

April 4, 2024

VIA EMAIL

Cary Kadlecek, Esq.
Goulston & Storrs PC
ckadlecek@goulstonstorrs.com

Re: 1201-1219 Massachusetts Ave. NW – Confirmation of PDRM

Dear Mr. Kadlecek:

This letter summarizes the Preliminary Design Review Meeting held with Kwasi Cook on May 30, 2023. At the meeting, you discussed the addition to and partial conversion of the buildings located at 1201-1219 Massachusetts Ave. NW (Sq. 282, Lot 815) (“**Property**”). The Property is zoned D-1-R.

The Property is currently improved with a church, a small chapel, and two former row houses, all currently owned and used by the Church of the Ascension and Saint Agnes. All of these buildings are contributing to the Shaw Historic District, and the church building is an individual historic landmark.

The church proposes to convert and construct an addition to the former row houses to create a multifamily residential building, the non-historic additions to the chapel will be removed, and the area adjacent to and behind the chapel will be reconfigured and modified create a new entry area for the church (together, the “**Project**”), as shown in the included plans and drawings (“**Plans**”). All of the structures on the Property will be connected so that they are one building for zoning purposes. The Property currently contains approximately 25,370 square feet of gross floor area (“**GFA**”), and with the Project, the Property will contain approximately 44,986 square feet of GFA.

In particular, we confirmed the following:

1. The front build-to line requirement in Subtitle I § 203.1 will not apply to the Project. Although the cost of the proposed Project is expected to be more than 100% of the assessed value of the building, the Project will not be modifying the front of the building (the existing Massachusetts Avenue frontage). Therefore, the front build-to requirement is inapplicable.

2. As shown on the attached diagram on pages 9-12 of the Plans, there will be three irregular open courts in the Project, the width of each conforms to the requirements of Subtitle I § 207.1. Courts 2 and 3 will be “stacked” due to the differing bounding walls. The required width of each court is per the residential open court requirements under Subtitle I § 207.1, and width is measured by the diameter of the largest horizontal circle that may be inscribed in the court under Subtitle B § 322.4. Furthermore, there are no courts above Court 3. Above Court 3 to the east is the sloping roof of the church, which is not a wall, and a court must be bounded by walls per the definition of “court” in Subtitle B § 100.2; thus, no courts area created by the sloping roof of the church.
3. The nonconforming closed court on the west side of the existing building at 1219 Massachusetts Ave. NW, as shown on the floor plans for the cellar through third level floorplans on page 15 of the Plans, will no longer function as a court once covered. As shown further on page 15 of the Plans, the west side of the new addition (floors 4-7) will include balconies that will cover the closed court below.
4. The proposed penthouse on the addition will have enclosing walls of two different heights, both of which are permitted under Subtitle C § 1503.4. As shown on page 13 of the Plans, one enclosed area of the greatest height is the penthouse habitable space and elevator overrun, which will have a height of 16’-6” above the addition roof, and the stair enclosure will have a second lower height of 11’-9½” above the addition roof. Both of these are allowed different enclosing wall heights per Subtitle C §§ 1503.4(a) and (d).
5. The Project’s penthouse will need special exception relief from the setback requirement in Subtitle C § 1504.1, and the outdoor deck guardrail on the roof of the addition will need relief from the setback requirement in Subtitle C § 1500.3. Relief for both the penthouse setback and guardrail setback is one special exception under Subtitle C § 1506.1. Relief from the penthouse and roof structure setback requirements may be granted by the BZA as a special exception under Subtitle C § 1506.1, which is all-encompassing of penthouse and roof structure setback relief.

6. The Project will need special exception relief from the rear yard requirement in Subtitle I § 205.1, pursuant to Subtitle I § 205.5, but the Project will not need additional relief from Subtitle I § 205.5(a). As shown on page 7 of the Plans, the rear of the Project does not “face” another building, meaning that there is not another building at the Project’s rear with a wall parallel to the Project’s rear wall and no direct line (i.e., straight line) of sight into any window of any neighboring residential building. In fact, a perpendicular line drawn from the Project’s rear is the parking lot of 1150 12th Street NW, and the Project’s windows would not be “facing” any windows in that building.

Accordingly, when you file plans for a building permit, my office will approve drawings – provided that the above-referenced relief has been obtained from the Board of Zoning Adjustment – that are consistent with the information noted above.

Please contact me if you have further questions.

Sincerely,

Elisa Vitale for

Kathleen Beeton
Zoning Administrator

Reviewer – Kwasi Cook

Attachment: Plan Set Dated 05/30/23

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 DOB 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 DOB.