

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



MEMORANDUM

April 10, 2015

From: Matthew Le Grant, Zoning Administrator - DCRA *m22*
To: Joel. Lawson, Associate Director, Development Review - DC Office of Planning
RE: BZA Questions regarding BZA # 18884, 1351 Wisconsin Avenue, N.W:

Please find below a summary of my Office's responses to the inquiry from the BZA:

1. The BZA questioned whether the connection provided between the theater and the residence was a "meaningful connection," which would allow for the provision of one principal building on the lot. Based on our discussion and the latest floor plans, because the connection allows for pedestrian passage through one part of the building into another at ground level or above, it is considered a meaningful connection. This decision is consistent with previous Board interpretations, most recently for the denial of Appeal Application No. 18735 of NH Street Holdings, LLC.
2. The BZA also questioned the FAR calculations provided by the applicant for this case, and if the floor area had been exceeded through the transfer of FAR from the R-3 zoned portion of the lot to the C-2-A zoned portion.
3. Section 2514.2 of the Zoning Regulations does not anticipate that § 2514.1, allowing the transfer of bulk from a more restrictive zone [here R-3] to a lesser restrictive zone [here C-2-A] by right, would be used in conjunction with one another.
4. In this case, the applicant has already transferred the allowable bulk from the R-3 zoned portion of the lot to the C-2-A zoned portion under Section 2514.1. The area in question is that portion of the lot within 35 feet of the zoning boundary which is 1,120 square feet, and § 2514.1(d) allows for the transfer of 60% of the that area to the C-2-A zone, which is 672 square feet. As a result of this transfer, additional floor area in this 35-foot section of the R-3 zone is not permitted.
5. The provision does not allow for additional floor area by multiplying 672 square feet by the permitted 2.5 FAR in the C-2-A zone, as has been done by the applicant. The applicant has already received a building permit for the construction of a vertical addition to the existing

building in the C-2-A zoned portion of the lot, which is not part of the request for relief in the subject application.

6. The applicant proposes to construct a loggia that would connect the theater to the proposed residence, of which 317.5 square feet is located in the 35-foot section of the R-3 zone. The entire area of the loggia is 404.8 square feet.
7. Given that the bulk permitted in the 35-foot section in the R-3 zone has already been transferred to the C-2-A zone, special exception relief from § 2514.1 is required for the proposed 317.5 square feet located in this section.

I hope this information is helpful for the Office of Planning and the Board of Zoning Adjustment.