

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



August 3, 2015

Via Emailed PDF and US Mail

Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW-Suite 200
Washington, DC 20036

Re: 2233 40th Place, NW; Square 1317, Lot 10; Determination Letter Regarding Required Parking for Proposed Increase in Number of Units; Permit Application No. B1503363

Dear Mr. Sullivan:

You have asked for my determination regarding the parking requirement for the project proposed in Building Permit Application No. B1503363 (the “**Application**”), for the property located at 2233 40th Place, NW (the “**Property**”). The Property is located in the R-5-A zone district. It is improved with a four-unit apartment house (the “**Building**”), which was constructed prior to the adoption of the Zoning Regulations in 1958. The proposed project consists of an addition to the Building and an increase in the number of apartment units from four (4) to six (6).

Required Parking

Section 2101.1 of the Zoning Regulations requires one parking space for each residential unit in the R-5-A zone district. The proposed project of six (6) apartments would therefore require six (6) parking spaces.

Existing Parking

Although the existing four (4) apartments in the Building would require four (4) parking spaces under Section 2101.1, Section 2100.10 of the Zoning Regulations specifies that

“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;”

I have interpreted this to mean that a pre-1958 building with existing parking that does not meet the current parking requirements is not required to bring the existing noncompliant parking into compliance, provided that there is no reduction in the existing parking spaces.

You provided evidence, both photographs and a site plan of the existing conditions (**Exhibits A and B – Sheet A1.01**, dated May 30, 2015 with revisions as of July 1, 2015), that shows that the Property has three (3) existing parking spaces for the existing four (4) apartment units – a shortfall of one parking space. Furthermore, none of these existing parking spaces complies with the nine by nineteen foot (9' x 19') minimum size required by Section 2115.1 of the Zoning Regulations: two (2) of the spaces are approximately nine by fifteen feet (9' x 15'), and the third space is approximately seven by fifteen feet (7' x 15').

Having reviewed your evidence, I have determined that under Section 2100.10, these three (3) existing nonconforming parking spaces must be retained, but the Property is exempted from providing the additional fourth space otherwise required by Section 2101.1.

Parking for Proposed Addition

Section 2100.6 establishes that when the intensity of use of a building or structure existing before May 12, 1958 is increased by additional dwelling units, the additional dwelling units must comply with the requirements of Section 2101.1. In your case, the proposed additional two (2) units require two (2) additional parking spaces.

Proposed Parking

I have reviewed the Proposed Site Plan (**Exhibit C – Sheet A1.11**, dated May 30, 2015 with revisions as of July 1, 2015), which shows that you have retained the three (3) existing nonconforming parking spaces in the same general location. Furthermore, you have extended each of these parking spaces from the existing nonconforming fifteen foot (15') length to the required nineteen foot (19') minimum length, so that two of these now conform to Section 2101.1. The Proposed Site Plan also illustrates two (2) new nine by nineteen foot (9' x 19') parking spaces which also conform to Section 2101.1.

Based on my review of the Proposed Site Plan, I have determined that these five (5) total parking spaces – four (4) conforming and one (1) nonconforming in width (at seven feet (7') wide instead of the required nine foot (9') wide) – comply with the parking requirements of the Zoning Regulations for the proposed six (6) unit apartment building.

Please feel free to contact me if you have any questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Enclosures

File: Det Let re 2233 40th PI NW to Sullivan 8-3-15