

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



October 20, 2009

Kinley R. Bray, Esq. and Ellen McCarthy, Director of Planning and Land Use
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

Re: Proposed Combined Lot Development - Square 483 & Lot 62 in Square 515N

Dear Ms. Bray and Ms. McCarthy:

Following our meetings on May 22nd, August 12th, and October 9th, 2009 regarding the proposed Combined Lot Development (CLD) between properties owned by your clients, Steuart Investment Co. and Steuart Square N515/A Company, located on Lot 9 in Square 483 and on Lot 62 in Square 515N, I have reviewed the applicable regulations and have determined that the proposed CLD does not comply with the requirements of Chapter 17, the Downtown Development District (DD) of the D.C. Zoning Regulations.

The provision governing the proposed CLD transaction is 11 DCMR 1706.7(b)(2), as provided below:

(b) *Except for historic landmarks and properties listed in § 1707.4 in the Downtown Historic District, the maximum FAR limitations in §§ 1706.4, 1706.5, and 1706.6 shall not apply to any lot that devotes the increase in gross floor area entirely to residential use on-site; provided:*

- (1) *The increase in gross floor area shall not be used to meet the minimum residential requirements of §§ 1706.4, 1706.5, or 1706.6, and*
- (2) *The maximum residential FAR that may be accepted through combined lot development is listed in the following table:*

ZONE DISTRICT OF THE LOT RECEIVING HOUSING	MAXIMUM ALLOWABLE COMBINED LOT TRANSFER (FAR)
DD/C-2-C	3.5
DD/C-3-C	6.0
DD/C-4	8.0

2009 DEC 21 PM 4:28

OFFICE OF ZONING

BOARD OF ZONING ADJUSTMENT
District of Columbia
Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4576 Fax: (202) 442-4871

CASE NO. 18041

EXHIBIT NO. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 18041
EXHIBIT NO. 3

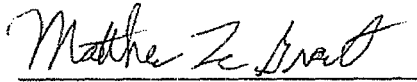
October 20, 2009
Letter on Steuart CLD

Based on your representations, Lot 62 in Square 515N (the "Residential Receiving Lot") is zoned DD/C-2-C, contains 42,824 square feet of land area, and has a minimum residential requirement of 4.5 FAR. Further, Lot 9 in Square 483 (the "Non-Residential Sending Lot") is zoned DD/C-3-C, contains 56,339 square feet of land area, and has a minimum residential requirement of 3.5 FAR. Pursuant to § 1706.7(b)(2), the Residential Receiving Lot may receive no more than 3.5 FAR, or 149,885 square feet, of residential uses through CLD. Since the proposed CLD provides for the Residential Receiving Lot to receive residential square feet in excess of 3.5 FAR, § 1706.7(b)(2) prohibits the CLD transaction.

Accordingly, I cannot approve the CLD as described your email and attachments of October 15, 2009, as it does not comply with the requirements of Chapter 17 of the Zoning Regulations.

Should you have any questions, please contact me.

Sincerely,


Matthew Le Grant
Zoning Administrator

2009 DEC 21 PM 4:28
OFFICE OF ZONING

EXHIBIT A
Steuart Investments Proposed Combined Lot Development
Square 483 and Square N515, Lot 62

	A	B	C	D
1		Square 483	Square N515 Lot 62	Combined
2	Land Area:	56,339	42,824	99,163
3	Zoning	DD/C3C	DD/C2C	
4				
5	Minimum Required Residential FAR	3.5	4.5	3.93
6	Minimum Required Residential GFA	197,187	192,708	389,895
7				
8	Maximum Permitted (Matter of Right) Commercial Density FAR	6.0	3.5	4.92
9	Maximum Permitted (Matter of Right) Commercial Density GFA	338,034	149,884	487,918
10				
11	Total Underlying Density of Lots	535,221	342,592	877,813
12	FAR Density Before any TDRs	9.5	8.0	8.85
13				
14				
15	Commercial Density Components Placed on- 483			
16	Commercial Density - 483	338,034		
17	Commercial Density -N515 (62)	149,884		
18	Total Permitted Commercial Density	487,918		
19				
20	FAR/Square 483 after transfer	8.66		
21				
22	Residential Density Required - Placed on N515(62)			
23	Required Residential 483		197,187	
24	Required Residential N515(62)		192,708	
25	Total Required Residential Density		389,895	
26				
27	FAR Square 515N Lot 62 after transfer		9.10	
28				
29	Overall Density of the Combined Lots prior to TDRs			8.85
30	(GFA Square 483 + GFA Lot 62 Square 515N / Combined Area)			
31				
32	Additional Density through TDRs (already purchased & recorded)			
33	Commercial Density TDRs (FAR)	0.5	0.5	
34	Commercial Density TDRs (GFA)	28,170	21,412	49,582
35	TDR Density Applied to Square 483	49,582		
36				
37	Total Density of Square 483 (GFA with TDRs)	537,501		
38	FAR Square 483 (With TDRs)	9.54		
39				
40	Total GFA Permitted with TDRs	563,390	364,004	927,394
41	Total FAR Density Permitted with TDRs	10.0	8.5	9.35
42				
43	Proposed Density of Combined Lot Development	537,501	389,895	927,396

64-1111 12-3-98
 927,396
 9.35
 927,396
 C. 0.0
 DEPT. OF ZONING
 2009