

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



October 12, 2010

Mr. Kyrus L. Freeman
Holland & Knight LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington DC 20006

Re: Parking Requirements for Record Lot 207 in Square 204 (the "Property")

Dear Mr. Freeman:

This is to confirm the substance of our discussion on Friday, October 1, 2010 concerning the above referenced Property. You have asked for confirmation of the parking computations and requirements applicable to the Property.

The Property is located in the northwest quadrant of the District and is generally bounded by V Street on the north, 14th Street on the east, U Street on the south, and 15th Street on the west. The Property is zoned R-5-D. The Property is improved with a multi-family dwelling building currently known as "Campbell Heights Apartments" but whose name is changing to "Paul Laurence Dunbar Apartments" and that contains 171 units. You provided a copy of the following items during our meeting:

1. A copy of a plat prepared by VIKA showing the existing conditions of the Property;
2. Certificate of Occupancy No. 1002566 authorizing use of the Property as a 171 unit apartment building with 51 required automobile parking spaces;
3. A copy of a plat and legal descriptions prepared by VIKA showing the proposed division of Record Lot 207 into two assessment and taxation ("A&T") lots;
4. A copy of the existing building's Resident Selection Criteria, indicating that the building's households must be an "Elderly/Disabled family;"
5. A copy of a Section 8 Housing Assistance Payments ("HAP") Contract identified as HAP Contract Number DC398023001, and extensions of the contract.

A. Parking Requirements

Pursuant to section 2101.1 of the Zoning Regulations, "Publically assisted housing, reserved for the elderly and/or handicapped" in all zoning districts are required to provide one (1) off-street parking space for each six (6) dwelling units. The information you submitted indicates that the building's residents are limited to elderly or disabled families receiving Section 8 assistance. I, therefore, conclude that the building is "publically assisted housing, reserved for the elderly and/or handicapped," and is thus required to provide one (1) off-street parking space for each six (6) dwelling units. The information you submitted indicates that the existing building includes 171 units. Thus, pursuant to section 2101.1 of the Zoning Regulations, and based on the above facts, I find that 29 off-street parking spaces are required for the existing building. Accordingly, I will advise DCRA's Permit Operations Division to amend the existing Certificate of Occupancy to indicate that 29 parking spaces are required for the existing building.

B. Location of Parking Spaces

You indicted that the owner of the Property is dividing Record Lot 207 into two A&T lots, with the existing building to be located on the "Proposed Residue Lot" A&T lot shown on the plat prepared by VIKA, and with the 29 parking spaces to be located on the "Proposed Lot A" A&T lot. You also indicated that at some point in the future, the owner anticipates constructing a new building on the "Proposed Lot A" A&T lot, connecting that new building to the existing building such that they constitute one building for zoning purposes, and locating the 29 parking spaces required for the existing building in a below-grade garage to be constructed under the future new building.

Section 2116.1 of the Zoning Regulations provides that, except as provided in other sections of the Zoning Regulations, all parking spaces must be located on the same lot with the buildings or structures they are intended to serve. Section 199 of the Zoning Regulations defines a "lot" as follows:

[T]he land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded in the records of the Surveyor of the District of Columbia.

11 DCMR §199.

Based upon the definition of "lot" in section 199 of the Zoning Regulations, I find that an A&T lot is a "lot" for the purposes of section 2116.1 of the Zoning Regulations. Therefore, placement of the 29 parking spaces required for the existing building on the new A&T lot -- "Proposed Lot A" -- can be done as a matter-of-right and does not require a special exception pursuant to section 2116.5 of the Zoning Regulations since those spaces will be located on the same underlying Record Lot as the building they are intended to serve.

In addition, if at some point the owner constructs a building on the new A&T lot, and such building is connected to the existing building to the extent, if any, required under then applicable zoning, the 29 parking spaces required for the existing building can be relocated to a

below-grade garage beneath the new building, provided that the underlying Record Lot 207 is maintained, and provided further that the 29 required parking spaces are accessible to the residents of the existing building.

Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator