



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**

October 30, 2018

Lawrence Ferris  
Goulston & Storrs  
1999 K Street, NW, Suite 500  
Washington, DC 20006

Re: 1733 16<sup>th</sup> Street, NW – Scottish Rite Temple Site, Square 192, Lot 108

Dear Mr. Ferris:

This letter is a comprehensive determination for your client’s project at 1733 16<sup>th</sup> Street NW (Square 192, Lot 108) (the “Property”). This determination combines the findings from my determination letter dated April 18, 2018, and the substance of our discussion on August 27, 2018.

**I. Background**

As shown on the plans attached to this letter, the Property is bounded by S Street NW to the north, 15<sup>th</sup> Street NW to the east, a public alley to the south, and 16<sup>th</sup> Street NW to the west. The Property is currently improved with the Scottish Rite Temple (“Temple”), located on the western portion of the lot, and a carriage house (“Carriage House”), located on the eastern portion of the lot along the alley to the south. The entire site is a designated historic landmark. The Property is split-zoned, with the western portion zoned RA-9 and the eastern portion zoned RA-8. Your client proposes to subdivide the Property into two separate record lots. The proposed subdivision will create a new lot line that will be coterminous with the zone boundary line, bisecting the Property into a western lot occupied by the Temple (“Western Lot”) and an eastern lot (“Proposed Eastern Lot”). The Proposed Eastern lot will be bounded by S Street to the north, 15<sup>th</sup> Street to the east, a public alley to the south and the Western Lot to the west. The Proposed Eastern Lot will be developed with a new apartment building that will incorporate the existing Carriage House (the “Project”), as shown in the attached plans. This determination letter pertains to the Project.

**II. Zoning Issues**

**A. Rear Yard**

The Project will front on 15<sup>th</sup> Street NW, with the rear yard measured from the newly created lot line running through the Property. Based on the Project’s proposed height of 50 feet, under Subtitle F § 605.1, the rear yard requirement is 16.7 feet. Pursuant to Subtitle B § 318.2, the rear yard is measured as the “mean horizontal distance between the rear line of the building

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and the rear lot line.” In other words, the rear yard measurement may be “averaged” across the Project, and the Project satisfies rear yard requirements so long as this average meets or exceeds 16.7 feet. Notably, as shown in the site plan on Sheet A-1 of the attached plans, the existing Carriage House will not meet this rear yard requirement, providing a rear yard of only 14.6 feet. However, as outlined above, under Subtitle B § 318.2, the rear yard measurement for the Project will be based on the average across the entirety of the rear lot line. This average measurement is approximately 28.3 feet, which exceeds the minimum 16.7-foot requirement. Accordingly, the Project complies with the rear yard requirement of Subtitle F § 605.1.

B. Minimum Parking Requirement

Pursuant to Subtitle C § 702.1(a), the minimum parking requirement for the Project may be reduced by fifty percent (50%) if any part of the Proposed Eastern Lot is within one-half (0.5) mile of a Metrorail station. This distance is measured from the point of the lot line nearest the Metro station and is measured “as the crow flies,” as opposed to path-of-travel. The Proposed Eastern Lot line is approximately 1,865 feet or 0.35 miles from the U Street/African-American Civil War Memorial/Cardozo Metrorail station, and thus the Project qualifies for reduced minimum parking requirements under Subtitle C § 702.1(a).

C. Parking Ramp

Under Subtitle C § 711.8, a driveway that provides access to required parking spaces must have a maximum grade no greater than twelve percent (12%) with a vertical transition at the property line. The proposed ramp leading down to below-grade parking for the Project will have a varying slope, which at some points will exceed 12%. However, the vertical transition at the property line will not exceed twelve percent (12%), and thus the Project complies with Subtitle C § 711.8.

D. Court Niches

As indicated on Sheet A-1 of the attached plans, the Project will include several façade recesses. These recesses are decorative architectural treatments constituting “court niches,” as defined in Subtitle B § 100.2. They are not considered “courts,” as that term is defined in the Zoning Regulations, and are not required to satisfy minimum court requirements. Accordingly, the proposed court niches comply with the Zoning Regulations. This conclusion is not altered by the façade being pulled back from the property line as compared to the initial design reviewed in my determination letter dated April 18, 2018. In addition to the façade recesses along the north and eastern sides of the building, the recessed façade along the public alley to the south is also an architectural treatment designed to expand and enhance views of the historic Carriage House on the Proposed Eastern Lot and, thus, constitutes a court niche that is not subject to minimum court requirements.

Additionally, as shown on the attached site plan, the Project will include a compliant open court bordering the western lot line. This court is required to have a minimum width of four (4) inches per foot of height, but no less than 10 feet per Subtitle F § 202.1. The minimum open court width required in this case is 16.7 feet based on the Project’s height of 50 feet. The

court will have a width of 84 feet, as shown on the site plan. Thus, the Project will comply with minimum court requirements.

E. Areaways

As shown on the attached plans and elevations, the Project will include an areaway around the perimeter of the building. The areaway will provide access to duplex units on the “EB1” and “EB2” levels of the building. Because the areaway will project no more than five (5) feet from the building wall, the areaway is considered an exception to grade, as provided by the recent amendments to the Zoning Regulations adopted in Zoning Commission Case No. 17-18. Further, this maximum five (5) foot dimension is maintained around the corners of the building, as shown on the attached plans. Additionally, the areaways are considered “open to the sky” as required. The “bridges” and stairways over the area ways providing unit access from the street and to sunken patios on the “EB1” and “01” levels, as shown on Sheet A-8 of the attached plans, do not change this determination as they are grated. Similarly the two (2) foot deep cantilevered bays proposed along the northern façade and the four (4) foot deep cantilevered bay proposed along the eastern façade, as shown on Sheets A-6 through A-8 of the attached plans, do not alter the determination that the areaways are open to the sky because these projections are approximately 13.7 feet and 3.7 feet, respectively, above grade.

F. FAR

As shown on Sheet A-10 of the attached plans, several units on the “EB1” level will provide sunken patios. These sunken patios project more than five (5) feet from the building wall and thus do not constitute window wells that would qualify as an exception to grade. Accordingly, finished grade would be established at the floor of these sunken patios and, using the perimeter wall method for measuring FAR prescribed by the Zoning Regulations, the unit space adjacent to these sunken patios counts towards the Project’s total FAR.

G. Lot Occupancy

As discussed at our meeting, the lot occupancy for the Project is measured based on the building area at the ground level of the building, as provided by Subtitle B §§ 312.2 and 312.3. This measurement includes the proposed bays, including the cantilevered bays proposed along 15<sup>th</sup> Street NW and S Street NW, but does not include the retaining walls enclosing the proposed areaways.

**III. Conclusion**

Based on this analysis, the various Project features shown in the attached site plan and discussed above comply with the applicable provisions of the Zoning Regulations. Upon the presentation of proper plans, I would approve these aspects of the Project for zoning compliance in a building permit application review.

I believe I have addressed the issues we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments: Plan Set dated 9-25-18  
Determination Letter 4-18-18

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a “final writing”, as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator’s review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.