

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



May 13, 2014

Allison Prince, Esq.
Goulston & Storrs, PC
1999 K Street NW, Suite 500
Washington, DC 20006

Re: 1800 Eye St NW- Certification of Zoning Requirements

Dear Ms. Prince:

You have asked me to confirm that the project approved by the Board of Zoning Adjustment in Case No. 18493 for property located at 1800 Eye Street, NW (Square 105, Lot 847) ("Property") conforms with Title 11 of the District of Columbia Municipal Regulations ("Zoning Regulations"), and that no other zoning relief is necessary prior to issuance of a building permit for this project. In Case No. 18493, the Board of Zoning Adjustment approved a variance from the floor area ratio requirements for an addition to a commercial office building on the Property ("Building")¹. I have reviewed the approved plans, an additional plan that provides the dimension and setbacks of the roof structure ("Roof Structure Plan"), and Order No. 18493 ("Order"), and except as noted in paragraph 11 below, I confirm that the Building conforms in all respects with the Zoning Regulations, and that no other zoning relief is necessary from the BZA.

I understand that Lot 847 is a part of Record Lot 62. Record Lot 62 is a through lot with frontage on Eye, 18th, 19th and H Streets, and Pennsylvania Avenue, NW, and consists of five Assessment and Taxation Lots: Lots 843, 844, 845, 846 and 847. You have represented to me that the buildings on the several Assessment and Taxation Lots that comprise Record Lot 62 are all connected internally with "communication between separate portions of [the] structure" at or above the main floor, and thus are deemed to be a single building on Record Lot 62 for zoning purposes (the "Record Lot 62 Building"), per the definition of "Building" in Section 199 of the Zoning Regulations. This is addressed further in paragraph 11 below. The entirety of Record Lot 62 is located in the C-4 Zone District. Below are specific zoning requirements for buildings constructed in the C-4 Zone District and the Building's compliance with each:

- 1) Lot occupancy: The C-4 Zone District permits 100% lot occupancy for either residential or commercial use (Section 772.1). Accordingly, the Building and the Record Lot 62 Building comply with this requirement as it is not possible to exceed 100% lot occupancy. Under the BZA-approved plans the Building will continue to have a lot occupancy of approximately 100%.
- 2) Height: Per the definition of "Building, height of" in Section 199 of the Zoning Regulations, the building height is to be measured at the "front" of the building, and "if a building fronts on more than one street, any front may be used to determine the maximum

¹ "Building" shall refer to the existing structure on Lot 847 and the addition approved by the Board in the Order.

height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building". This has been consistently interpreted to mean that in such cases, any street may be deemed the "front" of the building in order to measure the building height, and that this street or any other street abutting the lot may be used to determine the maximum permitted building height based on the street width. The C-4 Zone District permits a maximum height of 130 feet since Record Lot 62 fronts on Pennsylvania Avenue, which is 130 feet wide (Section 770.4 and 1910 Height Act). I understand that the "front" chosen for the purpose of measuring the building height of both the Building and the Record Lot 62 Building is Eye Street. According to the attached plans, the Building will have a height of 92.1 feet, which is well within the permitted height of 130 feet.

- 3) Floor Area Ratio ("FAR"): The C-4 Zone District allows a maximum FAR of 10.0 (Section 771.5). According to the attached plans, the Building will have a FAR of 7.61, based on Assessment and Taxation Lot 847, and the Record Lot 62 Building will have a FAR of 10.05. Though the Record Lot 62 Building's FAR will exceed the permitted 10.0 FAR, it was approved as a variance under Section 3103.1 of the Zoning Regulations pursuant to the Order.

The proposed renovation and expansion of the Building will involve the replacement of the existing split-level lobby with a street level lobby. This will eliminate the gross floor area associated with the existing basement level. Gross floor area will be added to the Building through the in-fill of the rear corner of the site with a relocated core bringing the lot occupancy to 100%. Finally, a new 8th floor will be added.

- 4) Side Yard: There is no side yard requirement. According the attached plans, there are no side yards on the Property, which is consistent with the Zoning Regulations.
- 5) Rear Yard: The required rear yard is calculated for the Record Lot 62 Building. The Building does not require its own rear yard. The Record Lot 62 Building generates a rear yard requirement of 27.1 feet. Because Record Lot 62 is a through lot, the rear yard can be measured to the centerline of either H Street or Pennsylvania Avenue (Section 774.11). H Street is 90 feet wide and Pennsylvania Avenue is 130 feet wide; either street provides a sufficient rear yard. Thus, a rear yard of at least 45 feet is provided for the Record Lot 62 Building, which complies with the Zoning Regulations.
- 6) Court: Courts are not required and the Building as approved by the BZA does not provide any courts; as such, it is consistent with the Zoning Regulations. (See Section 776). The elimination of the existing closed court for the Building in the BZA-approved plans is permissible.
- 7) Parking: The existing building on the Property was constructed before 1958 and since the addition is not increasing the density of the building by more than 25%, additional parking is not required. Accordingly, the Building complies with the parking requirements (Section 2100.7).

- 8) Loading: The Building does not trigger a loading requirement as no additional berths are required for commercial use beyond 200,000 square feet of gross floor area (Section 2201.1) and the existing improvements on the Record Lot greatly exceed 200,000 of gross square floor area. The most recently constructed building on the Record Lot (1875 Pennsylvania Avenue) alone contains approximately 258,576 square feet of gross floor area.
- 9) Roof Structures: According to the plans, the Building provides a single roof structure for its elevator core in the southwest corner of the roof. Pursuant to Section 411.2, the Record Lot Building can provide more than one roof structure to accommodate an elevator core. In addition, based on the Roof Structure Plan, the roof structure will be set back from both 18th and Eye Streets a distance equal to its height above the 8th floor roof. Accordingly, the proposed roof structure in the BZA-approved plans is permissible.
- 10) Green Area Ratio: Section 3401.4(b)(1) exempts a project from the GAR requirements if the Board of Zoning Adjustment granted approval prior to October 1, 2013, and the approval has not expired. The Board of Zoning Adjustment approved this application on January 29, 2013, and as such, the project is exempt from the GAR requirements so long as the Order does not lapse.
- 11) Single Building on Record Lot 62: The "Existing Cellar Plan" in the BZA-approved plans shows a doorway on the south side of the Building which you have represented to me is the required connection to the building to the south, as part of the "communication between separate portions of a structure" to create the Record Lot 62 Building. Although this doorway connection is below the main floor of the Building, you have represented to me that due to the slope of Record Lot 62 downward from north to south, this doorway connection is at or above the main floor of all of the other separate buildings that comprise the Record Lot 62 Building. As such, this connection satisfies the "communication" requirement in the definition of "Building". The proposed floor plans in the BZA-approved set of plans do not show a doorway connection to the building to the south on any of the proposed floor plans included in that set of plans. The plans submitted with the application for a building permit must show a doorway connection that is at or above the main floor as noted herein. This doorway connection can be approved without the need to return to the BZA for a modification of plans.

In sum, the Building complies with the Zoning Regulations, and no other areas of zoning relief are necessary from the BZA. Should you apply for a building permit for plans consistent with this determination and the attached plans, I will approve the plans as discussed.

Sincerely, 

Matthew Le Grant
Zoning Administrator

Attachments: BZA Order 18493, BZA Plan Set, OP Memo; Plan of Roof Structure

cc: Christopher Collins

File: Det Let re 1800 Eye St NW to Prince 5-13-14