

Martin Sullivan  
Sullivan & Barros, LLP  
1155 15<sup>th</sup> Street, NW Suite 1003  
Washington, DC 20005

Re: **1201 L Street, NW**

Dear Mr. Sullivan:

This letter confirms your conversation with Chyna Barber on February 10, 2023, regarding compliance with certain elements of the Zoning Regulations for the property located at 1201 L Street, NW (Square 283, Lot 48) (the “**Property**”). The Property is located in the D-4-R zone. This letter also further memorializes certain determinations made by the Office of the Zoning Administrator, in an email from Matt LeGrant, on \_\_\_\_\_ (attached hereto as Exhibit A.) The Property consists of approximately 9,859 square feet of land area according to tax records and is located at the northwest corner of 12<sup>th</sup> and L Streets NW. Across 12<sup>th</sup> Street to the east, there is a federal reservation (Reservation 68).

The Property is located in the D-4-R Zone District. The Property is also located in the Massachusetts Avenue Corridor and Mt. Vernon Square Sub-area. The purpose of the D-4-R Zone is to promote high-density residential and mixed-use development neighborhoods. Office, hotel, residential and most retail uses are permitted as a matter-of-right in the D-4-R Zone. Outlined below are the applicable development standards for the Property.

- Height – The D-4-R Zone permits a maximum height of 130 feet (with no limit on the number of stories) based on the Property’s frontage on the 160-foot-wide Massachusetts Avenue NW right-of-way. This is also the maximum permitted height for the Property under the 1910 Height Act, D.C. Code § 6-601.01 et seq. (the “**Height Act**”). Further, the Zoning Administrator has confirmed that, while the site fronts on Massachusetts Avenue for purposes of determining the maximum permitted building height, it does not abut Massachusetts Avenue. For that reason, the Zoning Administrator has determined that the 45-degree setback required above 110 feet for buildings abutting Massachusetts Avenue under the sub-area requirements, Subtitle I § 610.7, does not apply to the Property. As stated in the following section, any mechanical or habitable penthouse must, however, meet all setback requirements.

- Penthouse – The maximum permitted height of a penthouse is 20 feet above the building’s 130-foot building height maximum. The penthouse may contain habitable/usable space and may be comprised of one (1) story plus a mezzanine. A second story is permitted for penthouse mechanical space only if under the 130-foot Height Act maximum at the Property. Any penthouse must provide a setback equal to its height from the front and rear building walls, from the side building wall that faces L Street, NW, and from the building wall adjacent to the building to the north at 1200 Massachusetts Avenue NW. No setback is required from the closed court at the northwest corner of the Property, as shown on the attached Exhibit B.

Even though the Property is located in a D Zone which is exempt from Inclusionary Zoning (“IZ”), residential units in the penthouse are subject to an IZ requirement, which may be satisfied either by (i) making a payment into the District’s Housing Trust Fund, which is based on the amount of habitable space proposed and the assessed value of the Property as determined by the Office of Tax and Revenue; or (ii) devoting an area equal to 8% of such penthouse habitable space to affordable housing set aside households earning 50% or less of the Washington D.C. Median Family Income (“MFI”) within the building. Residential recreation or communal space (along with mechanical space) within a penthouse does not have a density limitation and is not subject to any IZ requirement but is subject to penthouse design requirements. Any habitable penthouse space devoted to non-residential use requires a contribution to the District’s Housing Trust Fund based on the amount of habitable space proposed and the assessed value of the Property as determined by the Office of Tax and Revenue.

I have determined that required penthouse setbacks are measured in a straight line perpendicular to the roof edge from which the penthouse is to be set back. In other words, the set-back measurement is a straight north-south or east-west measurement (in this case with a rectangular east-west lot), from the roof edge straight back to the setback point. No penthouse setback is required along the closed court, and 1:1 penthouse setback is required on all 3 other sides. The penthouse setback distance is measured from the roof edge, including the roof edge on the bay projections.

- Density – The maximum FAR is the density achievable within the allowable height and bulk if all of the building’s FAR is devoted to residential use. If the site is redeveloped, any new development must contain a minimum residential FAR of 4.5 unless density credits are purchased to offset the residential requirement. Commercial use is limited to an FAR of 3.5 unless Density Credits are purchased


to exceed this limit.

- Inclusionary Zoning – Residential density in the D-4-R zone is not subject to IZ requirements (except for habitable space in penthouses, as described above).
- Lot Occupancy – Any building constructed in the D-4-R Zone may occupy 100% of the lot regardless of its use.
- Front Yard and Side Yard – There is no front yard required in the D-4-R Zone. A side yard is also not required in the D-4-R Zone, but if a side yard is provided, it must be at least four (4) feet wide. The existing building does not provide any side yards.
- Rear Yard – Above 25 feet of building height, a rear setback measuring 2.5 inches per foot of building height, but no less than twelve (12) feet, is required. A building in the D Zone is not required to provide a rear yard below a horizontal plane located 25 feet above the mean finished grade at the middle of the rear of the structure. Since the site is a corner lot, a courtyard meeting the closed courtyard requirements, as set forth below, may be provided in lieu of a rear yard.
- Courts – A court is a space that is bounded by two or more walls of a building and is open to the sky. Courts are not required. But if a court is provided, it must have a minimum width of 2.5 inches per foot of height for a commercial building. For a residential building, if a court is provided, it must have a minimum width of four (4) inches per foot of height, but no less than ten (10) feet for an open court or fifteen (15) feet for a closed court. If a closed court is provided for a residential structure, it must have an area not less than twice the square of the required width of the court, but no less than 350 square feet.

I have determined that, based on the definition of Court height (Court, Height of: The vertical distance from the lowest level of the court to the highest point of any bounding wall), the measurement of the court is limited by the height of the “bounding” wall on the Property. Here we have two bounding walls on the Property, and two property lines. The fact that there are buildings on those properties is not relevant, since they are on the other side of, or on, the bounding lot line. The bounding walls on upper levels are set back and therefore not included in the height of court measurement for the floors which are not set back. The height of court for the closed court measurement from 25 feet up to the 11th story, is the height from the lowest level of the court (which is a point 25 feet above grade per I-205.4(c)) to the top of the 11th story. See Exhibit B.

- Green Area Ratio (“GAR”) - The D-4-R Zone has a minimum GAR requirement of 0.2.
- Vehicle Parking – For new buildings, vehicle parking spaces are not required in the D-4-R Zone in areas east of 20<sup>th</sup> Street, NW.
- Bicycle Parking – For residential use, one (1) long-term space is required per three (3) units and one (1) short-term space is required per 20 units. For office uses, one (1) long-term space is required for each 2,500 square feet of gross floor area (“GFA”) and one (1) short-term space is required for each 40,000 square feet of GFA. For retail use, the requirement is one (1) long-term space per 10,000 square feet and one (1) short-term space per 3,500 square feet. However, an addition to an existing building and continued office use would not trigger additional bicycle parking requirements unless the addition exceeds 25% of the existing GFA. By contrast, the conversion of the building to another use such as residential, even without an expansion, will trigger a bicycle parking requirement.

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

Sincerely,   
\_\_\_\_\_  
Mamadou Ndaw  
Interim Zoning Administrator

Enclosures

This letter is issued in reliance upon, and therefore limited to, the questions asked, and 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 decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal 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. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.