

April 12, 2018

via IZIS

Zoning Commission
441 4th Street, NW
Suite 200S
Washington, DC 20001

Re: Support Letter for Zoning Commission Case No. 17-23.

Dear Members of the Commission:

I am writing in support of the proposed text amendment known as Zoning Commission Case No. 17-23. I am the owner for the properties located at 79-81 U Street, NW. I submitted a permit to construct a row dwelling on each property last year. These two properties are record lots which are isolated from other houses due to their location. To the east of the lots is a public alley. To the west are the rear yards of perpendicular-facing lots. I have been told that the corner lot exception to this side yard requirement does not apply to lots which abut an alley.

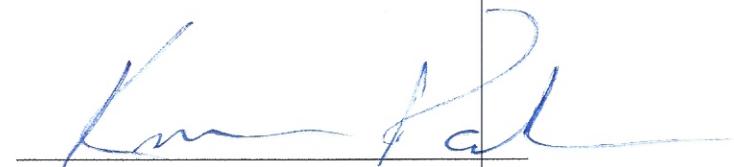
When I invested in these properties, there was no side yard requirement and was issued an approved PDRM letter by the Zoning Administrator (See Attached), and I was permitted to construct a row house on each of the two lots. I had even relied on professional advice on this point. The lots are 18-feet wide; the same width as most other lots in this area. The side yard requirement would make both lots unbuildable. Even if I could combine the two properties, I could build a house which is only 26-feet wide, with 10 feet of side yards. One of those side yards would be adjacent to a public alley, which is a situation I have not seen anywhere else in row house districts. That scenario would be an economic catastrophe for me, as both lots were buildable lots when I purchased them.

I was stunned when I was told, in my permit process, that I would now be required to provide 5-foot side yards for each of my two proposed homes. There is not a home in this area that has a side yard, and the planning principle or objective that would require a side yard in a row house district is unknown to me.

I have been in this industry for 20 years and I have never seen a rule that would effectively prohibit row houses in the row house district.

I therefore strongly support the proposal to delete this provision and reinstate the prior rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Palka".

Kevin Palka

Owner 79-81 U Street NW
703-201-5330

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



June 23, 2017

Ronald Schneck Jr., AIA
Square 134 Architects, PLLC

Re: Zoning PDRM – 79-81 U Street NW – Square 3117, Lots 0068 & 0069 (the “Property”)

Dear Mr. Schneck:

This letter (and attached drawings) is in reference to a PDRM you and your client attended with my staff on April 5th, 2017, regarding your client’s intended development at the Property referenced above. I would like to memorialize these discussions regarding your client’s proposed redevelopment of the property and as discussed here the proposed project complies with the current Zoning Regulations.

The Property is located in the RF-1 District and is not located in a historic district. Each of the lots are 1,224 SF in size. At present, the Property is two neighboring vacant lots. The proposed development will involve the new construction of one 2-unit residential flat per lot (the “Project”). Although, the proposed development will be built on the lots simultaneously, each lot is considered a separate project and the zoning requirements apply to each site individually. The property fronts on U Street NW and is bound to the East by an alley.

The compliance that we discussed is as summarized below:

1 – Floor Area Ratio: For RF Zones, Floor Area Ratio is not applicable. There are no maximum FAR requirements for this zone. In general, FAR includes areas under overhangs; however, the cellar floor area does not count according to the rules of measurement under Subtitle B-304.5. For the cellar level, the allowable height is less than 6'-0" from grade to top of ground floor (previous zoning code had a limit of 4'-0"). Balconies 2'-0" in depth do not count towards FAR. Projections into public space including bays, balconies and areaways do not count towards FAR.

2 – Building Height: The allowable maximum building height in this zone is thirty-five feet (35 ft.) and three (3) stories, excluding penthouse structures per Subtitle E-303.1. The Building Height Measuring Point (BHMP) for the building height is from grade at the midpoint of the front elevation to the highest point of the roof, excluding parapets and balustrades. The highest point of the roof is the top of its structure. The maximum height for a penthouse is 12'-0" per Subtitle E 303.7.

3 – Density / Lot Dimensions: The property is a non-conforming lot size and does not meet the minimum lot width and lot area requirements listed in Table E-201.1. However, the property's record lots existed prior to the 2016 Zoning Regulations. Per Subtitle C-301.1 the lots are considered conforming lots for the purposes of the building permits and uses of the zone in which the lots are located.

4 – Lot Occupancy: The maximum allowable lot occupancy is 60%. Per Subtitle A-304.2, the Zoning Administrator is authorized to permit deviations not to exceed two percent (2%) of the area requirements governing maximum percentage of lot occupancy. The project's proposed lot occupancy is 61.9% with the Zoning Administrator's approved minor flexibility. Balconies 2'-0" in depth, do not count towards lot occupancy. Projections into public space including bays, balconies and areaways do not count towards lot occupancy. Uncovered stairs and landings that serve the main floor do not count toward lot occupancy.

5 – Pervious Surface: The Property's existing lots are each less than 1,800 SF. Per Subtitle E-204.1 the proposed development does not have any required minimum pervious surface requirements.

6 – Penthouse Requirements: A penthouse structure may only be allowed as a special exception under Subtitle X, Chapter 9. The project can provide an exterior staircase to access the rooftop deck and mechanical equipment by matter-of-right. The property's rooftop deck and mechanical equipment will meet the setback requirements per Subtitle C-1502. Parapets are not required to be setback from the edge of a roof.

7 – Easement Requirements: The attached document provides the metes and bounds illustrating the location of the parking easement on grade. The described easement shall be treated as a property line. There are no additional setback requirements from the edge of an easement.

8 – Court Requirements: RF Zones are allowed to have a court per Subtitle E-203.1. For detached, semi-detached and attached dwellings and flats, there are no minimum court widths or minimum court areas. The proposed development does not create a court in accommodating the easement requirements.

9 – Rear Yard Setback: The minimum rear yard setback shall be twenty feet (20 ft.) in RF-1 Zones, per Subtitle E-306.1. The text amendment per Z.C. Case No. 14-11B does not apply to the Property because there are no adjacent buildings. To the east, the Property adjoins the alley and the neighboring properties to the west are perpendicular to the proposed development. The adjacent properties' rear yards face the side wall of the proposed development.

10 – Side Yard Setback: No side yard is required for a principal building. The proposed development does not create a side yard in accommodating the easement requirements. The property does not require a 5'-0" Setback at the easement.

11 – Parking: The parking requirements for an RF Zone are 1 parking space per 2 dwelling units. The requirement for the Property is 1 parking space per lot. Parking spaces are 18' x 9'. Existing physical constraints prevent vehicular access to Lot 0069. An easement (see #7, above) will be placed on a portion of Lots 0068 & Lots 0069 to allow for two parking spaces to be provided perpendicular to the Alley along the east edge of the Property. The parking resolution described in the attached document will be considered acceptable to meet parking requirements for both lots.

12 – Bicycle Parking: Bike parking is not required for this property. The proposed project does not have eight (8) or more dwelling units.

13 – Areaways: The areaway at the front of the building will not exceed 5'-0" from the existing building face. The areaway does not count towards FAR, lot occupancy, or affect grade calculations. The areaway can meet the depth as listed in Public Space, provided the areaway does not extend from property line to property line.

14 – Green Area Ratio: Properties in RF Zones are not required to provide a GAR per Subtitle C-601.2.

15 – Inclusionary Zoning: The Property is not required to provide Inclusionary Zoning Dwelling Units per Subtitle C-1001.2. The two buildings will not have more than 10 units.

Conclusion:

Based on the attached drawings, I find the proposed redevelopment of the Property complies with the RF-1 District requirements, and is permitted as a matter-of-right. Accordingly, when you file the drawings for a building permit, I will approve drawings that are consistent with the plans attached to this letter. Please let me know if you have any further questions.

Sincerely,



Matt LeGrant
Zoning Administrator

Attachments:

- 1) Preliminary Architectural Drawings dated 4-15-17
- 2) Draft Easement