

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



February 15, 2011

Mr. Christopher H. Collins, Esquire  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Re: Retail Development in Square 4268

Dear Mr. Collins:

This letter is to confirm that the Square 4268 retail project that is shown on the plans attached hereto will be permitted as a matter of right under the Zoning Regulations in effect as of the date of this letter, provided that the building permit application plans that are submitted for the project are consistent with the zoning requirements and limitations described in more detail below.

The 14.74 acre site is zoned C-M-1, and is at least 25 ft. from a residential zone. The site is bordered by New York and Montana Avenues, NE, and Bladensburg Road, NE. I understand that all existing lots and parcels within this site will be combined into a single record lot. The following regulations will apply:

1. Theoretical lots. Section 2517 applies to a theoretical lot development of this site. The plans show that the site is divided into six theoretical lots, designated as "A" through "F". All of the theoretical lots have street frontage, so the provisions of Section 2517.3 do not apply.

2. "Building" definition in Section 199. A "building" is defined as "a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel". The definition of "building" further states that "When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building". The structure on Lot F includes the two-story big box retail structure with a separate retail tenant on each story, plus the attached three-level parking garage, and the two-story retail structure that is attached to the northwest side of the garage. I understand that these three elements on Lot F are not separated from the ground up or from the lowest level up. I further understand that there is communication between these separate portions of the structure at the main level and above; in other words, a person can walk from within any

one portion of the structure, under cover, into any other portion of the structure. Thus, based upon these representations, these three structures do constitute one building on Lot F.

3. Height--Section 840. A maximum of 40 ft. and 3 stories are permitted in the subject C-M-1 zone. Per the definition of "building, height of" in Section 199, the building height measurement in zones where the permitted height is limited to 40 ft. may be taken from the "finished grade level at the middle of the front of the building to the ceiling of the top story". Section 2517.4 also provides that the height measurement shall be taken at the finished grade at the middle of the front of the building. The "finished grade" is where the dirt or pavement meets the front building wall. In the case of the building on Lot F, the measuring point is the point where the paved driveway entrance from Bladensburg Road crosses onto the top level of the garage building, as shown on the plans. The "ceiling" in this case is the underside of the structure that supports the roof, as shown on Section A-A.

The retail tenant on the upper level of the two-story big box portion of Building F will have a "branding wall", as shown on the building elevation drawing A-1. This element is permitted as an architectural embellishment, per Section 840.2. The letters of any signage on this branding wall may not be mounted any higher than the height of the adjacent parapet wall. Buildings A, B, C, D, and E will also comply with the height limits noted above.

4. Roof structure enclosures -- Sections 840.3 and 845 and 411.11. All roof structures greater than four feet above the level of the roof on each of the buildings will be placed in a single enclosure. The height of the enclosures will not exceed 18 ft., 6 in., and the enclosures will be set back from all exterior walls a distance at least equal to their height.

5. FAR--Section 841. The maximum permitted FAR is 3.0. The overall FAR for the entire project is 0.985, based on 358,757 square feet of gross floor area of retail space and 273,686.3 square feet of floor area within the covered parking garage on the 642,074.4 square foot lot area. The FAR of each of Buildings A through F is also shown on the plans.

6. Rear yard--Section 842. Per Section 842.2, a rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of any of the buildings shown on the plan. For that portion of any building above the horizontal plane, Section 842.3 allows the depth of rear yard on this site to be measured from the rear lot line to the rear wall of the portion immediately above the plane. Section 842.4 requires that the minimum depth of the rear yard must be two and one-half inches per foot (2.5 in./ft.) of vertical distance from the mean finished grade at the middle of the rear of the building to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.). I understand that the minimum rear yard dimensions for all buildings shown on the plan will meet or exceed this requirement.

7. Side yard--Section 843. None is required, and there is no minimum dimension prescribed in cases where a side yard is provided.

8. Courts--Section 844. The courts shown on the plans are all open courts. Where the courts are irregular in shape, a circle is inscribed within the court to determine the court width. I understand that all of the court widths shown exceed the minimum requirements.

9. Parking--Chapter 21. The parking required for each of the six buildings can be located anywhere on the record lot. The parking provided in this instance exceeds the number of required spaces. I understand that the minimum required dimensions and clearances of the spaces, and aisle widths, will also meet the requirements of Chapter 21. Section 2119.2 requires that bicycle parking spaces must be provided for this retail development at a rate of 5% of the total number of required parking spaces. The plans indicate that 1,444 parking spaces are proposed where 1,185 parking spaces are required for the entire project, and that 60 bicycle spaces will be provided. This number of bicycle spaces represents slightly greater than 5% of the number of required parking spaces. The bicycle parking spaces can also be located anywhere on the record lot. I understand that the intent of the project owners is to have them disbursed around the lot in convenient locations.

10. Loading--Chapter 22. The loading required for each of the six buildings can also be located anywhere on the record lot. The number and size of the loading berths, loading platforms and service/delivery loading spaces exceed the minimum requirements for this project, and is summarized on the plans, with a total of 11 loading berths, 6 loading platforms, and 1 loading space provided. I understand that the loading berth, platform and service/delivery space dimensions and minimum clearances set forth in Chapter 22 will also be met.

11. Drive-throughs--Section 2304. There are two buildings with drive-through elements. The plans show that each of these two drive-throughs provides 5 total queuing spaces before the service locations, and one space after each service location. Neither service location discharges directly onto public space.

If you have any questions, please do not hesitate to contact me.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Enclosures