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

March 24, 2016

Christine Roddy, Director
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, D.C. 20006-1020
CRoddy@goulstonstorrs.com

Re: Parking Considerations with the Proposed Addition to the Spring Valley Shopping Center (Square 1500, Lots 1, 2 and 3 (the "**Property**"))

Dear Ms. Roddy,

This memorializes our discussion on January 13, 2016 regarding the above-referenced Property, which addressed the existing parking count and the compliance of the proposed parking plan with the Zoning Regulations.

It is my understanding that your client, Washington REIT, has purchased the Property, an existing shopping center along Massachusetts Avenue that currently consists of 5 existing commercial structures across 3 existing record lots, totaling approximately 75,265 square feet, of which approximately 20,000 square feet is located below grade. These five existing structures are landmarked together as a single "historic resource" - "Square 1500" - in the D.C. Inventory of Historic Sites on July 19, 1989.

Washington REIT plans to combine the three existing record lots into a single record lot and construct on this consolidated record lot an addition of approximately 15,159 total square feet attached to 4860 Massachusetts Avenue (the "**Addition**"). As I noted in my prior determination letter of January 15, 2015, this proposed consolidation is permissible under Section 3202.3 of the Zoning Regulations.

Required Parking for Addition

Pursuant to Section 2120.3 of the Zoning Regulations, an addition to "a historic resource" does not trigger a parking requirement unless the gross floor area of the historic resource is increased by at least 50% and the increase triggers a requirement of at least 4 spaces. Under Section 2120.2, the "historic resource" is that listed in the D.C. Inventory – in this case, "Square 1500" or the entire Property of the five existing buildings. The Addition consists of approximately 15,159 square feet, which increases the Property's existing 75,265 square foot gross floor area by just over 20%, far below the 50% threshold established by Section 2120.3. Therefore, the Addition does not trigger a parking requirement under Section 2101.1, as I previously confirmed in my letter dated January 15, 2015.

Existing Parking

At our January 13, 2016 meeting, you provided me the attached site plan (**Exhibit A**) which shows that the Property currently has 72 striped parking spaces, which you agree is less than the number that would be required if the current uses of the Property were subject to the current requirements for new uses in the Zoning Regulations. Section 2100.10(a) requires that for a building that now requires more parking spaces than were required at the time of construction, the existing nonconforming number of parking spaces cannot be reduced.

However, of these 72 existing spaces, you have identified the 26 spaces that are non-compliant with the Zoning Regulations because these spaces cross lot lines in violation of the requirement of Section 2116.1 that parking spaces be located on the same lot as the buildings they serve. Therefore you assert these 26 spaces should not be subject to the requirement of Section 2100.10(a):

- 10 spaces that straddle existing lot lines on the Property;
- 8 spaces that serve Lot 3, but that are accessible only by a drive aisle that is predominantly on Lot 1; and
- 8 spaces that straddle the property line with the public right of way for 49th Street N.W. These 8 spaces also do not have a public space permit required to use public space[1] and are in violation of at least the intent of Section 2116.4 that bars parking spaces between a lot line abutting a street and the building facades facing that street.

Nevertheless, I understand that Washington REIT intends to retain the 10 spaces that straddle internal lot lines and the 8 spaces that are served by a drive aisle that also straddles a lot line, even though you believe that these 18 parking spaces should not be included in the existing parking spaces required by Section 2100.10(a) to be retained on the Property. These 18 parking spaces are part of the 65 parking spaces proposed to be retained as part of the construction of the Addition. This letter instead responds to your request for confirmation that the 8 spaces that extend into public space on 49th Street, N.W. should not be considered existing parking that must be retained on site per Section 2100.10(a).

I agree that the 8 spaces that straddle the street lot line along 49th Street, and which intruder partly into the public right of way do not count as existing parking subject to Section 2100.10(a). These spaces violate at least the intent of Section 2116.4's bar on parking between street lot lines and the nearest building facades, and lack the requisite public space permit. I therefore believe that these spaces cannot count as existing spaces for the purposes of applying Section 2100.10(a). Therefore the number of existing parking spaces required to be retained under Section 2100.10(a) on the Property is 64. This is one less than the 65 spaces proposed to be provided by Washington REIT on the attached proposed parking plan for the construction of the Addition (**Exhibit B**). I therefore agree that the attached parking plan proposed for the construction of the Addition would comply with the Zoning Regulations, and specifically Section 2100.10(a).

Size of Required Parking Spaces

Section 2120.5 establishes the minimum dimensions for parking spaces serving historic resources are 8 feet wide and 16 feet long. All of the proposed parking spaces depicted on the

[1] Section 10-1102.01 of the D.C. Official Code and 24 DCMR 100.1 and 226 require a public space permit to use public space, and provide that private property owners have no right or interest in the use of abutting public space. It is my understanding that those parking spaces have never received approval to be located in public space, which is otherwise required for proper use of public space.

attached proposed parking plan (**Exhibit B**) exceed these minimum dimensions, ranging from 8 feet wide and 17 feet long up to 9 feet wide and 19 feet long.

Parking Spaces Required During Construction

I understand that the construction of the Addition may require the temporary removal of some of the required parking spaces. In the circumstance where construction pursuant to a validly issued building permit temporarily prevents full compliance with the number of required parking spaces, I have consistently held that zoning compliance will be determined at the completion of the relevant building permit. Therefore I have allowed the temporary reduction of required parking where necessary for construction purposes, provided that the property fully comply with the required parking spaces prior to the issuance of a certificate of occupancy.

Required Landscaping

The attached proposed parking plan (**Exhibit B**) is also consistent with the requirements of Section 2117.11, which requires landscaping that is no less than 5% of the total area devoted to an accessory parking lot. As demonstrated in the attached plan, the proposed landscaping well exceeds this requirement, providing over 10% of the total area devoted to parking, not including the landscaping immediately abutting the parking.

Required Bicycle Parking

Section 2119.2 of the Zoning Regulations requires that bicycle spaces be provided for all commercial uses in an amount equal to 5% of the number of automobile parking spaces required under Section 2101.1. Since the Addition is exempt from parking requirements as an addition to an historic resource under Section 2120.3, no bicycle spaces are required on-site in connection with the addition.

In summary, I find that the proposed parking plan is consistent with the Zoning Regulations. I would also note that by removing the parking spaces in public space along 49th Street and enhancing landscaping along 49th Street, the proposed plan is in keeping with the attached staff report prepared by the Historic Preservation Office ("**HPO**") in preparation for the July hearing before the Historic Preservation Review Board. Specifically, HPO noted that

> "[a]s encouraged in the previous report, the site plan has been further developed to enhance and improve the aesthetic qualities of the parking lot and to provide safer pedestrian circulation through the site. The improvements of the public space fronting 49th Street, the wider paseo and plaza area at its terminus, the continuous dedicated walkway, and the planting of trees within the parking lot will all enhance the "village-like" environment cited in the designation."

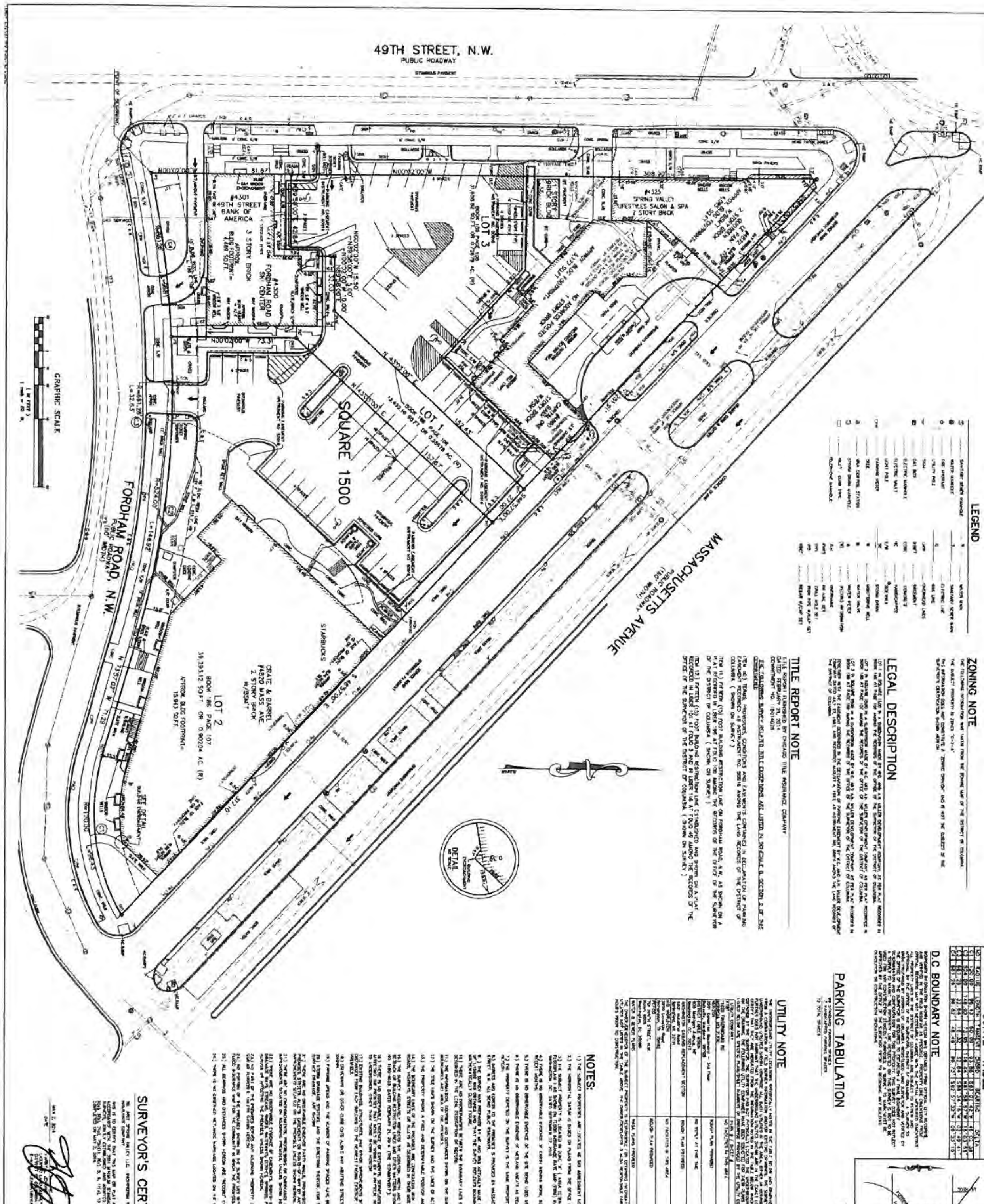
The proposed parking plan is therefore not only compliant with the Zoning Regulations (and public space requirements) but also a preferred historic preservation outcome for this historic resource.

Please let me know if you have any further questions.

Sincerely,

Matthew Le Grant
Zoning Administrator

Exhibits: A- Existing Site Plan
B- Proposed Parking Plan



VIKA REVISIONS	
RE-CERTIFY ALTA JULY 2011	
REV 9/8/14 ADD NAME TO CERT	
REV 9/24/14 DWG NAME IN CERT	
DATE	MAY 2014
DES. MJ	DWN. MJ
SCALE	1"=20'
PROJECT/FILE NO.	VW2058
SHEET NO.	1 OF 1

ALTA / ACSM LAND TITLE SURVEY

LOTS 1, 2 & 3 SQUARE 1500

WASHINGTON, D.C.

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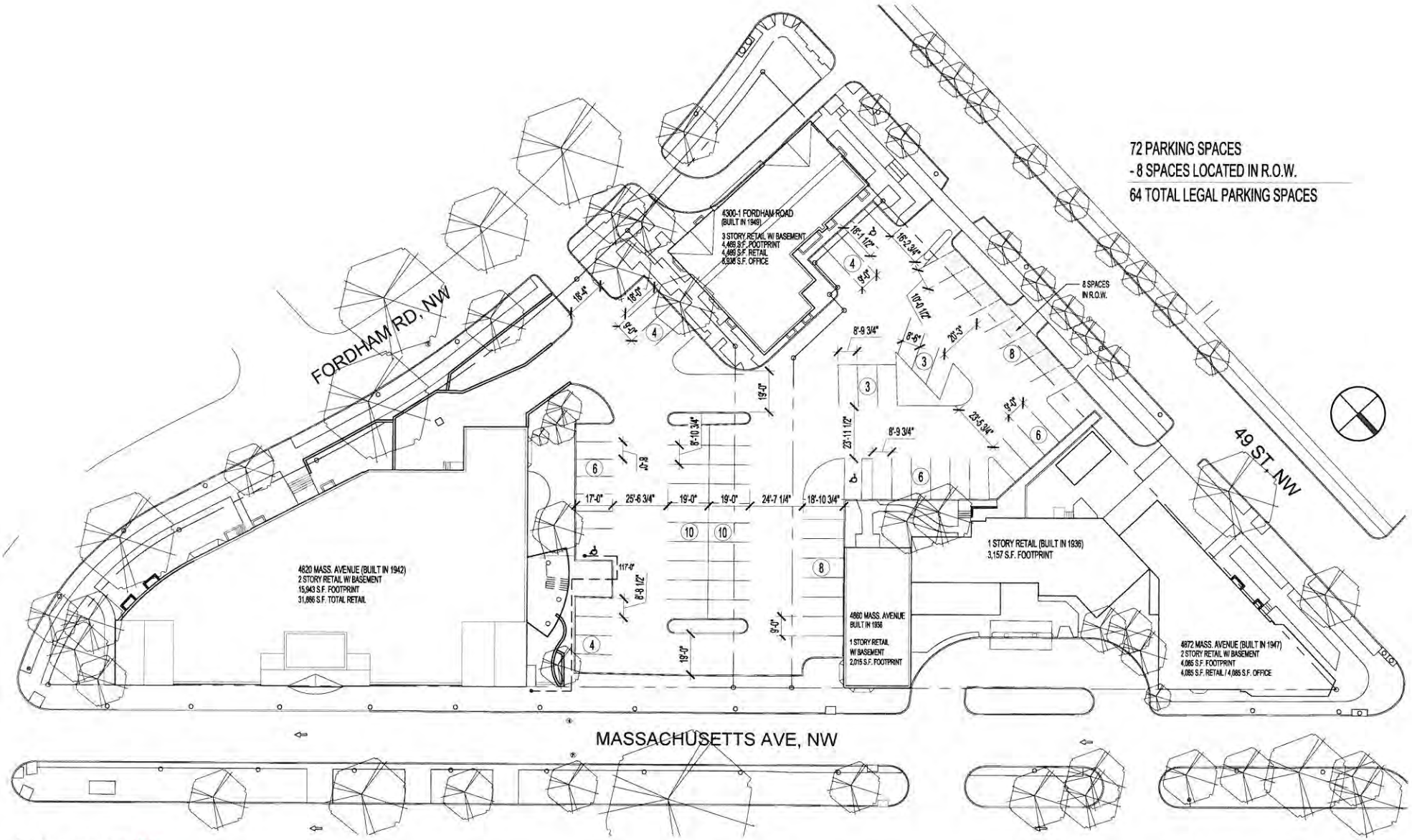

WASHINGTON•REIT

SEPTEMBER 25, 2015

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EXISTING SITE PLAN

1'-0" = 40'-0"

SPRING VALLEY SHOPPING CENTER

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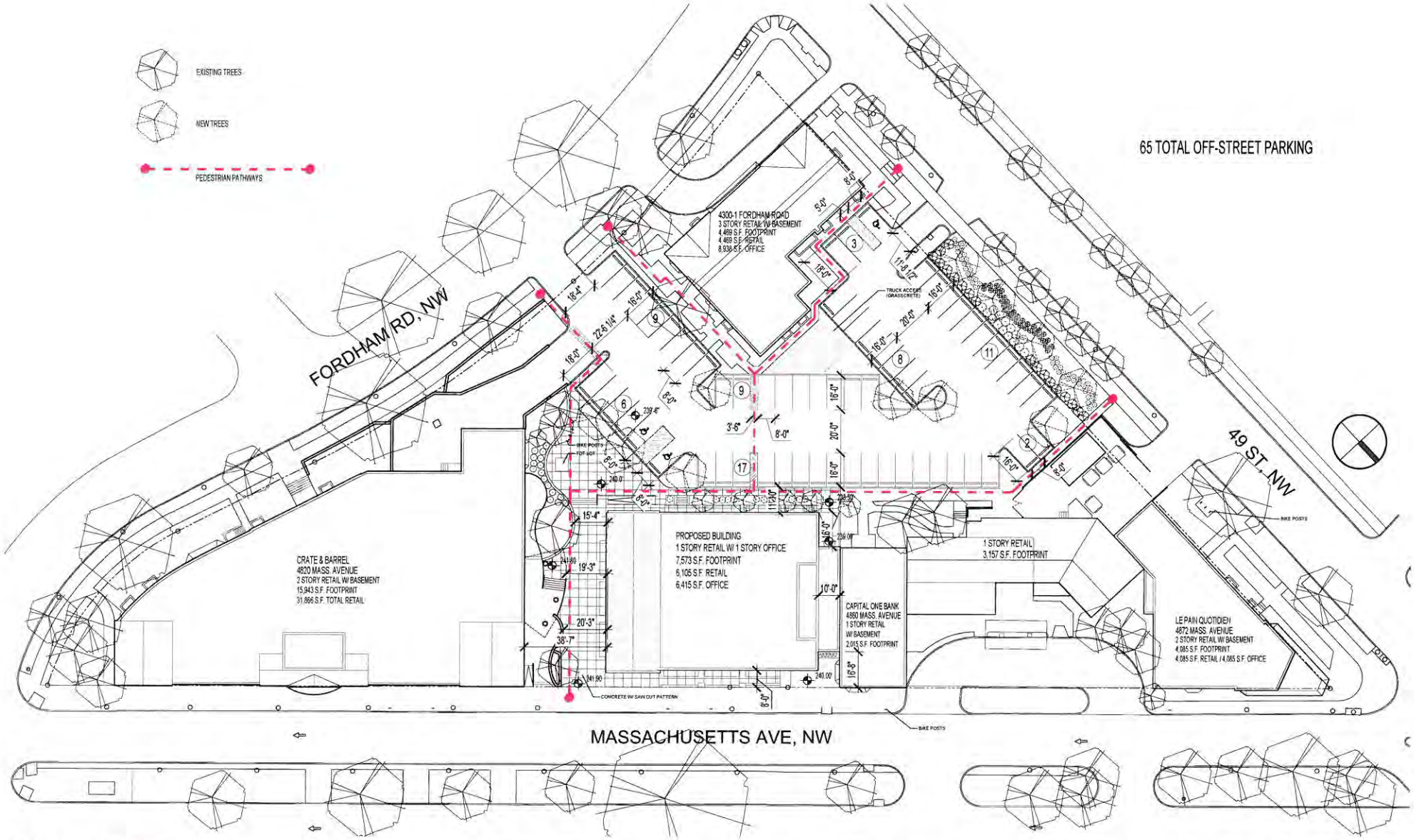

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SCHEME 1: PROPOSED SITE PLAN: INTERNAL CIRCULATION DIAGRAM

1'-0" = 40'-0"

SPRING VALLEY SHOPPING CENTER

SEPTEMBER 25, 2015

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