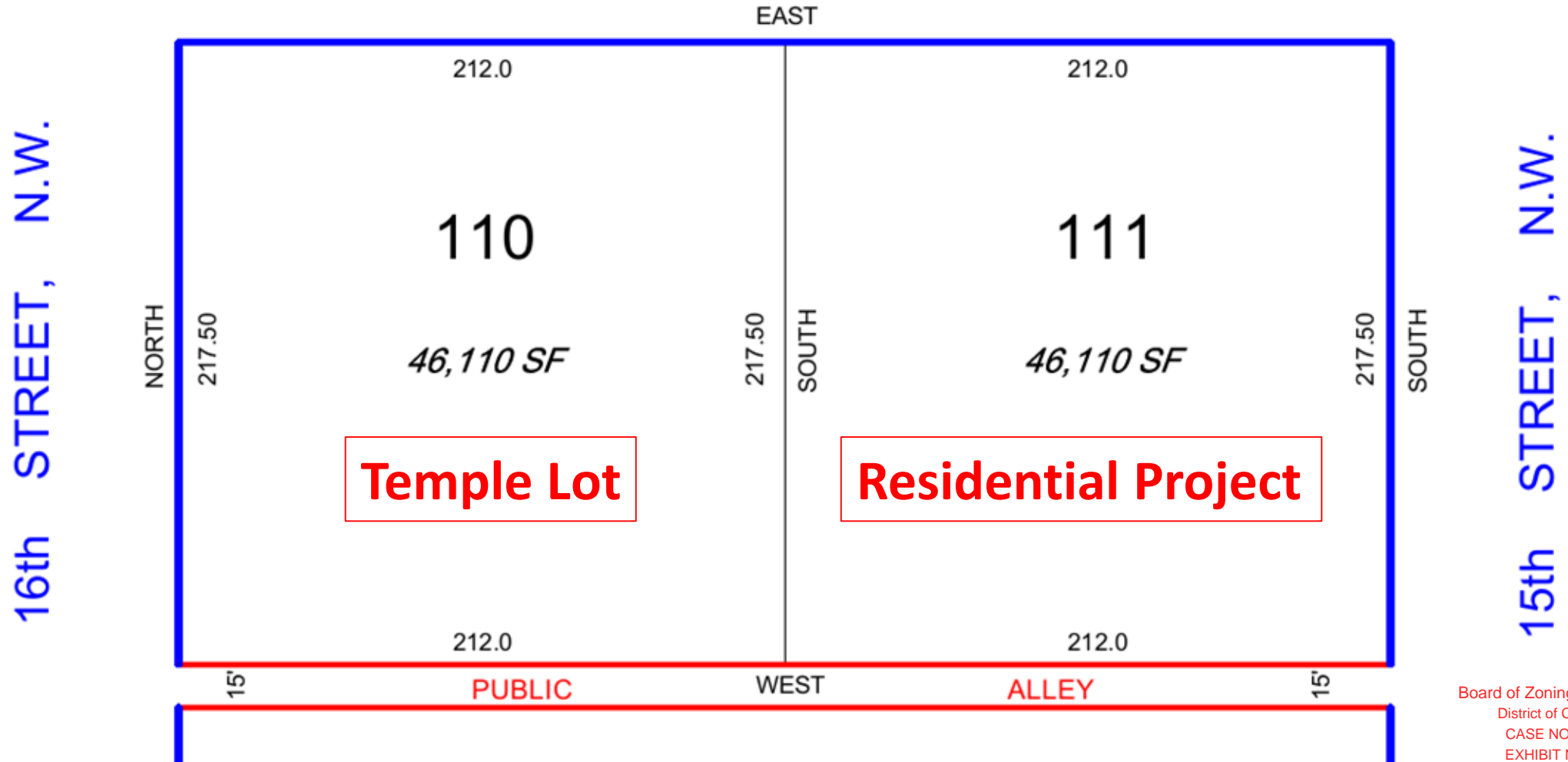


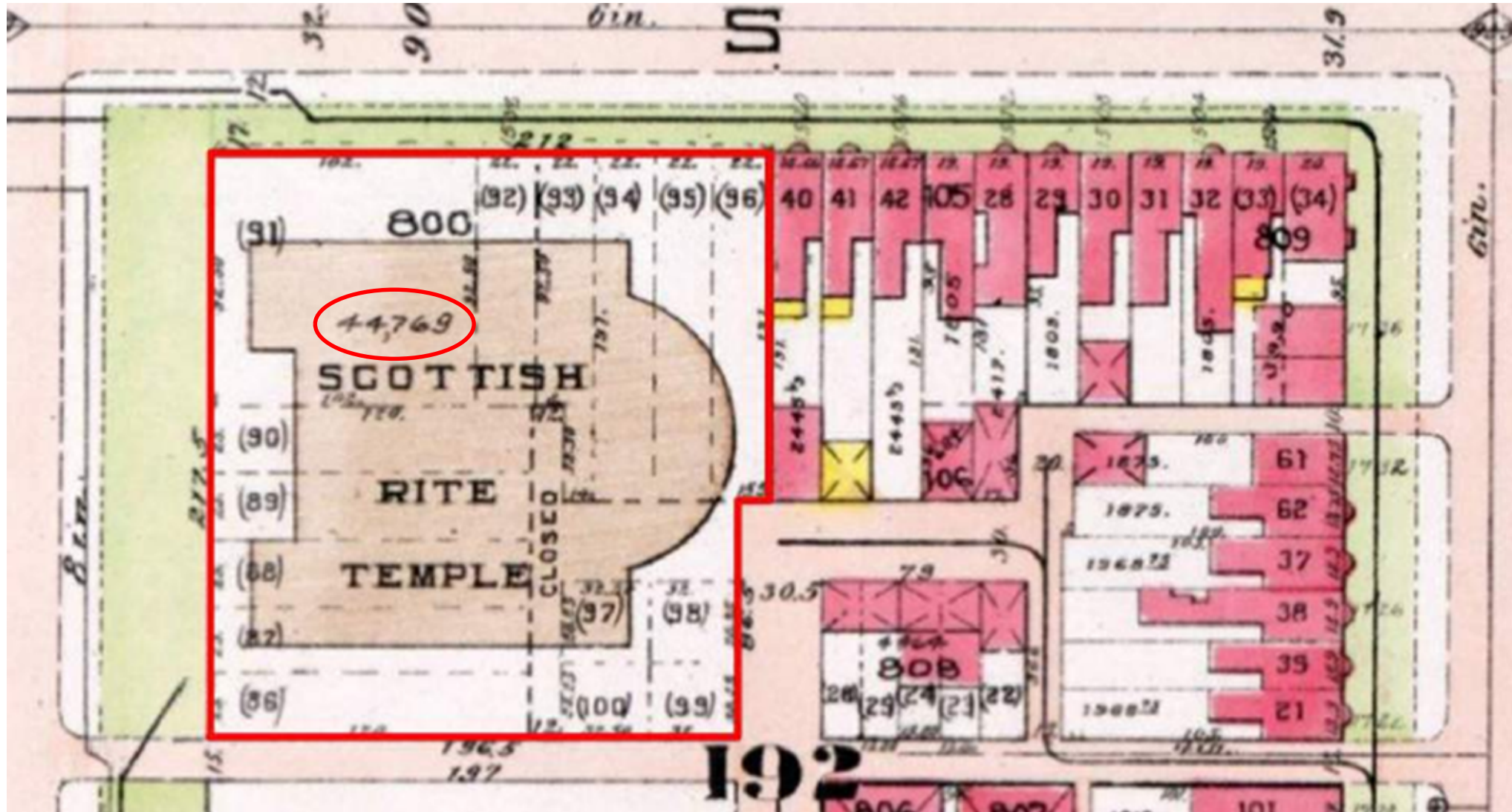
Approved Subdivision Plat

S STREET, N.W.



Board of Zoning Adjustment
District of Columbia
CASE NO.20453
EXHIBIT NO.111

Original Temple Lot: 1919 Baist Map



Rear Yard: South Side of Temple

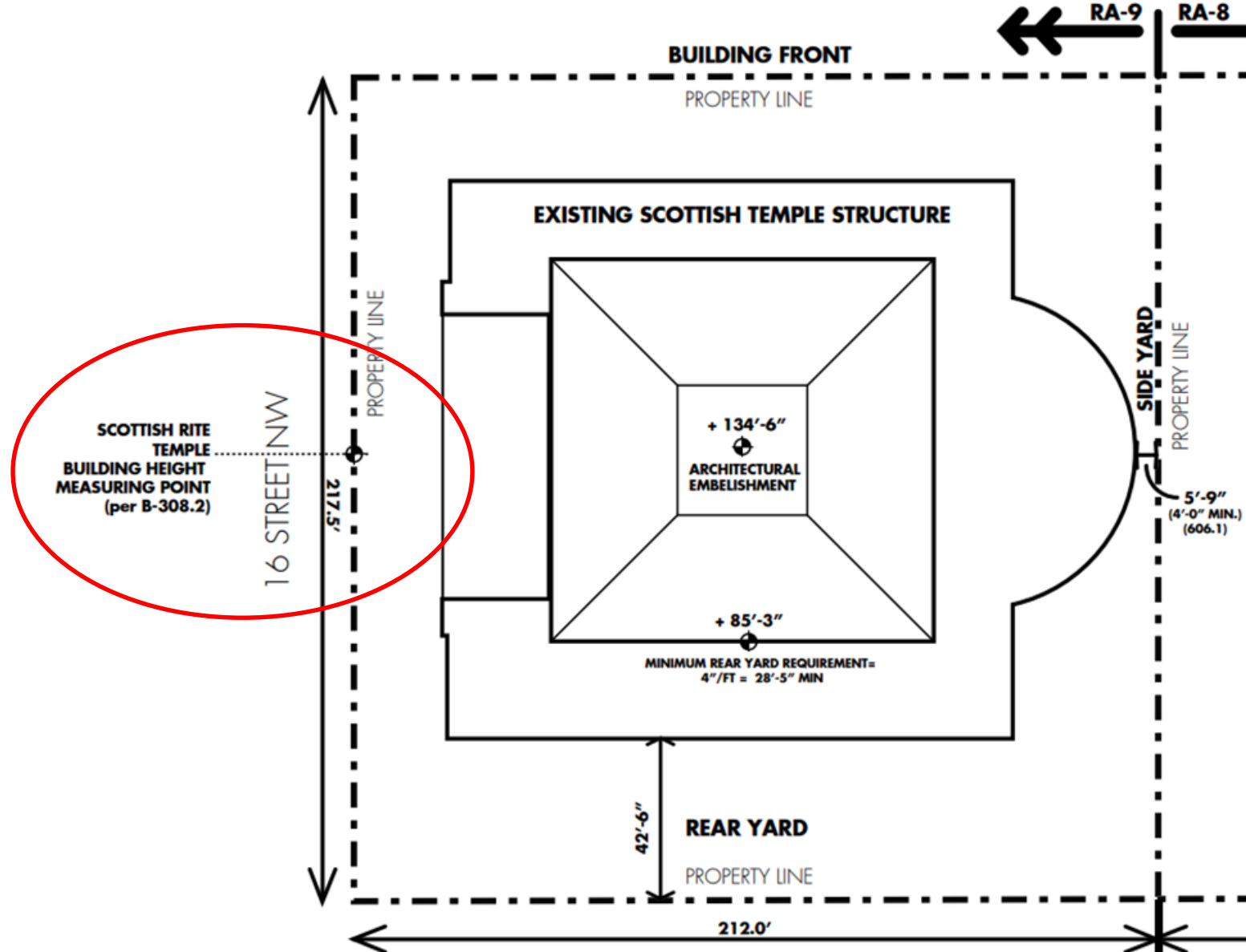
- “Street Frontage” Definition (§ B-100.1). “When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.”
- *Appeal No. 18152 of ANC 1D (2012) (Mount Pleasant Library Appeal)*
“[A]ny prior designation of the front of a building does not bind the property owner . . . so long as the existing building will remain conforming. The Zoning Regulations do not prohibit this result and the flexibility it affords is consistent with the intent of the regulations.”

Rear Yard: South Side of Temple

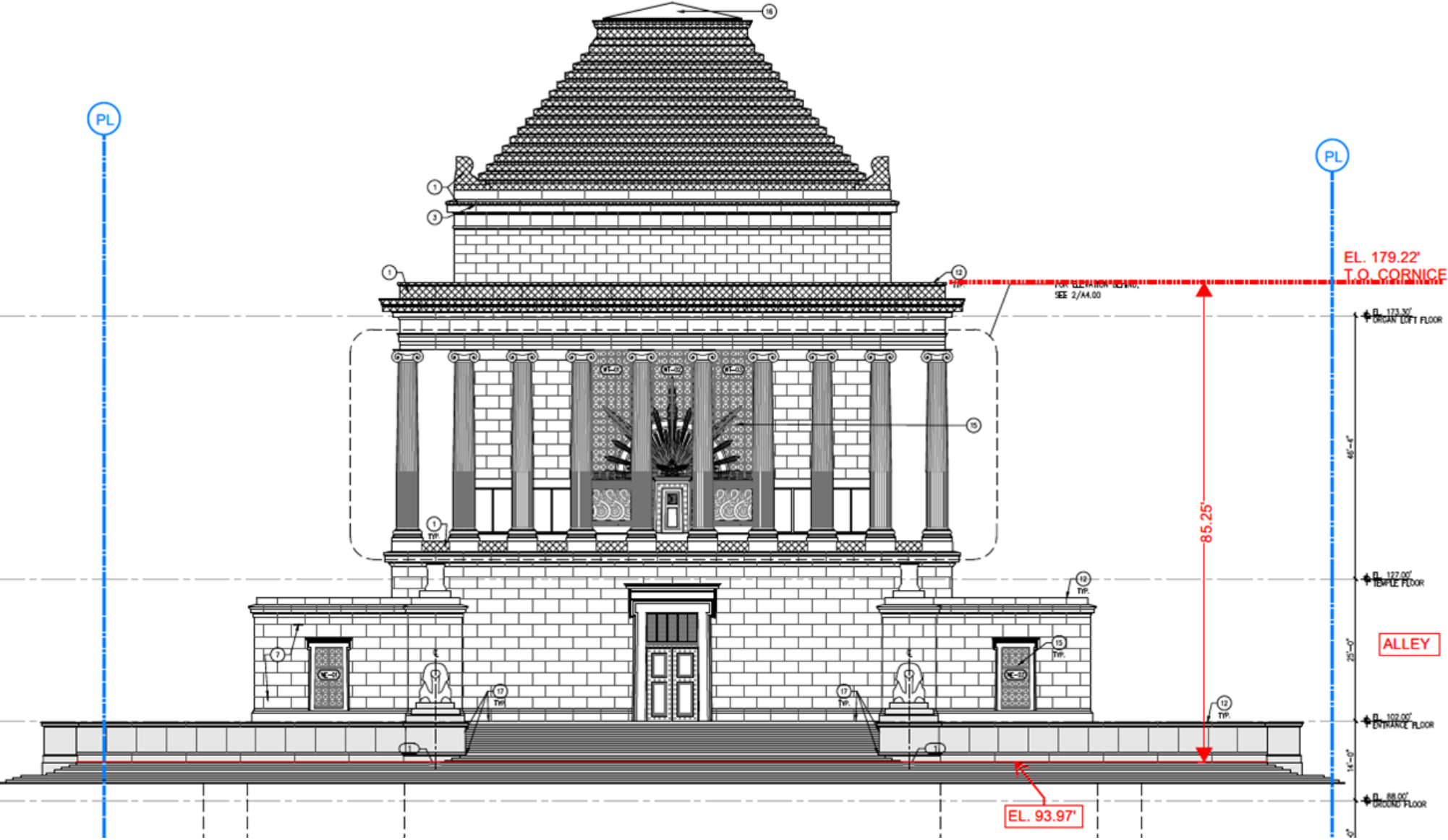
Appeal No. 19080 of Adams Morgan Neighbors for Action (2016) (Line Hotel Appeal)

“Nor, stated the ZA, is the selection of street frontage tied in any way to the measurement of building height; i.e. the ZA testified that ‘measuring the building height can occur on another street frontage besides the choice of the frontage for the frontage of the lot.’ . . . The Board believes this is a reasonable interpretation. The Board agrees with the position advanced by DCRA’s counsel, that there is a distinction built into the Zoning Regulations between the determination of ‘street frontage’ and the ‘front’ of a building. Street frontage is used, among other things, to determine the rear lot line designation; whereas, building frontage is used to measure building height.”

Building Height Measuring Point



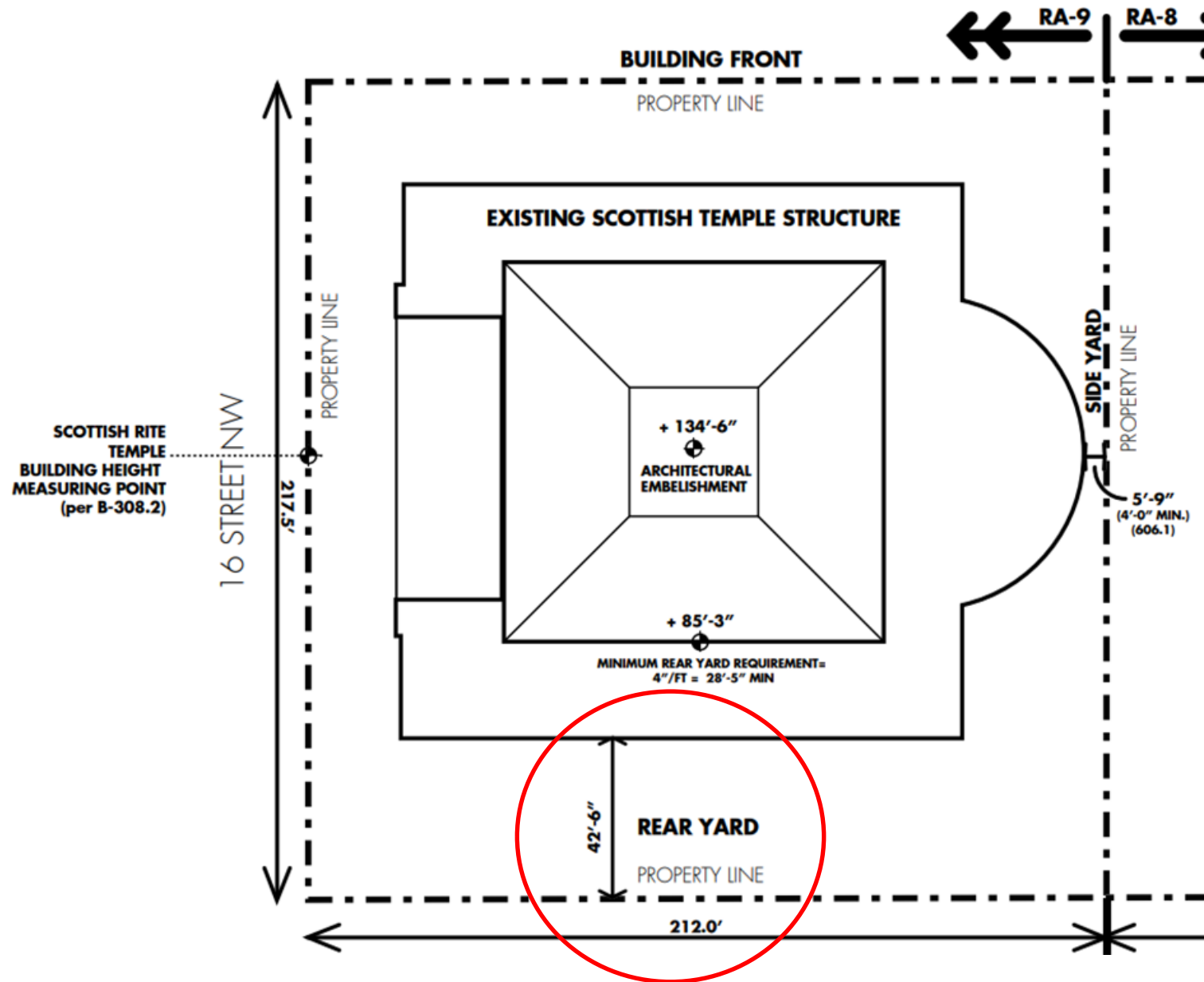
Building Height: West (16th Street) Elevation



Building Height: Architectural Embellishments

- 1910 Height of Buildings Act, Section 5: “Spires, towers, *domes*, minarets, pinnacles, pent houses over elevator . . . may be erected to a greater height than any limit prescribed in this Act when and as the same may be approved by the Commissioners of the District of Columbia.”
- Section C-1501.3: “Architectural embellishments consisting of spires, tower, *domes*, minarets, and pinnacles may be erected to a greater height than any limit prescribed by these regulations or the Height Act, provided the architectural embellishment does not result in the appearance of a raised building height for more than thirty percent (30%) of the wall on which the architectural embellishment is located.”

Rear Yard Measurement



Rear Yard Measurement

- Definition of Yard: “An exterior space, other than a court, on the same lot with a building or structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title”
- Analogous to Board’s decision in *Appeal No. 18888 of Adams Morgan for Reasonable Development* (2017), in which the Board affirmed that a ramp leading down to a below-grade garage did not violate the rear yard requirement.

Rear Yard Measurement

Section B-324:

Every part of a yard required under this title shall be open and unobstructed to the sky from the ground up except as follows:

- (a) A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code Supplements, Title 12 DCMR, shall not be calculated in the measurement of this height;
- (b) A fence or retaining wall constructed in accordance with the Construction Code may occupy any yard required under the provisions of this title; and
- (c) Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the Construction Code.

Section B-318.2: “The depth of a required rear yard shall be measured as the **mean horizontal distance** between the rear line of a building and the rear lot line, except as provided elsewhere in this title.”

Building Height to Calculate Rear Yard

- Even if building height were measured from S Street NW and even if it were measured from the bottom of the areaway, the rear yard would still comply.
- In that case the building height would be 102.7' resulting in a minimum rear yard requirement of 34.2'. The rear yard is 42.5' and thus complies.

Side Yard: Temple Complies

- No side yard requirement along 16th Street: under § F-606.4, in the RA-9 zone, a side yard is not required along a side street abutting a corner lot.
- East side yard complies: under § F-606.1, the minimum requirement is 4' and the Temple's side yard is 5'9".

Parking and Loading: Not Triggered Because No Addition

- Section C-701.2: “Where required, the minimum parking requirements set forth in Subtitle C § 701.5, in addition to any specific parking requirements of this title, **shall be met when a new building is being constructed.**”
- Section C-901.2: “The loading requirements **shall be met when a new building or structure is being constructed.**”

Building Height: Not Reviewed for Subdivisions

- Building height, as a standalone requirement, is not one of the development standards reviewed for an application for subdivision.
- Section C-302.1 does not list building height as a requirement:
“Where a lot is divided, the division shall be effected in a manner that will not violate any provision of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created”
- In any event, as demonstrated the Temple has a height of 85.25’, within the maximum 90’ permitted in the RA-9 zone, and further was constructed prior to the adoption of the Zoning Regulations.

Purpose and Intent Provisions: Not Applicable to Subdivision

- Purpose and intent provisions are outside the scope of the Zoning Administrator's review, and the ZA has no authority to deny (or approve) an application for subdivision based on such provisions.
- *Appeal No. 18429 of Edward V. Hanlon (2013)*: “[P]urpose provisions . . . are merely precatory and do not alter the matter of right standard.”
- The approved Subdivision is fully consistent with the purpose and intent of the RA-8 and RA-9 zones because it will permit construction of a new residential apartment building, which will include affordable units.

THANK YOU