

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

October 5, 2015

Nathan Hamman, Northfield
1156 15th Street, NW Suite 1000
Washington, DC 20005



RE: 801 Virginia Avenue, SE / Zoning Verification for Proposed Plans

Dear Mr. Hamman:

This letter serves as a revision to the zoning determination letter dated June 26, 2015, regarding the proposed redevelopment of the property located at 801 Virginia Avenue, SE, and more particularly described as Square 929, Lot 7 (the "Property"). The owner of record, of the Property seeks confirmation that plans for the development of the Property comply with the applicable Zoning Regulations. Following is a discussion of our review.

I. Subject Property and Proposed Plans

According to the plat attached hereto as Exhibit A, the Property is an irregularly shaped lot that with frontage on 8th Street, Virginia Avenue and L Street, SE. The Office of Tax and Revenue records indicate that the Property has a lot area of 7,647 square feet and is currently improved with a surface parking lot. The Property is located in the Eighth Street Southeast Neighborhood Commercial Overlay District, and the underlying zone district is C-3-A.

The plans reviewed for the development of the Property, attached as Exhibit B, are titled "801 Virginia Ave", dated 9/25/15, prepared by Peter Fillat Architects, and consist of 8 sheets (the "Plans"). They depict a 4-story building with restaurant and salon uses on the ground floor and 22 dwelling units on floors 2 through 4. The ground floor of the building has a gross floor area of 5,499 square feet; the retail/commercial uses for the building total 2,700 square feet; and the residential use totals 17,814 square feet. The proposed building height is 45' feet and the proposed FAR is 3.0. Eleven parking spaces will be provided at the ground level of the building, accessed from a driveway on L Street.

II. Eighth Street Southeast Neighborhood Commercial Overlay District

The Property is located in the Eighth Street Southeast Neighborhood Commercial (ES) Overlay District. This overlay district is applied to a compact geographic area along Eighth Street, SE, near the entrance to the Navy Yard, comprising those properties zoned C-3-A in Squares 906, 907, 929 and 930. 11 DCMR § 1309.1.

A. Height & Density

The maximum permitted height for any building or structure in the ES Overlay District is 45 feet and the maximum permitted gross floor area for permitted commercial and residential uses in the ES Overlay District is 3.0 FAR. 11 DMCR §§ 1309.6, 1309.7. According to the Plans, the proposed building height is 45' and the density is 3.0 FAR. Therefore, the Plans comply with the applicable height and density standards.

B. Designated Uses

Any lot that fronts on Eighth Street, SE, within the ES Overlay is deemed to be within a designated use area. 11 DCMR § 1309.3. Therefore, any building that occupies or is constructed on the Property shall provide designated retail and service establishments on the ground level of the building along Eighth Street in accordance with the requirements of Section 1302 of the Zoning Regulations and any additional requirements of the particular overlay district. 11 DCMR § 1302.1.

Further, the designated uses listed in Section 1302.2 shall occupy no less than 50% of the gross floor area of the ground level of the building, subject to the following requirements:

- (a) No more than 20% of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies, or other ticket offices;
- (b) The ground level floor shall be the floor that is nearest in grade elevation to the sidewalk; and
- (c) In those part of the affected building or lot other than as delineated in Section 1302, the use provisions of the underlying zone district shall apply.

11 DCMR § 1302.4.

The Plans show a restaurant use on the ground floor of the building along Eighth Street. These are among the dedicated uses listed in Section 1302 of the Zoning Regulations, which include uses permitted as a matter of right in the C-1 District pursuant to Section 701.4. Also, the restaurant use occupy 2,700 square feet, which is more than 50% of the gross floor area of the ground level of the building. (The ground level totals 3,407 square feet.) Therefore, the project satisfies the foregoing requirements for designated uses.

C. Restrictions on Restaurants, Fast Food Establishments, Prepared Food Shops

Restaurants, fast food establishments, and prepared food shops shall occupy no more than 50% of the linear street frontage along Eighth Street, as measured along the lots that face Eighth Street in the ES Overlay District, of which up to one half of the 50% of the linear street frontage shall only be occupied by fast food establishments. 11 DCMR § 1309.4.

At the time of permitting for the proposed development, this office will confirm what percentage of the linear street frontage along Eighth Street in the ES Overlay District is occupied by restaurants, fast food establishments, and prepared foods. Should the linear dimension of the restaurant reflected on the Plans fall within the permitted 50% threshold, a restaurant use will be allowed on the Property. If the linear dimension of the restaurant exceeds the 50% threshold, the restaurant would have to be replaced by an allowable designated use.

D. Limitations on Driveways and Curb Cuts

In the ES Overlay District, no drive through accessory to any use shall be permitted. 11 DCMR § 1303.1. Also, no driveway providing access from Eighth Street to required parking spaces or loading berths is permitted because Eighth Street is deemed a designated roadway within the ES Overlay District. 11 DCMR §§ 1303.2, 1309.5. The proposed development does not include a drive through accessory to any use. The driveway access to the required

parking spaces for the building is from L Street. Therefore, the project complies with the limitations on driveways and curb cuts for the ES Overlay District.

E. Inclusionary Zoning

The inclusionary zoning requirements of Chapter 26 are not applicable to the Eighth Street Overlay District. 11 DCMR § 2602.3 (vi).

III. C-3-A District

The underlying zoning district for the Property is C-3-A, which permits medium density development, with a density incentive for residential development within a general pattern of mixed-use development. 11 DCMR § 740.4. The C-3-A Districts shall be compact in area and located on arterial streets, in uptown centers, and at rapid transit stops. 11 DCMR § 740.5.

A. Height & Density

In the C-3-A District, the maximum permitted building height is 65 feet, with no limit on the number of stories. 11 DCMR § 770.1. The maximum FAR permitted in the C-3-A District is 4.0. 11 DCMR § 771.2. The more restrictive height and density standards for the ES Overlay District apply to the Property and, as noted above, the proposed building complies with said standards.

B. Lot Occupancy

The maximum permitted lot occupancy in the C-3-A District is 75%. 11 DCMR § 772.1, and the Plans depict a lot occupancy of 75%.

C. Rear Yards

The minimum depth of a rear yard in the C-3-A District shall be 2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. 11 DCMR § 774.1. The depth of the rear yard shown on the Plans is at least 12 feet and, therefore, complies with the rear yard requirement.

D. Side Yards

A side yard is not required for the proposed development of the property, but if provided, it shall be at least 2 inches wide for each foot of height of building, but not less than six feet. 11 DCMR § 775.5. The proposed building does not have a side yard, so this standard is not applicable.

E. Courts

The following standards apply to courts in the C-3-A District:

- Where a court is provided for a building or portion of a building devoted to nonresidential uses, at any elevation in the court, the width of court shall be a minimum of three inches per foot (3 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than twelve feet (12 ft.). 11 DCMR § 776.1.

- In the case of a closed court for a building or portion of a building devoted to nonresidential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than two hundred fifty square feet (250 ft.²). 11 DCMR § 776.2.
- Where a court is provided for a building or portion of a building devoted to residential uses, at any elevation in the court, the width of court shall be a minimum of four inches per foot (4 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than fifteen feet (15 ft.). 11 DCMR § 776.3.
- In the case of a closed court for a building or portion of a building devoted to residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than three hundred fifty square feet (350 ft.²). 11 DCMR § 776.4.

The proposed building does not include courts, so the foregoing provisions are not applicable.

F. Roof Structures

Under the Zoning Regulations, penthouse and mechanical equipment shall be placed in one enclosure and enclosing walls from level shall be of equal height, and shall rise vertically to a roof. 11 DCMR §§ 411.3, 411.5.

Housing for mechanical equipment or a stairway or elevator penthouse on the roof of a building must be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located. 11 DCMR § 770.6(b). The roof structure shall not exceed 18'-6" in height above the roof upon which it is located. 11 DCMR § 770.6(d).

The Plans show a single enclosure for two stairways and an elevator penthouse. The height of the enclosure is 10' above the roof, and the enclosure is set back a minimum of 10' from the exterior walls of the building. Therefore, the proposed building complies with the provisions for roof structures.

IV. Parking

A. Number of Spaces

Under Section 2101.1 of the Zoning Regulations, in the C-3-A District, parking is required as follows:

- For an apartment house or multiple dwellings in the C-3-A District, 1 space for each 2 dwelling units.
- For retail or service establishments, parking is required, in excess of 3,000 square feet, 1 space for each additional 300 square feet of gross floor area and cellar floor area.

B. Parking Setbacks

Under Section 2116.12 of the Zoning Regulations, in the C-3-A District, parking is required as follows:

- Except for parking in an Industrial Zone or accessory to a one-family dwelling, parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets, unless the ceilings of all parking levels are at or below the grade of the adjacent public sidewalk at all points along the building frontage.
- Spaces labeled 1,2,7 and 8 are not located in a structure and therefore do not conflict with the provisions of Section 2116.12.

The Plans provide the minimum number of required parking spaces. Eleven (11) spaces are provided for the 22 dwelling units. Parking is not provided, nor is it required for the retail/commercial uses because those uses total only 2,700 square feet.

B. Size, Location and Access of Parking Spaces

Requirements for the size, location, and access, maintenance and operation of parking are set forth in Sections 2115 through 2117 of the Zoning Regulations and include the following:

- A required automobile parking space shall be a minimum of 9' in width and 19' in length, exclusive of access drives, aisles, ramps, columns, office, or work areas and shall be striped according to the requirements of Sections 2117.3 of the Zoning Regulations. 11 DCMR § 2115.1.
- Parking spaces shall be located at 20' from all lot lines that abut public streets, unless the ceilings of all parking levels are at or below the grade of the adjacent public sidewalk at all points all the building frontage. 11 DCMR § 2116.12.
- When required parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of two or more parking spaces, or between a row of two or more parking spaces and the perimeter of the area devoted to parking spaces, the aisle shall have a clear width of not less than 20 feet or 90 degree angle parking, and not less than 17 feet for angle parking that is 60 degrees or less as measured from the center line of the aisle. 11 DCMR § 2117.5.
- A driveway serving any use other than a one-family dwelling or flat or serving more than one parking space shall be as follows: (1) not less than 25' from a street intersection, as measured from the intersection of the curb line extended; (2) not less than 12' in width if designed for one-way circulation or 14' if designed for two-way circulation; and (3) not more than 25' in width. 11 DCMR § 2117.8(c).

Also, as noted above, in the ES Overlay District, no driveway providing access from Eighth Street to required parking spaces or loading berths is permitted. 11 DCMR §§ 1303.2, 1309.5.

The Plans comply with the above requirements. Each space has a dimension of 9' in width and 19" in length; all of the parking spaces are located at least 20' from L Street, Eighth Street, and Virginia Avenue; the aisle between the rows of parking is 22'; and the driveway to the parking area, which is accessed from L Street, is 14' in width.

V. Loading

Loading is not required for an apartment house or multiple dwellings with less than 50 dwelling units or for retail or service establishments in the C-3-A District with less than 5,000 square feet of floor area as per 11 DCMR § 2201.1. The proposed building for the Property has only 18 units and 2,868 square feet of retail/commercial uses, so loading is not required.

VI. Green Area Ratio

Pursuant to Section 3401.2 of the Zoning Regulations, the minimum green area ratio ("GAR") for a project in the C-3-A District is .25. According to the score sheet provided by the contract purchaser, attached hereto as Exhibit C, the project has a GAR of .31 and, therefore, satisfies this requirement.

VII. Conclusion

As discussed herein, the proposed development of the Property, as reflected in the Plans, can be developed as a matter of right, without requiring relief from the applicable Zoning Regulations. Please note that this determination presumes that the calculations, dimensions and other depictions in the attached Plans and GAR Score Sheet are accurate.

Please do not hesitate to contact me at (202) 442-4576 if you have any further questions or concerns.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments:

- Exhibit A - Surveyor Plat
- Exhibit B - Northfield Matter of Right Plans - dated 9/25/15
- Exhibit C - Green Area Ratio Score Sheet