

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

December 18, 2014



Holland & Knight LLP
800 17th Street, NW - Suite 1100
Washington, D.C. 20006
Attention: David W. Briggs

Re: Determination Regarding Matters Arising In Connection with the Proposed Development of the Hyde-Addison Public School Project Having a Street Address of 3246 P Street, NW (aka 3219 O Street, NW), Washington, D.C.

Dear Mr. Briggs:

On behalf of your client, the BLOC Atlantic, LLC / Shinberg/Levinas Architectural Design Inc Joint Venture ("Architect"), you have requested a determination from this Office regarding this Office's position on several matters arising related to the proposed renovation of two adjacent public school facilities in Georgetown, known as Hyde School building ("Hyde") and Addison School building ("Addison"), having a street address of 3246 P Street, NW (but also known as 3219 O Street, NW), which will include the construction of an addition, physically connecting Hyde and Addison, (collectively the "Project"). The Joint Venture is under contract to the District of Columbia Department of General Services ("DGS").

Presently, Hyde and Addison are separate and distinct buildings, located on a single assessment and taxation lot, with that lot being a through lot for zoning purposes. You advised that, though physically separated, the two buildings are operated by DGS as a single school unit, but the physical separation leads to operational inefficiencies. The Project, conceived for DGS by the Architect, proposes to physically join Hyde and Addison by the construction of a new addition, creating a single building, making them one physically paralleling their operational unity. You have noted that due to placement of the two buildings on the assessment and taxation lot and an elevation change in that lot from O Street, NW up to P Street, NW, the design for a connection of the two buildings as well as development of addition school space has proven challenging.

The Architect, in developing plans for the physical connection of Hyde and Addison, identified several matters related to interpretation of the provisions of the Zoning Regulations of the District of Columbia, Title 11, District of Columbia Municipal Regulations (the "Zoning Regulations") for which you had sought guidance from this Office.

Background:

From the public records it appears that Hyde and Addison are located on Assessment and Tax Lot 854 in Square 1244 (the "Lot"); contains 64,767 square feet. The Lot would be classified as a through lot with frontage on P Street, NW and O Street, NW. Hyde fronts on O Street, NW

and Addison fronts on P Street, NW. The Lot contains approximately 64,725 square feet of land area. [See the assessment and taxation plat attached as Exhibit A.] The Zoning Map of the District of Columbia notes the Lot as having a Zone District classification of R-3, but, being operated as public schools, Hyde and Addison are conforming uses and permitted in that Zone District classification. The Lot is located within the Georgetown Historic District, and each of Hyde and Addison is identified as a contributing building to the character of that Historic District.

You advised that the Architect has proposed, as part of the Project, a two story addition that physically connects the rear portion of Hyde to the rear portion of Addison, so that the two buildings might physically operate as a whole (the “Proposed Addition”). [See attached the Architect’s plans attached as Exhibit B.]

You had advised that the Proposed Addition will add approximately 18,169 square feet of gross floor area to the gross floor area of the existing Hyde and Addison improvements on the Lot, for a total gross floor area of all improvements on the Lot, including the Proposed Addition, calculated to be 54,881 square feet, or a .84 FAR on the Lot. [See attached Exhibit B and Exhibit C.] You also advised that the combined lot area coverage of the Lot of the Hyde and Addison improvements together with the Proposed Addition has been calculated to be approximately 35%. [See attached Exhibit D providing certain development calculations for the Project.]

You advised that the Project has had multiple reviews with the Old Georgetown Board (“OGB”), and the Project in its current location and massing configuration has received OGB design approval. The siting of the Proposed Addition, as approved by OGB, creates a series of open areas that would be seen courts under the Zoning Regulations.

You identified that two of these courts would be formed as a result of the proposed occupancy of a portion of a the current side yard by the Proposed Addition. You believe that each remainder portion of the current side yard, not occupied by the Propose Addition, would be considered an open court, with each court having an opening onto a public right of way (i.e. O Street, NW and P Street, NW, respectively). Each area, as depicted on the plan appearing as Exhibit B, has a width of court greater than the minimum width of court required in the R-3 Zone District for public school use by the Zoning Regulations. You have sought this Office’s confirmation that (a) the occupation of a portion of the former side yard by the Project addition is permissible under the Zoning Regulations, and (b) that the two remaining portions of the side yard would be recognized by this office as allowable open courts under the Zoning Regulations.

You identified a third court area would be created at the rear of Hyde by the Proposed Addition contemplated by the Project. You advised that OGB desired that the rear windows of Hyde be preserved as much as possible and not be eliminated by the Proposed Addition. And thus to satisfy the OGB requirements, the majority of the Proposed Addition has been pulled away from the rear of Hyde a sufficient distance so that those windows can remain exposed, without violation of applicable provisions of the Construction Codes of the District of Columbia. You believe this area to be also an open court, being an area bounded by Hyde and the Proposed Addition on three sides and a large open space on the Lot on the fourth side. This open court

area sits above an off-street parking area that will be located below the Proposed Addition, taking advantage of the grade change in the Lot. Thus you have requested that this office confirm that, under the applicable provisions of the Zoning Regulations, the portion of this area from an above the elevation of the grade of the adjacent open space bounding this area on the west would be an open court, with the required width of court being determined based upon the height of lowest bounding wall confronting this court measured from this elevation. The area below this elevation would not be part of the open court but would be recognized as an areaway.

You also identified additional open areas created by the connection of the Proposed Addition to Addison, each of which you believe could be viewed as a court niche applying the provisions of the Zoning Regulations and you wished to have confirmation on this matter.

Finally you have requested that this Office confirm that the provisions of the Zoning Regulations applicable to the provisions thereof related to permissible percentage of lot occupancy, allowable gross floor area on the Lot, requirements for off street loading and off street parking and application of "green area ratio" standards would be satisfied by the Project design developed by the Architect.

Determination:

Based upon your requests arising in connection with the proposed design of the Project, this Office can and does advise as follows:

1. Occupancy of an Existing Conforming Side Yard

The current side yard provided on the Lot is not a required side yard pursuant to the applicable provisions of the Zoning Regulations, since the side yard provided is not one associated with a single family, detached or semi-detached dwelling. It has been this Office's position that where a side yard is not required, but has been provided, as in the case of Hyde and Addison on the Lot, that an existing side yard can be occupied in whole or in part by new construction. Thus the Proposed Addition occupying a portion of the current side yard of the Lot is permissible, provided that any portions of the current side yard not occupied by the Proposed Addition would each be compliant with the applicable court requirements of the Zoning Regulations.

2. Recognition of Conforming Open Courts

With the occupancy of the current side yard by the Proposed Addition, two courts would be created from the remainder portions of the current side yard not to be occupied by the Proposed Addition. An area on a lot to be an open court must open onto a street, an alley (having a width of ten feet or greater), a yard or another open court. Based upon the configuration of the proposed addition to Hyde and Addison as depicted on the attached Exhibit B and Exhibit C, it is the determination of this Office that each of these remainder areas of a former side yard would be an open court, and that each depicted area, as an open court, would be compliant with applicable provisions of the Zoning Regulations related to the minimum dimensions of an open court applicable in a R-3 Zone District.

3. Recognition of Conforming Open Court Created at the Rear of Hyde

The location of the Proposed Addition on the Lot creates an additional area to the rear of Hyde that is bounded by exterior wall of Hyde on the south and the walls of the proposed new addition on the east and north, with a large open area of the west, whose surface is approximately at the grade level of O Street, NW. This bounded area sits above a vehicle parking area below the lowest elevation of the Proposed Addition. This Office would treat the open area rising from the surface of the parking area to the elevation of the open area of the Lot to the west as an areaway and would treat the open area from and above the elevation of the adjacent open area to the west on the Lot to the sky. The shortest bounding wall above the grade level of the large open area to the west being a bounding wall of the new addition is first 13 feet, which wall then steps back approximately 7 feet and thereafter rising an additional 14 feet. The minimum width of this open court to be provided is 10 feet, and the width of this open court would be consistent with the minimum width required for an open court imposed by the Zoning Regulations, assuming as a measuring point the elevation of the adjoining open area to the west and the height and configuration of the adjacent bounding walls. This Office would concur that the area below may be considered an areaway.

4. Court Niches.

The Proposed Addition as it joins Addison would appear to create a series of open spaces at the point of the connection to Addison. This Office would view these spaces as court niches compliant with applicable provisions of the Zoning Regulations.

5. Satisfaction of Off Street Loading

Since the Lot is located in an historic district, and notwithstanding the expansion of the Project by the additional gross floor area of the Proposed Addition, no additional off-street loading facilities would be required in connection with the development of the Proposed Addition.

6. Satisfaction of Off Street Parking

Since the Lot is located in an historic district, and notwithstanding the expansion of the Project by Proposed Addition, the amount of additional gross floor area that would be added by the Proposed Addition would not trigger the need to provide additional, required off-parking facilities. Compact car space requirements can apply to 100% of the off-street parking.

7. Satisfaction of Green Area Ratio (GAR) Requirements

The Lot, being located in an R-3 Zone District, is not subject to the applicable provisions of Chapter 34 of the Zoning Regulations concerning imposition of Green Area Ratio standards.

8. Satisfaction of FAR Requirements

Section 402.2 of the Zoning Regulations allow a public school located in an R-3 Zone District to be developed to 1.8 FAR. Based upon the area of the Lot, a public school on the Lot would be permitted to have a gross floor area of 116,580.6 square feet of gross floor area. Based on the information in Exhibit D, the Hyde and Addison improvements together with the Proposed Addition is proposed to contain 54,881 square feet of gross floor area, resulting in a .84 FAR. Based on the information provided, the Project would comply with the applicable FAR limitations of the Zoning Regulations, so long at the Project when completed is operated for public school use.

9. Satisfaction of Percentage of Lot Occupancy Requirements

The Zoning Regulations allow Public Schools on a lot located in an R-3 Zone District to occupy zone up to 60% of the lot. Based on the information in Exhibit D, the Project, when completed, is calculate to have a percentage of lot occupancy of approximately 35% and thus would be in compliance with the applicable provisions of the Zoning Regulations regarding allowable percentage of lot occupancy, so long at the Project when completed is operated for public school use.

Should you have any questions regarding this determination, please contact me.

Sincerely, Matthew Le Grant

Matthew Le Grant
Zoning Administrator

Attachments:

- Exhibit A – Assessment and Taxation Plat/Visual Depiction of the Current Condition of the Lot Occupied by Hyde and Addison
- Exhibit B – Depiction in plan of Location of Hyde, Addison and the Proposed Addition
- Exhibit C – Depiction in Elevation of the Proposed Addition
- Exhibit D – Development Calculations for Hyde, Addison and the Proposed Addition