities and to increase reliability of service for this substation. With these enhancements, the proposed capacity of the Substation Building will still be less than the approved and designed capacity for the facility but will increase efficiency and reliability, as is further described in the attached PEPCO Statement.

The new equipment will be placed in the front yard of the Substation Lot and will be screened by masonry retaining walls and screen walls (the "Equipment Enclosure"). The Equipment Enclosure will be constructed with masonry product in a similar color to the Substation Building and will be compatible with the design of the Substation Building, as shown in the attached rendering. The Equipment Enclosure will be approximately 39 feet wide and

approximately 82 feet long. The Equipment Enclosure will accommodate three separate bays for the placement of the new equipment. The Equipment Enclosure will not have a roof, and therefore, it will not constitute a building, which is defined as a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel, see 11 DCMR § 199.1. The Equipment Enclosure will include a health and safety screen over the top to prevent animals or people from accessing the equipment. You provided details to me of the typical type of screen used, which will be less than 50% solid. Thus, the screen will not constitute a roof, consistent with past rulings of this office. Accordingly, the Equipment Enclosure will constitute an accessory structure in the front yard, as shown on the attached site plan ("Site Plan"). There is no minimum requirement for a front yard in the R-5-A District. According to BZA Case No. 18577, an accessory structure is permitted in a front yard.

Because the Equipment Enclosure is not a building, there is no additional gross floor area on the Substation Lot. Thus, no additional parking or loading is required for the Substation Building. In addition, there is no additional building area (i.e., "the maximum horizontal projected area of a building and its accessory buildings" (*emphasis added*)) and thus no increase in lot occupancy on the Substation Lot. Based on the Site Plan, there is no change to the existing side yards or rear yard.

The Equipment Enclosure is connected to the Substation Building by power conduits in two locations. Otherwise, the space between the Equipment Enclosure and the Substation Building is open to the sky and has a width of 16 feet, 10 inches. A court is defined as "an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards." 11 DCMR § 199.1. By virtue of this definition, the open space is not a court. However, the space between the Equipment Enclosure and the Substation Building is wider than that which would be required for an open court in the R-5-A District if the open space did constitute a court (i.e., minimum required width of 15 feet, calculated as follows:  $32.75 \times 4 = 131 / 12 = 10.9$ ; provided width of 16 feet, 10 inches).

Furthermore, you have provided to me both the landscape plan approved by the BZA in Case No. 11714 ("Approved Landscape Plan") in 1974, as well as the proposed landscape plan with the addition of the Equipment Enclosure. The proposed landscape plan shows the following: existing trees; proposed trees and shrubbery to be added for consistency with the Approved Landscape Plan; and additional trees to be planted on the Adjacent Property to provide additional screening for the Equipment Enclosure. In some locations, trees shown on the 1974 Approved Landscape Plan have been replaced with shrubbery due to the existence of below-grade conduit and electrical lines which inhibit the ability for larger trees. Based on my review of these two plans, I find that the proposed landscape plan is sufficiently consistent with the Approved Landscape Plan and brings the condition of the Existing Substation Property more into conformity with the Approved Landscape Plan.

Based on my review of the foregoing, I find that the Equipment Enclosure is permitted to be located as an accessory structure in the front yard of the Substation Lot. Upon proper presentation of plans, I will approve a building permit application for the construction required for the Equipment Enclosure and the installation of the new equipment.

I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments:

Board of Zoning Adjustment Order No. 11714  
Zoning Computation Sheet ZA 75-110  
PEPCO Statement  
Health and Safety Screen Details  
Site Plan, Rendering, and Cross-Section Sketch  
BZA Approved and Proposed Landscape Plans