

Subject: FW: REQUEST FOR CONFIRMATION--Capitol East Apartments--Square 914

From: LeGrant, Matt (DCRA) [<mailto:matthew.legrant@dc.gov>]
Sent: Monday, February 05, 2018 1:54 PM
To: Collins, Christopher H (WAS - X77841) <chris.collins@hklaw.com>
Subject: FW: REQUEST FOR CONFIRMATION--Capitol East Apartments--Square 914

Chris Collins-

By means of this email I agree with the analysis and conclusions in your email below, and as illustrated in the attachments, and specifically that:

1. The subdivision to create a single record lot for both buildings will require BZA review as outlined below.
2. The proposed penthouse improvements for both buildings as shown in the attached plan set are permitted as a matter of right.

Please let me know if you have any further questions.

Matthew Le Grant | Zoning Administrator, *Office of the Zoning Administrator*
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From: chris.collins@hklaw.com [<mailto:chris.collins@hklaw.com>]
Sent: Sunday, February 04, 2018 2:39 PM
To: LeGrant, Matt (DCRA)
Subject: REQUEST FOR CONFIRMATION--Capitol East Apartments--Square 914

Dear Matt—This memo is to confirm the matters discussed in your office recently regarding the Capitol East Apartments in Square 914 at 816 E Street, NE (Lot 55) (Building #1) and 518 9th Street, NE (Lot 54) (Building #2). The lots are both zoned RF-1, and are nonconforming structures as to height and number of stories, and nonconforming apartment house uses. Attached is a plat of the two adjacent lots at the northwest corner of 9th and E Streets, NE, as well as a prior ruling that you provided on a parking issue and a rooftop issue for the properties.

Single Record Lot

The two existing adjacent nonconforming four-story apartment buildings are in single ownership and are each located on a separate record lot. In order to facilitate compliance with DDOE storm water management requirements with maximum flexibility, the owners propose to place both buildings on a single record lot. In our meeting, you confirmed that there are two ways to achieve a single record lot for the two adjacent properties:

Board of Zoning Adjustment
District of Columbia
CASE NO.19799
EXHIBIT NO.8

1. The owner could combine the two nonconforming apartment buildings into one single building for zoning purposes as a matter of right, per Sec. B-309 of ZR16. This would require an above-grade physical connection that satisfies the requirements of Sec. B-309.1; or
2. The owner could file an application for a theoretical lot subdivision at the BZA per Sec. C-305, as an exception to Sec. C-302.2. As long as the number of units in the two buildings is not being increased, and the building envelopes (not including the penthouse structures) are not being increased, this subdivision would not require any other relief from the BZA.

Rooftop Improvements

As a follow-up to the attached confirmation, attached are additional drawings regarding the existing and proposed rooftop improvements for Building #1 (Lot 55) and Building #2 (Lot 54). These penthouse additions are permitted as a matter of right, notwithstanding that Buildings #1 and #2 are nonconforming structures (height, number of stories) devoted to a nonconforming use (apartment house) in the RF-1 zone. The proposed rooftop improvements on Building #1 include an elevator lobby, and additional rooftop stairway, an enlarged elevator penthouse, a roof deck and railing, an enclosed habitable space, a pool, and a mechanical enclosure. Similarly, the 2/1/18 plans show the existing and more modest proposed penthouse features for Building #2, including an extension of the stair tower and elevator penthouse and a mechanical screen wall. The 2/1/18 plans illustrate these features and also show the proposed heights and setbacks of the various penthouse features.

Conclusions

1. The subdivision to create a single record lot for both buildings will require BZA review as outlined above.
2. The proposed penthouse improvements for both buildings are permitted as a matter of right.

If you agree with the foregoing, please so indicate by return email. Thank you.

Respectfully,

Christopher H. Collins, LEED AP | Holland & Knight

Partner

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