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

November 23, 2015

Meridith H. Moldenhauer
Griffin, Murphy, Moldenhauer & Wiggins, LLP
1912 Sunderland Place, NW
Washington DC, 20036

Re: The Scottish Rite Lodge property at 2800 16th Street N.W. (the "Property")

Dear Mrs. Moldenhauer,

This letter is in reference to discussions at our meeting on September 3, 2015 and subsequent dialogue with you regarding you client's intended development on property located at 2800 16th Street N.W., referred to herein as the Property. I would like to memorialize our discussion regarding EastBanc's proposed development of the Property.

The Property

The Property is classified within the R-5-D Zone District and is a contributing building in the Meridian Hill Historic District, which was created in 2014. The Property is improved with a building constructed circa 1940 (the "Building"), which serves as an auditorium, banquet facility, and offices for the Scottish Rite of Freemasonry of the District of Columbia, as well as a parking garage (the "Garage") constructed in 1986, at a time when the Property was not considered historic. The Building contains approximately 26,622 square feet of gross floor area, with approximately 14,174 square feet of cellar floor area, and the auditorium holds 393 seats. In addition, the Building hosts a clinic devoted to the treatment of childhood speech disorders (the "Clinic"), which comprises 7,000 square feet of Gross Floor Area.

The Garage was constructed in connection with the placement of the Clinic on the Property. At the time of the Clinic's inception, the Property was not considered historic and was not subject to any exemptions from the 11 DCMR Chapter 21 (the "Parking Regulations"). Based on the plans we have reviewed, it was determined in 1986 that 93 spaces were required to allow the expansion of the Building to include the Clinic, and a total of 132 were constructed in the Garage. A recent survey you provided shows that there are 115 striped spaces in the Garage, though we do not have any information on whether those striped spaces conform to the dimensional requirements of the Parking Regulations.

Parking

As mentioned above, the Building is a contributing resource in the Meridian Hill Historic District, which qualifies any further changes to the Building or Property for an exemption from the Parking Regulations pursuant to 11 DCMR § 2120.3[1]; however,

> *In the case of a building or structure for which the Zoning Regulations now require more parking spaces than were required when the building or structure was built, the following shall be required:*
>
> *(a) If the existing number of parking spaces now provided is less than or equal to the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced; and*
>
> *(b) If the existing number of parking spaces now provided is more than the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced below the minimum number of parking spaces required by this chapter.*

11 DCMR § 2100.10. In this case, the Zoning Regulations in effect at the time it was built required no parking. With the addition of the Proposed Development, the Zoning Regulations now require more parking spaces than were required when the Building and Garage were constructed, and the existing number of parking spaces now provided is more than the minimum number of parking spaces now required; therefore, subsection (b) above applies and the parking cannot be reduced below the minimum number of parking spaces required for the associated uses on the site. It follows, then, that we must first clearly determine the number of spaces that are required based on the old and new uses.

At the time of construction in 1940, the Building would have required no off-street parking. Beginning as recently as 1979, the Parking Regulations required that "when the use of a structure is changed to another use which requires more parking spaces than required for the use existing immediately prior to such change...parking spaces shall be provided for the additional requirement in the amount" but only if "the addition or additions increase the intensity of use of such structure by more than 25% of the aggregate." Zoning Regulations, §§ 7201.3 and 7201.4

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[1] A historic resource and any additions thereto are exempt from the requirement of § 2100.4 to provide additional parking as a result of a change of use and from the requirement of § 2100.6 to provide additional parking as a result of an increase of intensity of use, except that parking shall be required for any addition where:

(a) The gross floor area of the historic resource is being increased by 50% or more, and
(b) The parking requirement attributable to the increase in gross floor area is at least four (4) spaces.

(1979). In 1986, at the time of the addition of the Clinic, the Scottish Rite elected to construct the Garage based on the entire parking requirement in effect for new construction at that time. *See* Plans prepared by John S. Samperton Associates for Scottish Rite Lodge 11/18/1986, which note that 69 spaces were required for the existing Building (based on 1 space per 600 square feet of Gross Floor Area and cellar floor area for 41,480 square feet) and 24 spaces for the Clinic (based on 1 space per 300 square feet of Gross Floor Area and cellar floor area for 7,000[2]). Only parking for the 7,000 square foot Clinic, amounting to 23 spaces, would have been required at the time.

Nevertheless, 132 spaces were constructed, and 115 remain today. Under 11 DCMR § 2100.10(b), 23 spaces must remain on the property on which the Building sits. Additionally, because the Building is now deemed a historic resource, under 11 DCMR § 2120, any new addition to the Building is exempt from providing new parking spaces unless the addition seeks to add more than 50% of the *gross floor area* of the existing building and, if parked, that additional square footage would carry a requirement to provide four or more spaces. The Gross Floor Area of the Building is approximately 26,622; therefore any addition above 13,311 square feet would likely generate a requirement to park the additional square footage – but not the original 26,622 square feet.

Your client is seeking to add approximately 115,000 square feet of new residential Gross Floor Area, which would generate a parking requirement of 1 space per 3 dwelling units (based on 118 units, you would need to provide 39 parking spaces). Thus, in addition to a minimum of 23 spaces generated by existing uses ("Existing Requirement"), which must remain on the premises, the Proposed Development would require approximately 39 new parking spaces, for a total of 62 parking spaces ("New Requirement").

Alternative development options would modify the parking requirement. If you relocated the clinic off site; then the only parking requirement would be for the new dwelling units created at the Property at a 1 space per 3 dwelling unit ratio. For an addition of 118 units, and relocated the clinic, the parking requirement would be 39 parking spaces total.

Alternatives:

Residential Units	Parking Requirement (w/o Clinic)	Parking Requirement (with Clinic)
82	27	50
115	38	61
117	39	62
122	41	64
135	45	68

[2] The Plans also show that the Clinic may have been either 7,784 or 7,000. (The difference would be either 25 required parking spaces or the above referenced 23 required parking spaces.)

Bicycle Parking Requirement

The proposed plan specifies that there will be approximately 118 residential units. According to the Bicycle Commuter and Parking Expansion Act of 2007, a residential building owner shall provide at least one secure bicycle parking space for each 3 residential units for all new residential buildings that have eight or more units. Based on these regulations the development would require 39 bicycle parking spaces.

Loading Requirement

The Scottish Rite temple does not have a loading requirement. Pursuant to 11 DCMR §2200.5, no additional loading berths, loading platforms, or service/delivery spaces are required for a historic landmark or a building or structure located in a historic district that is found to be a contributing building to the historic district. However, as with the parking requirement, when an addition to the existing building increases the structure by more than 25%, the additions must satisfy the loading requirements. The proposed additions will increase the gross floor area by more than 25%, and therefore must satisfy current loading requirements.

Pursuant to 11 DCMR §2200.1, a multiple dwelling structure with 50 units or more requires one loading berth at least 55 feet deep, one loading platform with at least 200 square feet of area and one service/delivery loading space at least 20 feet deep. The clinic has an existing 30 foot deep loading berth and one loading platform 171 square feet in area. If the Clinic is maintained on the Property then the loading must be maintained; however, if you relocated the Clinic off site then you would only need to provide the residential loading.

Please let me know if you have any further questions.

Sincerely,

Matthew Le Grant
Zoning Administrator

File: Det Let re 2800 16th ST NW to Moldenhauer 11-23-15