

From: LeGrant, Matt (DCRA) [<mailto:matthew.legrant@dc.gov>]
Sent: Thursday, October 20, 2016 2:10 PM
To: Freeman, Kyrus L (WAS - X75978) <Kyrus.Freeman@hklaw.com>
Subject: RE: Confirmation That FAR Relief Not Required

Kyrus Freeman-

I agree that the analysis and conclusions in your below email are correct, and specifically that my determination is that no FAR relief is required for Lot/Building C.

Please let me know if you have any further questions on this matter.

Matthew Le Grant
Zoning Administrator- DCRA
1100 4th ST SW, Washington DC
202 442-4652
Matthew.legrant@dc.gov

From: Kyrus.Freeman@hklaw.com [<mailto:Kyrus.Freeman@hklaw.com>]
Sent: Thursday, October 20, 2016 12:50 PM
To: LeGrant, Matt (DCRA)
Subject: RE: Confirmation That FAR Relief Not Required

Hi Matt- Our Zoning Commission hearing on this case is this evening. Any chance you can email me your confirmation this afternoon? Thanks.

From: Freeman, Kyrus L (WAS - X75978)
Sent: Tuesday, October 11, 2016 1:27 PM
To: 'LeGrant, Matt (DCRA)' <matthew.legrant@dc.gov>
Subject: Confirmation That FAR Relief Not Required

Mr. LeGrant - I am writing to confirm our discussion on September 28th regarding the pending Zoning Commission Case No. 15-27 filed by KF Morse, LLC.

As described during the meeting, on October 30, 2015, KF Morse filed applications with the Zoning Commission requesting approval of a consolidated PUD, a first-stage PUD, and a related zoning map amendment from the M and C-M-1 Zone Districts to the C-3-C Zone District for property located at 300, 325, and 350 Morse Street, N.E. (the "Property"). At its April 25, 2016 public meeting, the Zoning Commission voted to set down the applications for a public hearing. Thus, the project is a vested project under ZR58.

A pdf that includes the site plan showing the overall project layout, and the development data/zoning computations is attached hereto as a pdf.

As shown on the pdf, the Applicant intends to maintain the existing, underlying record lot and to create separate A&T lots for the proposed new buildings. As shown on the “Maximum Floor Area Ratio” row of the development data chart labeled as Sheet 12, the PUD will have an overall density of 6.9 FAR, which is less than the permissible density of 8.0 FAR allowed for a PUD in the C-3-C zone. However, Lot/Building C will have a density of 8.9 FAR.

Section 2405.2 of ZR 58, which sets forth the PUD Standards, states: “The floor area ratio of all buildings shall not exceed *the aggregate of the floor area ratios as permitted in the several zone districts included within the project area*; provided, that the Zoning Commission may authorize minor deviations for good cause pursuant to § 2405.3:” (*emphasis added*). Based on this language, you confirmed that Lot/Building C does not need FAR relief since the aggregate of the floor area ratio within the project area is less than the maximum 8.0 FAR permitted for PUDs in the C-3-C zone district.

Please confirm by counter-email that the above accurately reflects your determination with respect to not requiring FAR relief for Lot/Building C.

Thank you, and please let me know if you have any questions or need any additional information.

Kyrus Freeman | Holland & Knight

Partner

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