

DeBear, Eric J.

From: Moldenhauer, Meridith
Sent: Wednesday, September 18, 2019 10:56 AM
To: DeBear, Eric J.
Subject: FW: Zone Boundary Crossing Lot / Mi Casa - Florida and Q Street NW
Attachments: Exhibit35 (10).pdf; DCOZ Zoning Map Export (21).pdf



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From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Wednesday, September 18, 2019 10:55 AM
To: Moldenhauer, Meridith <MMoldenhauer@cozen.com>
Cc: Lawson, Joel (OP) <joel.lawson@dc.gov>
Subject: Zone Boundary Crossing Lot / Mi Casa - Florida and Q Street NW

****EXTERNAL SENDER****

Meredith Moldenhauer:

By means of this email I agree with the analysis and summary in the below email, and as shown in the attachments, and specifically that:

- Your client Mi Casa Inc.'s has a proposed project in BZA Case 20095.
- Mi Casa is a non-profit, affordable housing developer that is seeking to redevelop vacant property at the intersection of Florida Avenue and Q Street NW (Square 615, Lots 825, 806, 148, 149,150,151,152, 75) (the "Property"). A copy of the zoning map is attached.
- Mi Casa is proposing a mixed-use project with 24 affordable units and ground level retail space.
- As part of the zoning application, Mi Casa is requesting special exception relief pursuant to Subtitle A-207.2 (zone boundary crossing a lot line) and variance relief from the preamble of Subtitle A-207.1 (requiring single ownership of lots as of May 1958). The relief would allow Mi Casa to extend the MU-4 zone boundary line over the portion of the Property that is currently zoned RF-1.
- However, as part of this case, OP's report raises a question as to how I would apply Subtitle A-207.1(d) and whether it restricts the RF-1 portion of the Property to 0.9 FAR notwithstanding the relief to move the zone boundary line. A copy of OP's report is attached. Under OP's interpretation, Mi Casa would require additional variance relief from Subtitle A-207.1(d).
- Per our discussion on September 10th, 2019, I confirmed that your requested relief was correct and I further clarified how to interpret Subtitle A-207.1(d).

Board of Zoning Adjustment
District of Columbia
CASE NO.20095
EXHIBIT NO.40

- At our meeting I determined that for Subtitle A-207.1(d), that it means: For zones in which there is no designated floor-area-ratio, such as the R zones and the RF zones, Subtitle A-207.1(d) is applied to compute the floor-area-ratio when the R and RF zones are the less restrictive zones.
- Here, Subtitle A-207.1(d) does not apply to the Property because the RF-1 zone is the **more** restrictive zone, and Mi Casa is requesting to move the less restrictive MU-4 zone boundary line.
- Accordingly, if special exception relief from Subtitle A-207.2 is granted by the Board of Zoning Adjustment, Mi Casa would not be restricted to a floor-area-ratio of 0.9 in the 35 ft RF-1 portion of the Property, nor would Mi Casa require additional variance relief from Subtitle A-207.1(d).

Please let me know if you have any further questions.

DISCLAIMER: This email is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this email are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this email. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This email is **NOT** a “final writing”, as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this email based on the information submitted for the Zoning Administrator’s review. Therefore this email does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

Matthew Le Grant

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From: Moldenhauer, Meridith [<mailto:MMoldenhauer@cozen.com>]
Sent: Wednesday, September 11, 2019 7:48 AM
To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Cc: DeBear, Eric J. <EDeBear@cozen.com>
Subject: Zone Boundary Crossing Lot / Mi Casa - Florida and Q Street NW

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Matt,

Thank you for taking the time to discuss our client Mi Casa Inc.’s proposed project in BZA Case 20095. Mi Casa is a non-profit, affordable housing developer that is seeking to redevelop vacant property at the intersection of Florida Avenue and Q Street NW (Square 615, Lots 825, 806, 148, 149,150,151,152, 75) (the “Property”). A copy of the zoning map is attached. Mi Casa is proposing a mixed-use project with 24 affordable units and ground level retail space.

As part of the zoning application, Mi Casa is requesting special exception relief pursuant to Subtitle A-207.2 (zone boundary crossing a lot line) and variance relief from the preamble of Subtitle A-207.1 (requiring single ownership of lots

as of May 1958). The relief would allow Mi Casa to extend the MU-4 zone boundary line over the portion of the Property that is currently zoned RF-1. However, as part of this case, OP's report raises a question as to how the Zoning Administrator might apply Subtitle A-2071.(d) and whether it restricts the RF-1 portion of the Property to 0.9 FAR notwithstanding the relief to move the zone boundary line. A copy of OP's report is attached. Under OP's interpretation, Mi Casa would require additional variance relief from Subtitle A-207.1(d).

Per our discussion yesterday on September 10th, you confirmed that our requested relief was correct and you clarified how to interpret Subtitle A-207.1(d). In our meeting you determined that Subtitle A-207.1(d) means: For zones in which there is no designated floor-area-ratio, such as the R zones and the RF zones, Subtitle A-207.1(d) is applied to dictate the floor-area-ratio when the R and RF zones are the **less** restrictive zones.

Here, Subtitle A-207.1(d) does not apply to the Property because the RF-1 zone is the **more** restrictive zone, and Mi Casa is requesting to move the less restrictive MU-4 zone boundary line. Accordingly, if special exception relief from Subtitle A-207.2 is granted by the Board of Zoning Adjustment, Mi Casa would not be restricted to a floor-area-ratio of 0.9 in the 35 ft RF-1 portion of the Property, nor would Mi Casa require additional variance relief from Subtitle A-207.1(d).

As noted today, we would greatly appreciate a response before the end of this week, as we would like to file your written confirmation into the BZA case record before the hearing on September 18th.

Thank you,
Meridith

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