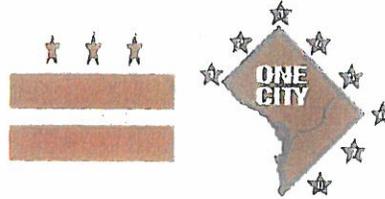


GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

March 31, 2014

Via Emailed PDF and US Mail



Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW- Suite 200
Washington, DC 20036

Re: 3821 14th Street, NW; Square 2825, Lot 812

Dear Mr. Sullivan:

This letter confirms my determination of the zoning matters discussed at our PDRM meeting on February 10, 2014, which also included the principals of S2 Development, Lee and Phil Simon, as well as architect Jason Grant, and Jamal Williams, of Emotive Architecture. The project involves a renovation of a pre-1958 building (the “Building”) located at 3821 14th Street, NW in the C-2-A zone district. The Building was constructed in or around 1920. From the information you have received from DCRA (including a C of O attached as Exhibit A hereto), it appears that the Building has been used as a funeral parlor since at least 1957. You are proposing to convert the Building to principally a residential use with nine (9) apartment units, and one unit to be used for nonresidential purposes.

I understand that since this meeting was scheduled, the owner has filed a building permit application – Building Permit Application No. B1403898.

In our meeting, I reviewed certain aspects of the building permit plans, and based on this review and on certain representations made by me (as noted below), I have made the following determinations:

1) Minor Flexibility from Section 776.3 for Court Width.

Section 776.3 of the Zoning Regulations provides that:

“Where a court is provided for a building or portion of a building devoted to residential uses, at any elevation in the court, the width of court shall be a minimum of four inches per foot (4 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than fifteen feet (15 ft.).”

The plans presented to me contain a court in the middle of the rear of the proposed addition. This court serves to provide additional light into two bedrooms on each floor of the Building. I have attached a copy of the plan pages representing the court as Exhibit B. At the open end of the court is a proposed exterior stairwell. Because this stairwell is not an exterior building wall, the court is an open court.

The required width of court for this court, based on a height measurement from grade to the top of the court area, is the minimum required fifteen (15) feet. The plans provide for a width of court of 13' 8", which is approximately 1' 4", or approximately 8.9%, short of the court width requirement. I have determined that granting flexibility for this deviation will not impair the purpose of the otherwise applicable regulations, and therefore I will approve the proposed deviation pursuant to 11 DCMR § 2522.1. The width of the Property is fixed, and such width allows a limited amount of room for the bedrooms at the rear of the Building in the area of the court. In addition, because the units in the Building require a second means of egress, the rear bedrooms have an exterior door for egress to the landing and exterior stairway. This doorway further limits the amount and placement of fixtures and furniture in the bedrooms, and otherwise requires open area in the room to be able to use that means of egress. Your client also represented that reducing the bedroom width from 10' 7" to 9' 11" would greatly impact the value and convenience of those bedrooms, and would have implications for the ease of egress to the required rear egress area. In addition, the existence of party walls on both sides of the Building also further constrains the room available for the rear bedrooms.

I also considered that since the court is completely interior to the Property and not affecting neighboring properties, and because the windows on this court face other windows, reducing the court width as proposed does not impair the purpose of the applicable regulations. You have provided a sketch, attached as Exhibit C hereto, which illustrates the limited amount of space in the bedroom and the impact of the more narrow width on the pathway to the required egress, and to the available space in general, in those rear bedrooms.

For all these reasons, I have determined that minor flexibility is justified, and I will grant the requested flexibility to provide a court width of 13' 8".

2) Minor Flexibility for Lot Occupancy of Sixty-Two Percent (62%).

I have also agreed to grant minor flexibility from the 60% lot occupancy limit for residential buildings in the C-2-A zone, to allow a maximum lot occupancy of sixty-two percent (62%). I understand that at a previous comprehensive preliminary design review meeting with DCRA officials, it was determined that you would need to provide a second

means of egress for the rear apartment units. The additional two percent (2%) of lot occupancy is a result of that requirement and the need to provide the rear exterior stairway and landings, which all count against lot occupancy. For this reason, I have determined that granting this minor flexibility will not impair the purpose of the otherwise applicable regulations, and my office will approve a lot occupancy of sixty-two percent (62%) for this project.

3) Confirmation of the Parking Requirement.

You have provided evidence that the Building was operated as a funeral parlor in 1957 (attached as Exhibit A). The parking requirement for a funeral parlor in the C-2-A zone is one space for each 10 seats of occupancy. Since such seats in the funeral parlor are not fixed, each seven square feet of space usable for seating is considered to be one seat. Based on a review of the plans, the approximate usable seating area is at least 630 square feet, which would translate to a parking credit of nine (9) spaces. The parking requirement for the new proposed use, without consideration of the 1958 use, would be five (5) parking spaces. Since this amount is less than what was required for the use of the Building in 1958, your current proposal has a parking space requirement of zero spaces.

Please feel free to contact me if you have any questions.

Sincerely, 

Matthew Le Grant
Zoning Administrator

Attachments: Floor Plans, Furniture layout/court sketch, Funereal Home COO