



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of:

DC Zoning Administrator

Name of administrative officer and title

made on

March 24, 2016

Date of decision

that states

Approves parking plan proposed by Washington Real

Estate Investment Trust (REIT) associated with construction of a new building is consistent
with the Zoning Regulations and a preferred historic preservation outcome.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
4800 block of Mass. Ave NW	1500	1,2,3	C-2-A

Present use of Property:

Shopping Center and Parking Lot

Proposed use of Property:

Shopping Center and Parking Lot

Name of Owner of Property:

Washington Real Estate Investment Trust

Address:

1175 Eye Street NW, Suite 1000, Washington, D.C. 20006

Phone No(s):

(202) 774-3200

Fax No.:

(301) 984-9610

E-Mail:

belliott@washreit.com

Name of Lessee:

Address:

Phone No(s):

Fax No.:

E-Mail:

Name of Appellant, if other than Owner:

Advisory Neighborhood Commission 3D

Address:

P.O. Box 40846 Palisades Station, Washington, D.C. 20016

Phone No(s):

(202) 656-4119

Fax No.:

(202) 363-4452

E-Mail:

3D@anc.dc.gov

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date:

4/4/2016

Signature of Appellant*:

Thomas M. Smith

Waiver of Fee - Status of Appellant

☒ ANC ☐ DC Government Agency ☐ NCPCL ☐ Citizens' Association/Association created for civic purposes that is not for profit

To be notified of hearing and decision (Appellant or Authorized Agent*):

Name:

Thomas M. Smith, Chair, ANC 3D

Address:

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* If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

Board of Zoning Adjustment
OFFICE OF THE CLERK
CASE NO. 19274
EXHIBIT NO. 23

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3D

PO Box 40486, Palisades Station

Washington, DC 20016

***PALISADES – KENT - SPRING VALLEY - WESLEY HEIGHTS - NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY - FOXHALL VILLAGE - BERKELEY***

April 4, 2016

Ms. Marnique Y. Heath, Chairperson
Board of Zoning Adjustment
441 4th Street NW
Room 200S
Washington, D.C. 20001

**RE: Appeal of Zoning Administrator Determination on Parking Considerations
with the Proposed Construction of a New Building at the Spring Valley Shopping
Center (Square 1500, Lots 1, 2, and 3)**

Dear Ms. Heath:

Zoning Administrator (ZA) Matthew LeGrant issued a determination letter on March 24, 2016 stating that a parking plan submitted for review by the Washington Real Estate Investment Trust (REIT) – formerly known as WRE and WRIT – in connection with construction of a new building at Square 1500 is “consistent with the Zoning Regulations.” The parking plan would significantly reduce the number of existing parking spaces at the Spring Valley Shopping Center, which was designated as a Historic Landmark by the District government in 1989 and approved for the National Register of Historic Places in 2003.

Specifically, the proposed parking plan reduces the number of parking spaces from 72 to 65. Washington REIT is proposing to reduce the number of parking spaces at the Center in order to build a new 15,159 square foot building at the site across three separate lots. The site currently consists of five separate buildings clustered around the parking lot.

The fact that the buildings are separate structures and clustered around the parking lot contributed significantly to the designation of Square 1500 as a Historic Landmark in 1989.

Advisory Neighborhood Commission (ANC) 3D believes that Washington REIT is required to increase the amount of parking at the lot above the current 72 spaces to account for the increased intensity of use at the site or, at a minimum, maintain the current number of 72

parking spaces, according to the Zoning Regulations. Only the Board of Zoning Adjustment (BZA) has the authority to grant a variance of the parking requirements outlined in the Zoning Regulations.

ANC 3D believes the determination made by the ZA is arbitrary and capricious in that it is not based on a consideration of all relevant factors and is not in accordance with the DC Zoning Regulations. Furthermore, ANC 3D believes the determination is a clear error in judgment; usurps the BZA's legal authority; and deprives the public of meaningful input on the parking plan despite its significant impacts for neighboring residents.

ANC 3D believes that the DC Zoning Regulations require Washington REIT to obtain a parking variance as part of its plans for constructing a new building at the site. Consequently, ANC 3D is submitting this appeal of the ZA's determination.

A. Background

The Spring Valley Shopping Center (Square 1500), which is located in a C-2 zone, is immediately adjacent to an R-1-B residential neighborhood. In fact, the residential homes in the R-1-B zone are only 25-30 feet from the Shopping Center's property line.

The proposed new building at the Spring Valley Shopping Center has been the subject of three hearings before the DC Historic Preservation Review Board (HPRB) since April 2015. ANC 3D has opposed the plans before the HPRB for the construction in part due to the proposed reduction in parking spaces at the site and the impact of the parking reduction on neighboring homeowners. HPRB has approved the concept of the new building design. The HPRB hearings did not focus on parking or other zoning-related issues.

In responding to a question about the nature of any zoning variances sought on the application filed with the HPRB (**Attachment A**), Washington REIT stated the following:

"Applicant will be seeking a parking variance from BZA."

In its narrative description (**Attachment B**) accompanying the application, Washington REIT wrote the following:

"Construction of the proposed building will cause the loss of about 17 parking spaces, requiring WRE to obtain relief from the parking requirements from the Board of Zoning Adjustment."

As late as October 2015, Washington REIT advised ANC 3D and residents of the surrounding residential neighborhood that the company would be required to seek a parking variance from the BZA to build the new building because of the plans to reduce the number of parking spaces at the site.

A representative of ANC 3D learned from Washington REIT in January 2016 that the company would no longer seek a variance for the parking reduction because – in the company's

opinion – moving forward with construction was a matter of right and that parking spaces could be reduced without seeking and obtaining a parking variance. Based on that conversation, ANC 3D representatives and representatives of two neighborhood citizens' groups – the Spring Valley-Wesley Heights Citizens Association (SVWHCA) and Neighbors for a Livable Community (NLC) – met with the ZA on January 20, 2016 to challenge Washington REIT's interpretation of the Zoning Regulations.

The ANC and neighborhood representatives stressed to the ZA that the language of Section 2120.1 would require that the new construction comply with the parking requirements outlined in Section 2101 (*Schedule of Requirements for Parking Spaces*) of the Zoning Regulations. The ANC and neighborhood representatives noted that the new building was unattached and therefore, under Section 2120.1, the parking relief for historic buildings outlined in Section 2120 (*Parking for Historic Buildings*) would not apply in this case.

ANC 3D and neighborhood representatives also presented the ZA with engineering plans (**Attachment C**) of the property indicating that the capacity of the parking lot at the time it was designated an historic landmark in 1989 exceeded the current capacity, and therefore Washington REIT would be obligated to provide additional parking spaces – beyond the 65 planned – in order to comply with regulations even if the new building qualified for the parking relief granted under Section 2120.

The ZA indicated he would review the issues raised by ANC 3D and neighborhood representatives.

Subsequently, at its regularly scheduled meeting on Wednesday, February 3, 2016, with a quorum present at all times, ANC 3D voted 7-0 in support of a formal resolution (**Attachment D**) calling on the ZA to require Washington REIT to seek a variance from the BZA consistent with the parking requirements outlined in Section 2101 of the DC Zoning Regulations. The resolution also authorized ANC 3D to appeal any determination by the ZA concluding that the parking plan, as proposed by Washington REIT, was a matter-of-right.

The ZA issued his letter of determination on March 24, 2016 (**Attachment E**) stating that Washington REIT's proposed parking plan is "compliant" with Zoning Regulations. However, the ZA's letter failed to acknowledge the formal resolution approved by ANC 3D and neglects to address the specific issues raised by ANC 3D and the neighborhood residents, as outlined in the ANC 3D resolution.

B. The Determination By The Zoning Administrator Is Arbitrary and Capricious

ANC 3D believes the ZA's March 24, 2016 determination is arbitrary and capricious because it ignores relevant factors and is therefore not in accordance with the Zoning Regulations.

Section 2120 (*Parking for Historic Buildings*) of the Zoning Regulations outlines the parking requirements for historic buildings and sets the conditions for exempting historic buildings from the more expansive parking requirements outlined in Section 2101 (*Schedule of*

Requirements for Parking Spaces). The language and intent of Section 2120.1 of the Zoning Regulations could not be clearer. Section 2120.1 states that the parking exemptions outlined in Section 2120, including those cited by the ZA in his determination, “shall not apply to new unattached structures constructed on the same lot as a historic resource.”

Because the proposed new building is unattached, the current Zoning Regulations clearly require Washington REIT to comply with Section 2101 of the Zoning Regulations. Based on the square footage of 15,159 square feet referenced in the ZA determination letter, Washington REIT would be required to increase its parking capacity from 72 spaces, as now exist, to 112 parking spaces to be “compliant,” according to the schedule outlined in Section 2101.1.

In its building proposal description (**Attachment B**) submitted to the Historic Preservation Review Board (HPRB), Washington REIT described the nature of the project as follows:

*“Construct new two-story brick **infill building** in vacant space on Massachusetts Avenue NW.”*

The report and recommendation on the proposed building prepared by the Historic Preservation Office (HPO) staff (**Attachment F, pp. 1-2**) for consideration of the HPRB also stressed that the buildings on the site are independent structures, and are not a single structure.

Specifically, HPO contrasts Square 1500 with the Massachusetts Avenue Parking Shops, a more traditional shopping center – also landmarked in 1989 – located across the street. According to the HPO analysis and report, the Massachusetts Avenue Parking Shops, unlike Square 1500, was “built as a single structure in 1936.” But, the Spring Valley Shopping Center (Square 1500), which is the subject of this case, is “comprised of five buildings constructed between 1939-1950.”

HPO’s analysis of the site emphasizes that the buildings are separate structures despite their proximity to one another. HPO relies on the historic designation approved in 1989 by the HPRB to reach this conclusion. The HPO reports stated the following:

*“As is summarized in the (historic designation) nomination, ‘the **buildings** are clustered together on a single block and form a commercial village-like environment.’”*

In fact, the project description of Square 1500, as listed in the National Register of Historic Places, and as submitted in 2003 by the DC Government, could not be clearer. The summary (**Attachment G**) describes Square 1500 as follows:

*“The five commercial buildings on Square 1500 are a unified grouping of **freestanding** structures that all share common architectural vocabulary, building materials, scale, and design motif.”*

The HPRB approved the design for the new proposed structure precisely because it found it consistent with the existing landmark as a “freestanding” structure.”

Three of the buildings in Square 1500 abut one another, but share no common structure. The proposed new building would also abut an existing building. Washington REIT (in its application) and the HPO (in its report and analysis) consistently refer to the new structure as a separate building, not as an attachment to an existing structure or an addition to an existing building.

Indeed, HPRB reviewed the new building as a separate structure and did not apply the standards for historic review that would otherwise apply for a proposed addition or attachment to an existing historic structure.

Based on plans submitted by Washington REIT to HPRB and ANC 3D, the proposed building is clearly a separate, independent, unattached building. It is not attached to any other structure within Square 1500. The building does not share a common wall, nor is there any passage between the new building and any other existing structure at the site. It is a free-standing building independent of any existing structure within Square 1500.

Even the ZA recognized the building as an independent structure in a related determination letter (**Attachment H**) issued on January 15, 2015. In that letter, the ZA determined that the three lots on Square 1500 could be consolidated in accordance with the Section 3202.3. The ZA wrote the following in January 2015:

*“The shopping center is comprised of three commercial structures located on three record lots. The buildings located on the Property are a designated historic landmark. WRIT would like to consolidate the three record lots into one record lot and to **construct a fourth commercial building** along Massachusetts Avenue. I am confirming that WRIT may rely on Section 3202.3 to subdivide the lots to create a single record lot and maintain **four independent commercial buildings** on the Property.”*

(Although the ZA’s letter does not include the correct number of buildings on Square 1500, he clearly specifies that the new proposed building is a separate structure.)

The ZA’s March 24, 2016 determination letter does not offer any rationale for rewriting the history of the site by assuming that the new structure is now an attachment or an addition to an existing structure. The ZA just arbitrarily declares that the additional square footage is “attached” and refers to the new structure as an “addition” despite all the evidence to the contrary – even his own conclusion in the earlier determination letter. Any basic review of the building plans demonstrates that the building is neither attached, nor an addition.

The ZA’s own description of the site, as outlined in the March 2016 determination letter, is inconsistent with his assumption that the building is “attached” or an “addition.” The ZA’s March 24, 2016 letter states that there are “5 existing commercial structures on the site.”

Because the building is unattached, the parking rules for historic buildings outlined in Section 2120 do not apply, as stated clearly in Section 2120.1. Consequently, the argument by the ZA that the parking plan is a matter of right is fundamentally in error.

Given that Section 2120 does not apply in this case, as maintained by ANC 3D and as supported by the Zoning Regulations, Washington REIT must comply with the parking requirements outlined in Section 2101 and all other parking regulations as well, including Section 2115.1 which designates the size of parking spaces, Section 2115.3 which designates the size of compact car spaces, and Section 2115.4 which requires spaces for compact cars to be marked.

The requirement that compact spaces be designated as such is particularly significant in this case since Washington REIT has reduced nearly all the parking spaces (disability spaces appear to be the only exception) to match the size identified in the Zoning Regulations as compact car-sized spaces. Although this will maximize the number of spaces in the parking lot, it will also make parking inaccessible for many patrons who do not own compact cars and force those patrons to find parking in the adjacent residential neighborhood. This will have a significant impact on homeowners immediately adjacent to the building site.

C. The Determination of the ZA Ignores Relevant Facts Impacting The Number Of Parking Spaces Required For Construction of a New Building at Square 1500.

ANC 3D believes the ZA erred by applying Section 2120 rules in this case. However, even if Section 2120 is thought to be applicable in this case, ANC 3D believes that the ZA does not have the authority to approve a reduction in parking from 72 spaces to 64 spaces. The ZA can point to no zoning regulation that gives him the authority otherwise granted only to the BZA to provide parking relief in the form of a variance.

Moreover, ANC 3D believes that Washington REIT must actually provide more spaces than the existing 72 spaces if Section 2120 is thought to apply to this case.

In his determination letter, the ZA acknowledged the views outlined by Washington REIT that 26 existing spaces in the parking lot are not compliant with current zoning regulations and therefore that Washington REIT should only be required to provide 46 spaces instead of 72 spaces as currently exist at the site.

Washington REIT argues that 18 of these 26 spaces are not compliant because they cross separate lot lines thus failing to conform to Section 2116.1 of the Zoning Regulations. The ZA did not concur with Washington REIT's views on this and mentioned specifically that these spaces are still included as part of the proposed parking plan. Therefore, it is reasonable to conclude that these parking spaces are in compliance with the Zoning Regulations despite the fact that they may cross lot lines.

ANC 3D agrees with this determination by the ZA. If the zoning regulations consider these 18 parking spaces to be non-compliant because they cross existing lot lines at Square 1500, then the proposed building also would be non-compliant because the building, itself, crosses three lots. The ZA determined in January 2015 that Washington REIT could consolidate the lots consistent with Section 3202.3 of the Zoning Regulations (**Attachment H**). That same

determination letter specified that “existing parking which may be displaced would need to be either replaced in kind or relief granted by a variance.”

Moreover, Washington REIT sought and won approval in October 2015 from the HPRB to consolidate the lots.

For Washington REIT to now argue to the ZA that these 18 parking spaces are non-compliant with existing regulations because the lots are not consolidated is disingenuous and suggests an effort to manipulate the zoning and land use policies of the DC government to avoid a public hearing before the BZA.

However, the decision of the ZA to determine that 8 other spaces are not compliant because they intrude slightly into public space and do not need to be replaced convolutes the intent and language of Section 2116.4 of the Zoning Regulations and ignores other key evidence in this case. The effect of this determination is to grant Washington REIT a variance from existing zoning regulations to allow for the reduction of parking spaces in the lot from the current capacity of 72 to 64.

The 8 parking spaces referenced in the ZA determination are located in the parking lot bordering on 49th Street NW. According to the DC GIS system, the parking spaces appear to intrude only about 4 feet into what is now considered to be public space. However, the ZA determination letter does not even specify how much the spaces actually intrude into public space.

The ZA argues that these spaces violate the “intent of Section 2116.4’s bar on parking between street lot lines and the nearest building facades.” However, if that determination is to apply to the site, this would mean that nearly all the spaces in the parking lot would not be compliant with zoning regulations because of the distance between the street lot lines and the nearest building façade in Square 1500. All parking at the site is located between the lot lines and the nearest building facades.

The ZA also argues that these spaces are not compliant because they lack the requisite public space permit. There is nothing preventing Washington REIT from seeking a public space permit to use this space just as restaurants routinely seek a public space permit for outdoor dining. In fact, other establishments are required to obtain a public space permit – even after the fact – when they are using public space without the benefit of a permit or face losing the option of using the public space.

Failure to obtain a public space permit does not trigger a relaxation of zoning standards.

Neighbors would likely support a request by Washington REIT for a public space permit to ensure adequate parking on the site and adequately sized spaces, so that cars are not circulating through and parking in their neighborhoods.

However, the parking area that now is determined to intrude into public space has been used for parking since at least 1957, according to aerial photographs (**Attachment I**) of the site.

This pre-dates the Zoning Regulations and the public space rules. Not only were parking spaces configured at this location along 49th Street NW, this area now used for parking was designated as an entrance/exit for the parking lot dating back at least to 1949 (**Attachment I**). The curb cuts for the parking lot entrance/exit are still in place today.

To now argue that these parking spaces should not be considered “existing spaces” runs counter to the intent of the Zoning Regulations, particularly Section 2120. The fact that these spaces are deemed now to be non-compliant with current public space and zoning regulations does not absolve the applicant from meeting existing zoning regulations. It does not provide cause for relaxing the requirement for the number of parking spaces; instead, it requires the applicant to develop a parking plan that provides the required number of parking spaces in a way that complies with new regulations – which has been triggered by the applicant’s own decision to now construct a new building at the site.

Instead, the ZA is using Washington REIT’s failure to comply with existing rules to rationalize exempting them from complying with those rules, including the DC Zoning Regulations, without the benefit of a formal variance request and proceeding before the BZA.

However, the ZA also completely ignores historic maps provided by ANC 3D and the two citizens’ groups. These maps indicate that the configuration of parking spaces exceeded the current 72-space configuration when Square 1500 was designated an historic landmark in 1989. The number of parking spaces has been reduced gradually at Square 1500 after the site was designated an Historic Landmark to make way for additional landscaping and to increase the size of spaces to accommodate larger vehicles, such as SUVs, which are more typical and prevalent in the current marketplace.

An engineering plan prepared by the former owner of the site just before the site was designated an Historic Landmark – and provided to the ZA in advance of his determination – shows the parking lot had 77 parking spaces and that it was being expanded to 90 spaces. **(Attachment C) Moreover, this design of the parking lot, as it existed in 1987, shows that the parking lot had 77 spaces and that none of these spaces crossed the building restriction line into public space.**

So, it was the property owner’s choice – not by necessity – to locate parking spaces partially in public space in order to provide the 77 parking spaces. There is no basis to hold that the Zoning Regulations now exempt the property owner for choosing a parking lot configuration that failed to comply with the public space requirements or, as the ZA writes in his determination letter, the “intent” of the Zoning Regulations.

Therefore, even if the ZA determination is deemed to be correct – that is, that the eight parking spaces intruding into public space are not compliant – Washington REIT would be required to have a minimum of 69 spaces or a maximum of 82 spaces, based on the engineering design in Attachment C. Washington REIT’s proposed parking plan provides only 65 parking spaces, which would not be compliant with DC Zoning Regulations.

Finally, in making his determination that Washington REIT's parking plan for 65 spaces is compliant with the Zoning Regulations, the ZA ignores the requirements of Section 2116.9 which requires that all parking spaces be functional and usable. At least five spaces in the proposed parking plan would not be usable. Some of these parking spaces are so close to the entrance and exit of the parking lot that it is not even possible to access them – or access them safely. Others are located in an area designed to be used by trucks to access the new building for delivery purposes because the trucks will not be able to negotiate the narrow turns within the parking lot's travel lanes, according to Washington REIT.

D. A "Preferred Historic Preservation Outcome" Is Not A Zoning Standard

The ZA justifies his determination in part by saying the parking plan referenced in his determination letter is the "preferred historic preservation outcome." This conclusion further underscores the arbitrary and capricious nature of the ZA's determination.

The ZA's conclusion ignores that the parking plan and issues related to the parking lot capacity are not the jurisdiction of the HPRB or the HPO. These are not historic preservation issues. In its review and recommendations to the HPRB, the HPO report said the following (**Attachment F**):

"The HPO has encouraged that this project includes new walks and planting around the perimeter of the parking lot and out to Massachusetts Avenue and 49th Street so that pedestrians could circulate around the perimeter of the lot without having to walk through it. A master plan that improves the landscape and pedestrian circulation through the site should continue to be developed as an essential component of this project."

Contrary to the conclusion reached by the ZA, the HPO report never made a reference in its analysis to the capacity of the parking lot, even to the parking spaces that intrude into public space, or any other aspect of the parking plan proposed by Washington REIT. The landscaping improvements cited by HPO are not a factor of the amount of space available along the parking lot bordering on 49th Street, but a factor of whether the property owner is committed to an attractive and properly landscaped site.

Although ANC 3D and residents raised the issue of the parking lot consistently throughout the HPRB review process, HPRB members consistently said that the zoning issues tied to the parking lot were not the subject of the HPRB hearings and would be the domain of the BZA. The members of the HPRB stressed their role was to review historic preservation and design issues associated with construction of the new building – not zoning issues.

In fact, testimony about issues tied to the parking lot by ANC 3D03 Commissioner Nan Wells, whose SMD includes Square 1500, at the July 23, 2015 HPRB hearing on the proposed building, was cut short by HPRB Chair Gretchen Pfahler, who said the following:

"Parking is not our purview. The number of parking spaces, the layout of parking spaces are all very important, but do not fall into our purview."

Ms. Pfahler reiterated these remarks in response to testimony provided by a resident whose homes borders the Shopping Center. The resident also expressed concern at the July 23, 2015 hearing about the reduction in parking spaces and the potential impact on the surrounding neighborhood single family homes. Ms. Pfahler said the following:

“Parking is important, but not in our purview. Work with the appropriate agencies to be sure your concerns are considered.”

Interestingly enough, even Washington REIT acknowledged in its project description (**Attachment B**) filed with its application that parking issues did not fall under the jurisdiction of the HPRB. The application makes reference to a meeting that was to be scheduled on parking spaces and reads as follows:

“An additional neighborhood meeting has been scheduled to discuss issues not relevant to the HPRB’s consideration of the new building, such as the reduced number of parking spaces, access to and egress from the parking lot, deliveries and trash pickup, and existing and potential traffic and parking on neighborhood streets.”

A “preferred historic preservation outcome” is not a zoning standard. It is not the role of the ZA to assess or determine compliance with Zoning Regulations on the basis of his view of what constitutes the “preferred historic preservation outcome.” Just as HPRB chose not to weigh in on zoning-related issues during the historic preservation review process, the ZA should not try to rationalize an arbitrary and capricious zoning decision on the basis of historic preservation standards that fall outside his jurisdiction.

E. ZA Determination On Bicycle Parking Is Inconsistent With DC Government Transportation Policy

ANC 3D’s February 3, 2016 resolution does not reference bicycle parking. However, the ZA has stated in his determination letter that Washington REIT will not be required to comply with Section 2119.2 mandating bicycle parking spaces because the building is exempt from parking requirements as an addition to an existing structure on Square 1500.

ANC 3D has already stated its view that Washington REIT is not exempt from parking requirements on the basis that the proposed new structure is unattached.

Although ANC 3D has not taken a formal position specifically on the issue of bicycle parking in this case at this time, ANC 3D notes that the position taken by the ZA is not consistent with the overall policy of the DC Government to promote intermodal transportation as an alternative to automobile use. Moreover, ANC 3D notes that representatives of Washington REIT consistently told ANC 3D that people patronizing the new retail stores to be located in the new building will travel to the site by bicycle.

F. Conclusion: Public Review By The BZA Is In The Public Interest And Consistent With DC Zoning Regulations

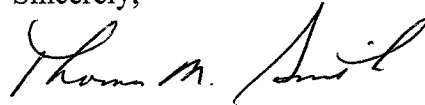
ANC 3D believes that Washington REIT is required to seek a parking variance from the BZA. Moreover, ANC 3D believes the reasoning offered by the ZA to determine that Washington REIT's proposed parking plan is in compliance with existing Zoning Regulations is fundamentally flawed, relies on an incomplete record of facts, and convolutes the intent of the regulations to achieve the desired outcome that the parking plan is a matter of right – and exceeds his authority under the DC Zoning Regulations.

Since Washington REIT proposed a new infill, unattached building in January 2015 at Square 1500, residents located immediately adjacent to the Shopping Center and throughout the surrounding neighborhood have expressed deep concerns about parking and traffic impacts in the neighborhood stemming from the loss of parking spaces at the site. Washington REIT has refused to discuss parking issues with residents or ANC 3D during the review of the proposal by the HPRB on the basis that parking issues were not historic preservation issues and that these issues would be discussed later as part of a variance request to be filed before the BZA. Now, Washington REIT is seeking to avoid such discussions by circumventing review by the BZA consistent with the DC Zoning Regulations.

The determination by the ZA in this case usurps the authority of the BZA, which should have primary responsibility for determining whether the relaxation of parking requirements sought by Washington REIT meets the standards for a variance outlined in the Zoning Regulations. The ZA determination also deprives the public of meaningful input on a parking plan that is not consistent with the Zoning Regulations and could have a significant impact on their property values and the enjoyment of their property and create new pedestrian and traffic safety issues in the adjacent residential neighborhood.

ANC 3D believes the ZA's determination in this case short circuits the zoning process at the expense of the public interest and has no basis in the existing Zoning Regulations. It is for these reasons that we challenge that determination.

Sincerely,



Thomas M. Smith
Chair

Attachments

- | | |
|---------------|--|
| Attachment A. | Application and Referral to the Historic Preservation Review Board Filed by Washington Real Estate Investment Trust, February 27, 2015 |
| Attachment B. | Project Description Accompanying Application to HPRB Filed By Washington Real Estate Investment Trust, February 27, 2015 |

Attachment C. Engineering Designs Of Parking Lot 1988-1989
Attachment D. ANC 3D Resolution, February 3, 2016
Attachment E. March 24, 2016 Determination Letter Of Zoning Administrator
Attachment F. Historic Preservation Review Board Staff Report and Recommendation
Attachment G. National Register Historic Listing For Square 1500 Description Summary
Attachment H. January 15, 2015 Determination Letter Of Zoning Administrator
Attachment I. Aerial Photographs

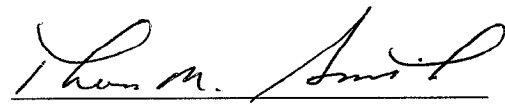
Certificate Of Service

Mr. Paul T. McDermott
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Mr. Robert Elliot, Jr.
Director of Development
Washington Real Estate Investment Trust
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Ms. Melinda M. Bolling
Director
DC Department of Consumer and Regulatory Affairs
1100 4th Street SW
Washington, D.C. 20024



Thomas M. Smith
Chair, ANC 3D

ATTACHMENT A

**WASHINGTON REAL ESTATE INVESTMENT TRUST
APPLICATION TO HISTORIC PRESERVATION
REVIEW BOARD FOR NEW INFILL BUILDING AT
SQUARE 1500**



Government of the
District of Columbia

APPLICATION AND REFERRAL TO THE HISTORIC PRESERVATION REVIEW BOARD

HPA 15-252

The DC Historic Landmark and Historic District Protection Act of 1978 requires the Mayor to refer construction plans to the Historic Preservation Review Board (HPRB) for consideration before issuing a building permit affecting a designated historic landmark or property within a historic district. To initiate a historic preservation review with HPRB, please submit this form with all required attachments as directed below.

THIS IS A REQUEST FOR THE FOLLOWING REVIEW BY THE HISTORIC PRESERVATION REVIEW BOARD:

- ☒ **CONCEPTUAL REVIEW** to receive HPRB guidance at the early stages of design and to enable delegation of final permit review to the Historic Preservation Office (HPO)
- ☐ **PERMIT REVIEW** to receive final historic preservation review of the building permit plans for a project
I have confirmed with the HPO staff that the proposed work needs to be submitted for HPRB review

1. OWNER, APPLICANT, AND PROPERTY INFORMATION

Property Owner's Name: WASHINGTON REAL ESTATE INVESTMENT TRUST

Applicant's Name (if different from owner): _____

Project Address: 4800 BLOCK OF MASSACHUSETTS AVENUE, NW

Square: 1500 Lots: 1, 2, 3 Historic District: _____

To find your square, lot and historic district, see www.propertyquest.dc.gov

- ☒ I am currently the owner of the property
- ☐ I am a homeowner currently receiving the DC homestead deduction for this property
- ☐ I am an authorized representative of the property owner
- ☐ I am or represent a potential purchaser of the property

2. SUBMISSION MATERIALS FOR HPRB

The following materials are included with this application:

- ☒ Comprehensive exterior photographs of the building, structure, or site and its context (showing adjacent buildings, immediate surroundings, and the areas of proposed work)

For each of the following, two (2) copies for filing (HPO will request more copies after its initial project review):

- ☒ Site plan showing the existing footprint of the property and adjacent buildings
- ☒ Building plans, elevations, and site plan sufficient to illustrate the footprint, height, massing, design, and materials of the proposed work and its surrounding context

3. PROJECT DESCRIPTION (CHECK ALL THAT APPLY)

- ☐ Addition ☐ Exterior Alteration ☒ New Construction ☐ Subdivision ☐ Other

Briefly describe the nature of the project: CONSTRUCT NEW TWO-STORY BRICK INFILL BUILDING IN VACANT SPACE ON MASSACHUSETTS AVENUE, NW.

	YES	NO	UNSURE
Is the proposed work visible from a public street?	☒	☐	☐
Will there be work on the front of the building or in the front yard?	☐	☒	☐
Does the project include work in public space?	☐	☒	☐
Does the project include removal of roof or floor framing or bearing walls?	☐	☒	☐
Is this a Fair Housing Act request for "reasonable accommodation"?	☐	☒	☐

(over)

4. ADDITIONAL INFORMATION FOR LARGER PROJECTS TO BE SUBMITTED WITH FINAL PLANS

For renovation or new construction projects exceeding 20,000 square feet, attach a full narrative description indicating the general nature of the project, program of uses, estimated gross floor area by use, number of residential units, scope of preservation work, and any other pertinent features or benefits, including aspects of sustainability. *Homeowners proposing work on their own house do not need to provide this information.*

5. EASEMENTS

	YES	NO	UNSURE
Is there a conservation easement on the property?	☐	☒	☐
If yes, have you discussed the project with the easement holder?	☐	☐	☐

6. COMMUNITY CONSULTATION

	YES	NO	UNSURE
Have you shared project information with abutting neighbors?	☒	☐	☐
Have you contacted the affected Advisory Neighborhood Commission (ANC)?	☒	☐	☐
Have you contacted any neighborhood community organizations?	☒	☐	☐

To locate your ANC, see www.anc.dc.gov/anc/site

7. ZONING REGULATIONS AND CONSTRUCTION CODE

	YES	NO	UNSURE
Will the project cause a change in building footprint or lot occupancy?	☒	☐	☐
Are any zoning variances or special exceptions required for the project?	☒	☐	☐
If yes, have you discussed the project with the Zoning Administrator?	☒	☐	☐
If yes, have you discussed the project with the Office of Planning?	☒	☐	☐
Is any building code relief required for the project?	☐	☒	☐

Briefly describe the nature of any zoning variances or code relief being sought: APPLICANT WILL
BE SEEKING A PARKING VARIANCE FROM BZA.

8. CONTACT INFORMATION

Owner Address (if different from project address): 1775 I STREET, NW SUITE 1000
Owner Phone: 202 724-3112 Owner Email: belliott@washreit.com DC 20005
Agent's Capacity: ☐ Tenant ☐ Architect ☐ Contractor ☐ Contract Purchaser ☐ Expediter ☒ Other
Agent Address (if different from owner): Anne Adams - Architectural Historian
Goulston + Storrs 1999 K Street, NW Suite 500
Agent Phone: 202 721-1136 Agent Email: adams@goulstonstors.com DC 20006

9. CERTIFICATION

I hereby certify that the information given in this application is true and accurate. If applying as an agent of the owner, I certify that I have the owner's permission to make this application.

Signature: [Signature]

Date: 2/27/15

When completed, submit this form with all plans, photographs, and other attachments to the Historic Preservation Office desk at the DC Permit Center, Department of Consumer and Regulatory Affairs, 1100 4th Street SW, 2nd floor. Upon review of this submission, HPO staff may contact the owner or agent for consultation, and may request additional information if determined necessary to review the project.

Referral to HPRB may be deferred if information is not received within sufficient time to allow staff evaluation and preparation for review. All application materials are part of the public record and are made available to the public for inspection. For more information, see www.preservation.dc.gov.



Historic Preservation Office
DC Office of Planning
(202) 442-8800
historic.preservation@dc.gov

District of Columbia
Office of Planning



ATTACHMENT B

**NARRATIVE DESCRIPTIONS OF NEW INFILL
BUILDING AT SQUARE 1500 AS SUBMITTED TO
HISTORIC PRESERVATION REVIEW BOARD BY
WASHINGTON REAL ESTATE INVESTMENT TRUST**

Spring Valley Shopping Center

4800 Block of Massachusetts Avenue, NW

Washington, DC

HPA – 15-252

Project Description

Washington Real Estate Investment Trust (“WRE”), owner of the Spring Valley Shopping Center (“Shopping Center”), proposes to construct a two-story brick infill building in vacant space along the 4800 block of Massachusetts Avenue, NW. Although the standard for approval of new construction pursuant to the Historic Landmark and Historic District Protection Act of 1978, as amended (“Act”) is that it is not incompatible with the character of the landmark, the infill building is more than that – it is compatible with the landmark Shopping Center. Its design was informed by the size, massing, materials, and scale of the existing buildings in the Shopping Center. Its architectural expression is both current and compatible with the original buildings on the site. Although not a criteria for approval under the Act, the proposed uses in the building – retail/restaurant on the first floor and commercial, service, office, or retail on the second floor – are consistent with the historic uses on the site and compatible with the overall character of the Shopping Center.

The Shopping Center is listed in the DC Inventory of Historic Sites (“Inventory”) as Square 1500. It occupies the square bounded by Massachusetts Avenue, NW, 49th Street, NW, and Fordham Road, NW. The five buildings in the Shopping Center were constructed by W.C. and A.N. Miller between 1939 and 1950. The Shopping Center was planned and designed to complement the character of the nearby residential neighborhoods. This cluster of buildings reflects the ongoing popularity of Williamsburg-inspired Colonial Revival design as well as the ongoing dilution of its expression.

Early tenants in the Shopping Center provided a range of shops and services, including a grocery store, suburban branches of a downtown department store, furniture store, and bank and a gas station. The buildings and their front entrances were oriented toward their adjacent street(s) and generally built at the outer edges of their lot lines. Parking was provided at the center of the square, behind the buildings, with access from 49th Street, NW and Fordham Road, NW. The configuration and size of the parking area has evolved over the years to accommodate new buildings as well as the operational needs of the tenants. Construction of the proposed building will cause the loss of about 17 parking spaces, requiring WRE to obtain relief from the parking requirements from the Board of Zoning Adjustment.

The five buildings in the Shopping Center were constructed between 1939 and 1950. The Spring Valley D.G.S. Market at 4860 Massachusetts Avenue, NW and the Esso gas station at 4866

Massachusetts Avenue, NW, were both designed by Gordon MacNeil and built in 1936. The Spring Valley branch of Garfinckel's (now Crate & Barrel) at 4820 Massachusetts Avenue, NW was designed by MacNeil and built in 1942. It is the largest and most prominent building in the Shopping Center. The buildings at 4872-4874 Massachusetts Avenue, NW were designed by a W.C. and A.N. Miller architect and built in 1947. The building at 4301 49th Street, NW, was designed by Edward R. Spano; construction began in 1949. It was originally occupied by the National Metropolitan Bank and Mayer & Company Furniture Store.

There has always been parking at the interior of the Shopping Center, behind the buildings. This parking is very different from the parking at the Massachusetts Avenue Parking Shops directly across Massachusetts Avenue, NW. That complex, designed by E. Burton Corning and built in 1936 by Charles Hillegeist, is also a landmark listed in the Inventory. It is a significant early example of an automobile-oriented shopping center where the parking was off the main street but clearly visible in front of the stores, forming a "forecourt of off-street parking", as noted in the Inventory. As with the earlier Cleveland Park Park & Shop on Connecticut Avenue, NW and all other examples of this building type, the location and visibility of the parking between the street and the shops is an essential and character-defining feature. The Shopping Center is not the same type of building and its parking is not an essential or character-defining feature of that landmark.

The footprint, height, and size of the infill building are well within the range established by the existing buildings in the Shopping Center. A paseo between Garfinckel's/Crate & Barrel and the new building will connect Massachusetts Avenue, NW and the parking at the interior of the Shopping Center and provide an active and interesting pedestrian experience. Additionally, the space between the existing and proposed building will be sufficient to ensure that the original building retains its dominant place in the Massachusetts Avenue, NW frontage of the Shopping Center.

The design of the building (both schemes) are relatively simple so as to not compete with the more overtly Colonial Revival designs of the original buildings. The orientation of the new building is the same as that of the existing buildings. The new building will appropriately complete and reinforce the Massachusetts Avenue, NW streetscape in a manner consistent with existing buildings. The building is fully designed on three sides and at the upper floor of the fourth side which will be visible from the west, above the adjacent building at 4860 Massachusetts Avenue, NW.

The east elevation of the building facing the paseo and Garfinckel's/Crate & Barrel is a fully designed primary elevation. The back of the building, fronting on the parking lot, includes an entrance leading to the second floor and service entrances for the first floor. Windows line the second floor. New landscaping and walkways will be added to the reconfigured parking lot and

trash removal for the new building will be consolidated in an existing service area accessed from 49th Street, NW, thus enhancing the landmark.

Before purchasing the Shopping Center WRE met with the staff of Historic Preservation Office ("HPO") to get information on the particular significance of the Shopping Center and get guidance about possible additional density on the site and design considerations associated with such additional density. Since purchasing the Shopping Center WRE has continued to meet with the HPO staff to refine the site plan for the property and design of the new building. WRE began meeting with neighbors and members of Advisory Neighborhood Commission 3D last year, to both introduce itself and talk about the proposed new building. Since then there have been numerous meetings with groups and individuals to present and explain the project. An additional neighborhood meeting has been scheduled to discuss issues not relevant to the Historic Preservation Review Board's consideration of the new building (such as the reduced number of parking spaces, access to and egress from the parking lot, deliveries and trash pickup, and existing and potential traffic and parking on neighborhood streets). The ANC requested a delay in HPRB's review of the project. During that time WRE has continued to meet with neighbors and to communicate with members of the ANC. WRE is scheduled to formally consider the project at its meeting on April 9, 2015.

PROJECT DESCRIPTION

Washington Real Estate Investment Trust ("WRE"), owner of the Spring Valley Shopping Center ("Shopping Center"), has revised the design of its proposed new two-story brick building in the 4800 block of Massachusetts Avenue, NW to closely relate to the Colonial Revival character of the existing buildings on the site. The height and width of the new building have been reduced. The architectural vocabulary of the new building has been revised to specifically reflect the scale, features, and residential character of the surrounding commercial buildings. See below for a list of specific design changes. The landmark is a village-like cluster of buildings. The site of the landmark, originally part of two squares and reconfigured over time, is currently three lots in Square 1500. WRE proposes to combine these lots into a single lot and to enhance the landmark site with new landscaping and additional sidewalks and delineated pedestrian pathways around and through the property. WRE is seeking conceptual approval for the new building, the subdivision to combine the existing lots into a single lot with no change in the boundary of the landmark, and the site alterations as consistent with the purposes of the Historic Landmark and Historic District Protection Act.

The Shopping Center is listed in the DC Inventory of Historic Sites ("Inventory") as Square 1500. The site is bounded by Massachusetts Avenue, NW, 49th Street, NW, and Fordham Road, NW. The five buildings in the Shopping Center were constructed by W.C. and A.N. Miller between 1939 and 1950. The Shopping Center was planned and designed to complement the character of the nearby residential neighborhoods. This cluster of buildings reflects the ongoing popularity of Williamsburg-inspired Colonial Revival design as well as the ongoing dilution of its expression.

The five buildings in the Shopping Center were constructed between 1939 and 1950. The Spring Valley D.G.S. Market at 4860 Massachusetts Avenue, NW and the Esso gas station at 4866 Massachusetts Avenue, NW, were both designed by Gordon MacNeil and built in 1936. The Spring Valley branch of Garfinkel's (now Crate & Barrel) at 4820 Massachusetts Avenue, NW was designed by MacNeil and built in 1942. It is the largest and most prominent building in the Shopping Center. The buildings at 4872-4874 Massachusetts Avenue, NW were designed by a W.C. and A.N. Miller architect and built in 1947. The building at 4301 49th Street, NW, was designed by Edward R. Spano; construction began in 1949. It was originally occupied by the National Metropolitan Bank and Mayer & Company Furniture Store.

The buildings and their front entrances were oriented toward their adjacent street(s) and generally built at the outer edges of their lot lines. Parking was provided at the center of the square, behind the buildings, with access from 49th Street, NW and Fordham Road, NW. The size and configuration of the parking area evolved over the years to accommodate new buildings as well as the operational needs of the tenants. The parking area will once again be reconfigured, now to provide 65 spaces, pedestrian walkways, and additional landscaping.

The reduced footprint, height, and size of the infill building are well within the range established by the existing buildings in the Shopping Center. The orientation of the building and its front entrances remains consistent with the orientation of other buildings on the site and its location appropriately completes the Massachusetts Avenue, NW streetscape.

The widened paseo between Garfinkel's/Crate & Barrel and the new building will physically and visually connect Massachusetts Avenue, NW and the parking at the interior of the Shopping Center and provide an active and interesting pedestrian experience. Changing the top of the serpentine wall of the non-contributing west entrance to Crate & Barrel from solid brick to metal and wire will lighten the appearance of that wall and provide additional visibility to and through the paseo into the interior of the site. The new building will be compatible with the character of the landmark and the site alterations will enhance the landmark.

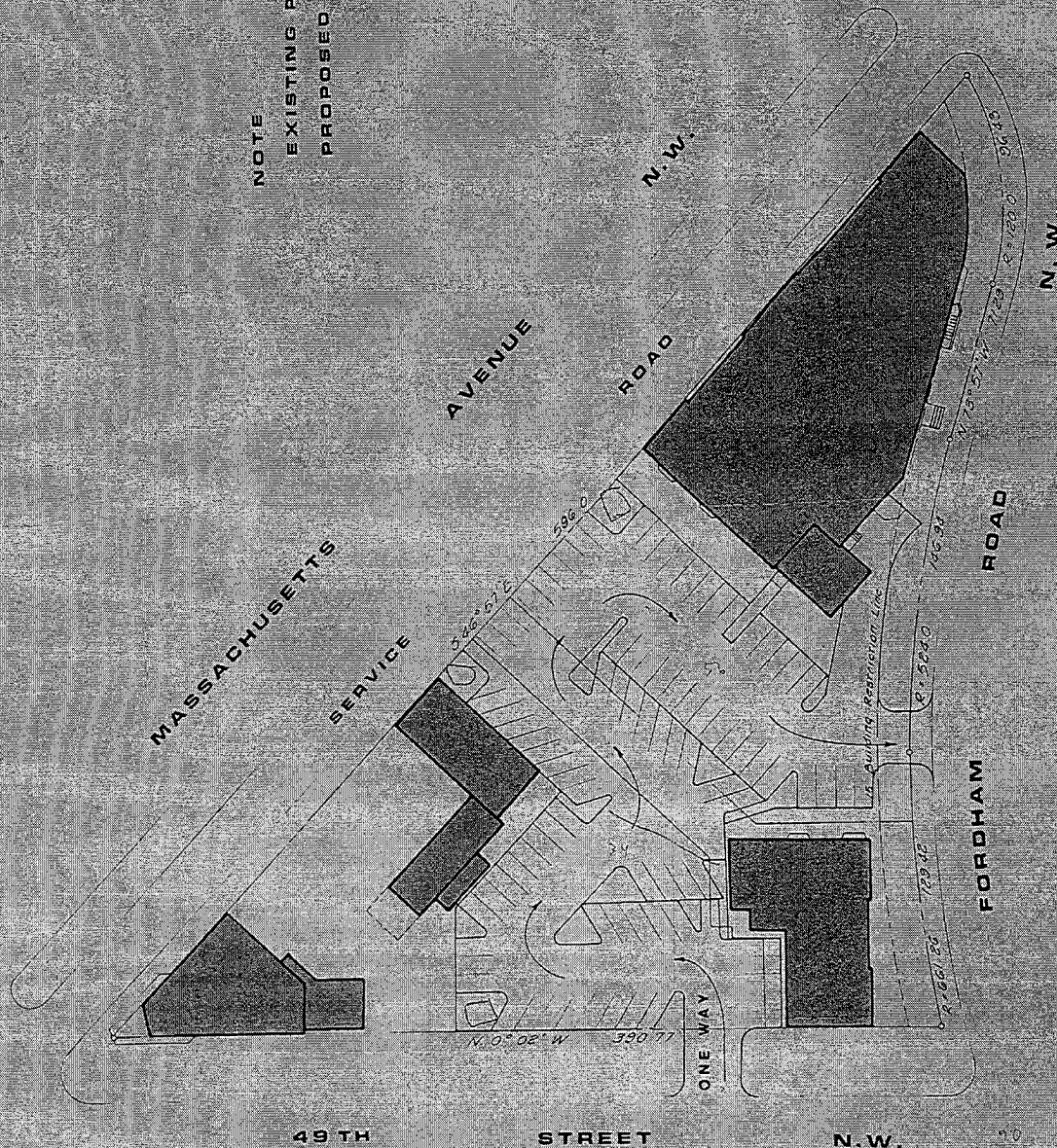
WRE has continued to meet with staff of Historic Preservation Office ("HPO") as it revised and refined the project. WRE has continued to discuss the project with neighbors and to meet about issues not related to the jurisdiction of the Historic Preservation Review Board. At the end of May WRE requested consideration by Advisory Neighborhood Commission ("ANC") 3D at the ANC's July 8, 2015 meeting.

ATTACHMENT C

**ENGINEERING DESIGNS OF PARKING LOT AT
SQUARE 1500**

NOTE

EXISTING PARKING SPACES 762
PROPOSED PARKING SPACES 90



Benning & Associates, Inc.
Landscape Planning Consultants
4933 Shady Grove Court
Gaithersburg, Md. 20877
(301) 948-0240



SPRING VALLEY SHOPPING CENTER
WASHINGTON, D.C.



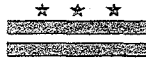
date: MAR. 5, 1987

scale: 1" = 40'

north

ATTACHMENT D

**RESOLUTION APPROVED 7-0 BY ADVISORY
NEIGHBORHOOD COMMISSION (ANC) 3D ON
FEBRUARY 3, 2016**



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40486, Palisades Station
Washington, DC 20016**

**PALISADES – KENT – SPRING VALLEY – WESLEY HEIGHTS – NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY – FOXHALL VILLAGE – BERKELEY**

ANC 3D Resolution On Spring Valley Shopping Center Addition

Whereas, Washington Real Estate Investment Trust (REIT) plans to build a 12,000 square foot building on the site of the historic-landmarked Spring Valley Shopping Center;

Whereas, the new structure will abut an existing building, but the building will be independent of any other structure at the site, will not be attached to any existing building at the site, will not share a wall with another building at the site, and will provide no connection with an existing building at the site;

Whereas, Washington REIT has indicated there are currently 72 parking spaces at the Spring Valley Shopping Center parking lot;

Whereas, Washington REIT advised ANC 3D and the Historic Preservation Review Board in writing in February 2015 that the new building would displace 17 existing parking spaces and that the company would seek a variance of parking rules outlined in Section 2120 of the DC Zoning Code (*Parking for Historic Buildings*) which would require Washington REIT to replace any parking spaces lost to new construction;

Whereas, historic maps of the Shopping Center indicate the parking lot had 77-90 spaces as of 1987 just prior to the Shopping Center being landmarked;

Whereas, Washington REIT submitted design plans to the Historic Preservation Review Board in September 2015 that reconfigure the design of the parking lot by making the spaces all compact car sized spaces (with three disability spaces), so that the parking lot shows a paper capacity of 65 spaces although some of the spaces could not be fully utilized because of their close proximity to the entrance and exit of the lot and to accommodate truck loading and unloading;

Whereas, Washington REIT continued to assert that it would be required to seek a parking variance when it last appeared before the ANC in September 2015 to present new design plans for the project;

Whereas, Washington REIT has now advised ANC 3D that it only needs to provide 64 spaces at the parking lot on the basis that eight of the existing 72 spaces in the lot are partially on public space and

therefore Washington REIT will no longer be required to seek a parking variance to conform with Section 2120 of the DC zoning regulations;

Whereas, Washington REIT had indicated it plans to file for construction permits by the end of January;

Whereas, Section 2120.1 of the DC parking rules specify that Section 2120 does not apply to “new unattached structures constructed on the same lot as a historic resource;”

Whereas, Washington REIT would be required under Section 2101 of the Zoning Code (*Schedule of Requirements for Parking Spaces*) to provide an additional 17-30 parking spaces at the parking lot above what is currently provided consistent with the language outlined in Section 2101.1 of the regulations;

Whereas, Section 2101.1 of the zoning regulations would require Washington REIT to provide a parking lot consisting of 89-102 spaces (depending on building use) as a consequence of adding an additional 12,000 square feet of building space at the site;

Whereas, Washington REIT would be required to provide 200 parking spaces at the site, according to the Zoning Administrator, if the Shopping Center was built today in order to conform with existing zoning rules;

Whereas, the new parking lot design would also not conform with Section 2116.9 that requires all parking spaces mandated under the zoning regulations to be functional and usable and with Section 2117.11 which requires that a minimum of five percent of the parking lot be landscaped;

Whereas, residents of ANC 3D have complained of inadequate parking at the site to accommodate the new businesses at the Center and that this will create parking and traffic problems in the residential neighborhood adjacent to and near the Shopping Center;

Therefore, be it resolved, ANC 3D finds that Washington REIT would be required to provide the amount of parking at the site when it was initially declared a landmark (a minimum of 77 spaces) if Section 2120 of the zoning regulations applied, which would require Washington REIT to seek a variance from the BZA; and

Be It Further Resolved that ANC 3D recommends that the Zoning Administrator deny construction permits by Washington REIT and require Washington REIT, if it is unable to comply with existing and applicable regulations, to seek a variance from the DC Board of Zoning Adjustment (BZA) of Section 2101.1 of the DC Zoning Code and any other section of the parking rules that would apply for the addition of a new unattached structure at the historic landmarked-Spring Valley Shopping Center; and

Be It Further Resolved, ANC 3D authorizes the filing of an appeal to the Board of Zoning Adjustment of any decision by the Zoning Administrator to issue permits without first requiring Washington REIT to file and secure such a parking variance from the BZA.

Approved February 3, 2016 By A Vote Of 7-0

ATTACHMENT E

**MARCH 24, 2016 LETTER OF DETERMINATION
ISSUED BY DC ZONING ADMINISTRATOR**

**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 space¹ 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.

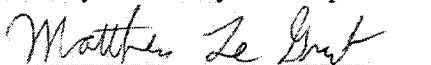
In summary, I find that the proposed parking plan is consistent with the Zoning Regulations. I would also note that by removing the parking spaces in public space along 49th Street and enhancing landscaping along 49th Street, the proposed plan is in keeping with the attached staff report prepared by 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.

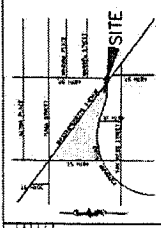
Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

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

[illegible]VICINITY MAP
SCALE 1" = 2000'

CURVE TABLE	
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PARKING TABULATION

DATE	DESCRIPTION	AMOUNT	BALANCE
1967-01-01	OPENING BALANCE		100.00
1967-01-15	PAYROLL	50.00	150.00
1967-02-01	RENT	25.00	125.00
1967-02-15	PAYROLL	50.00	175.00
1967-03-01	RENT	25.00	150.00
1967-03-15	PAYROLL	50.00	200.00
1967-04-01	RENT	25.00	175.00
1967-04-15	PAYROLL	50.00	225.00
1967-05-01	RENT	25.00	200.00
1967-05-15	PAYROLL	50.00	250.00
1967-06-01	RENT	25.00	225.00
1967-06-15	PAYROLL	50.00	275.00
1967-07-01	RENT	25.00	250.00
1967-07-15	PAYROLL	50.00	300.00
1967-08-01	RENT	25.00	275.00
1967-08-15	PAYROLL	50.00	325.00
1967-09-01	RENT	25.00	300.00
1967-09-15	PAYROLL	50.00	350.00
1967-10-01	RENT	25.00	325.00
1967-10-15	PAYROLL	50.00	375.00
1967-11-01	RENT	25.00	350.00
1967-11-15	PAYROLL	50.00	400.00
1967-12-01	RENT	25.00	375.00
1967-12-15	PAYROLL	50.00	425.00
1968-01-01	CLOSING BALANCE		425.00

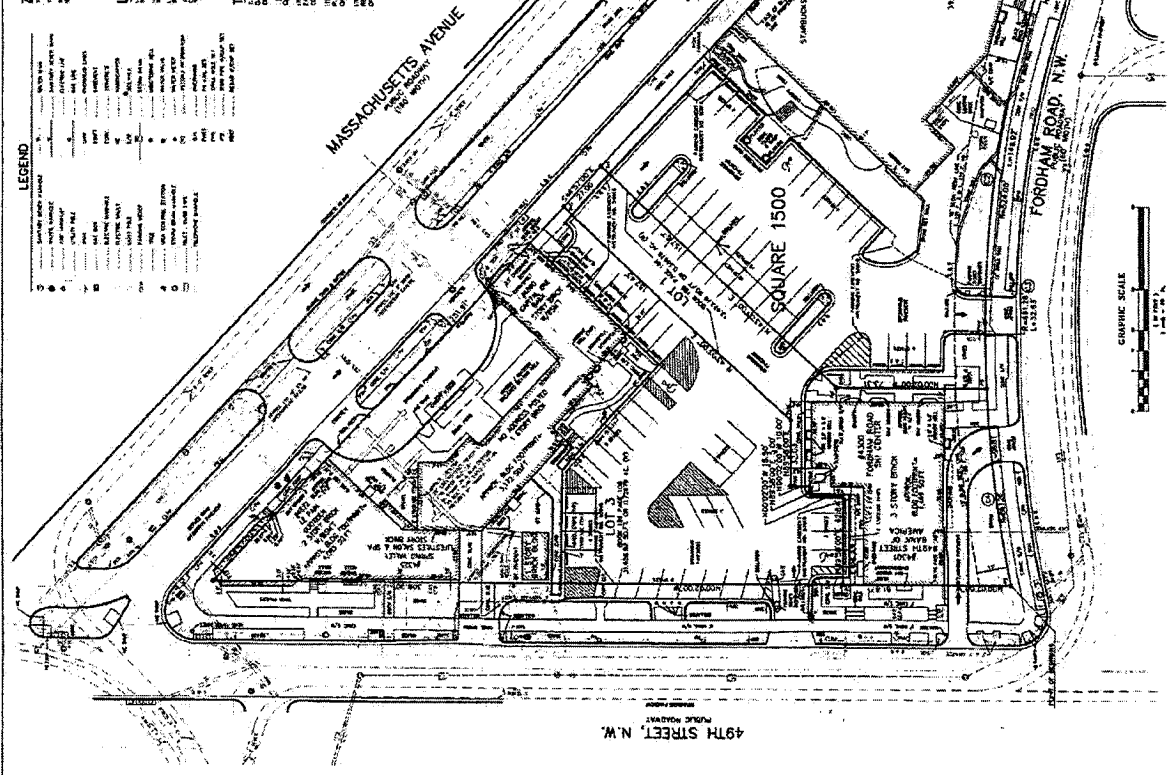
UTILITY NOTE

NOTE: The following information is for informational purposes only and is not intended to be used as a basis for any legal action. It is the responsibility of the user to verify the accuracy of the information and to consult with legal counsel for any specific legal advice.

SURVEYOR'S CERTIFICATION

[illegible][illegible]

TITLE REPORT NOTE

[illegible]

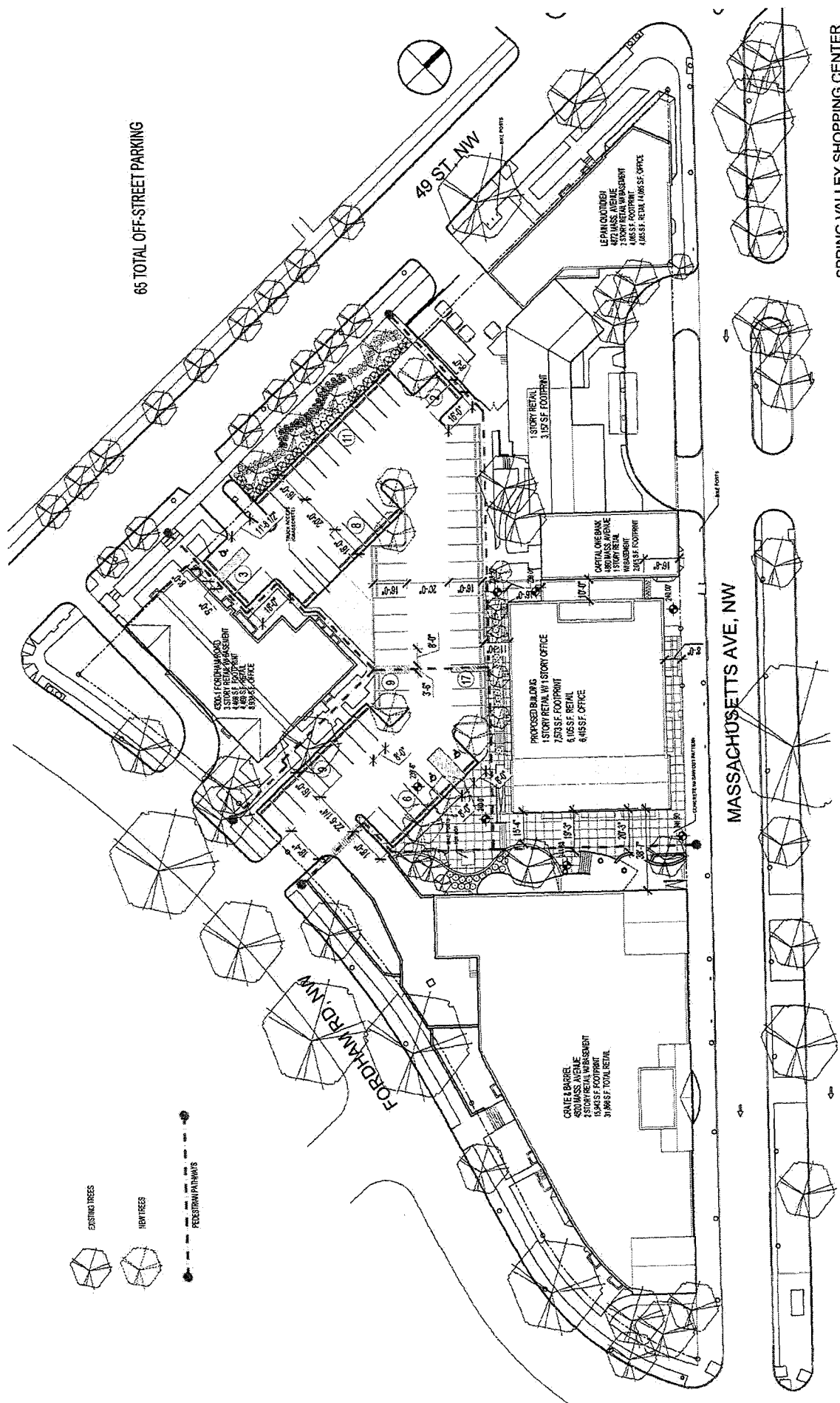
GRAPHIC SCALE
(in feet)

[illegible]

SEPTEMBER 25, 2015
© 2015 - Bonita J. Harvill Architects

1'-0" = 40'-0"

6 Bonstra | Haresign



65 TOTAL OFF-STREET PARKING

SPRING VALLEY SHOPPING CENTER

SCHEME 1: PROPOSED SITE PLAN: INTERNAL CIRCULATION DIAGRAM

1" = 40'-0"

ATTACHMENT F

**HISTORIC PRESERVATION REVIEW BOARD STAFF
REPORT AND RECOMMENDATION FOR NEW INFILL
BUILDING AT SQUARE 1500**

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	4820-4874 Massachusetts Avenue and 4301 49th Street, NW	X	Agenda Consent Calendar
Landmark/District:	Square 1500 (part of Spring Valley Shopping Center)		
Meeting Date:	April 23 and 30, 2015	X	Concept Review Alteration
H.P.A. Number:	15-252	X	New Construction
Staff Reviewer:	Steve Callcott		Demolition Subdivision

The applicant, Washington Real Estate Investment Trust, represented by Bonstra/Haresign Architects, seeks conceptual review for construction of a two-story retail and office building on Square 1500, a landmarked complex of retail buildings.

Property Description

What is commonly referred to as the Spring Valley Shopping Center is composed of two adjacent but separate landmarks: the Massachusetts Avenue Parking Shops (4841-59 Massachusetts Avenue) on the east side of the avenue, and Square 1500 (4820-74 Massachusetts Avenue and 4301 49th Street) on the west. Both collections of buildings were individually determined noteworthy as planned clusters of neighborhood commercial buildings designed to complement the character of the planned neighborhoods nearby.

The complexes represent a reaction to the unplanned commercial development that typified how many automobile commuter corridors were developing across the country in the 1920s and 30s. Washington's initial zoning map (1920) encouraged linear commercial development along many of its transportation corridors, and Massachusetts Avenue was specifically marked for continuous commercial development from Van Ness Street to the District line. The 1928 zoning use map reflects the change in approach, where the commercial strip had been reduced to a single square on each side of Massachusetts Avenue, from Warren to Yuma streets. This condensed zoning of commercial space to a node was influenced by planning ideas advanced by urban planners in the 1920s, such as Clarence Perry of the Russell Page Foundation who wrote extensively on the advantages of the "planned neighborhood unit" in which community and retail facilities were located at the core of a neighborhood and formed village-like complexes. As he stated in *Housing for the Machine Age*, "stores should be bunched rather than strung along a street."¹

The Massachusetts Avenue Parking Shops, the first of the two Spring Valley complexes, is one of the oldest planned neighborhood shopping centers in the metropolitan area to represent this ideal, and it was nationally recognized at the time as a model of the building type. Built as a

¹ The stretch of Connecticut Avenue from the Taft Bridge to the District line is perhaps the District's best manifestation of this planning approach, where zoning resulted in the clustering of commercial uses at Woodley, Cleveland Park, Van Ness, and Chevy Chase, with residential buildings between.

single structure in 1936, it includes an arcade of shops and a gas station organized around a forecourt with off-street parking. The complex was designed by architect E. Burton Corning for developer C.H. Hillegeist.²

Square 1500 was developed beginning in 1939, and is comprised of five buildings constructed between 1939-1950. The buildings were developed by the W.C. and A.N. Miller Company to support their residential developments in Wesley Heights and Spring Valley; these neighborhoods are perhaps the best examples in the District of residential subdivisions that were laid out and developed to be serviced exclusively by the automobile, as opposed to earlier suburbs that were laid out along streetcar or railroad lines. The Miller Company retained ownership of all lots within their subdivisions (and Square 1500) in order to maintain consistent standards and architectural character.

The five buildings in Square 1500 include a one-story building at 4860 Massachusetts Avenue (originally a grocery store; now a bank) and the gas station at 4866, both built in 1939; the largest and most architecturally distinguished building at 4820 (originally the first suburban branch of the prestigious Garfinkel's Department Store, now Crate and Barrel), built in 1942; the two-story corner commercial and office building at 4872-74, built in 1947; and the three-story building at the corner of Fordham Road and 49th Street (4301 49th Street, originally housing branches of a downtown furniture store and bank; now Bank of America), built in 1950. Parking for the complex was provided within the center of block accessed from Fordham Road and 49th Street (there was never an entrance to the lot off Massachusetts); double sided street parking was also provided along the access road along Massachusetts, which was created at the same time as the first buildings, and along Fordham and 49th Street. As is summarized in the nomination, "the buildings are clustered together on a single block and form a commercial village-like environment."

All of the buildings in Square 1500 were designed by an in-house Miller Company architect in a Williamsburg-inspired Colonial Revival style to complement the company's surrounding residential neighborhoods. By the 1930s, the Colonial Revival was embraced as a fashionable image for public buildings, residences, and commercial buildings, particularly those associated with the middle and upper middle classes. The restoration of Colonial Williamsburg, starting in 1926 and reaching a state of completion sufficient to attract large numbers of tourists by the 1930s, further solidified the popularity of the style. Upon its completion, the Garfinkel's building was described in a community paper as "a little bit of old Williamsburg in a garden setting, with a backdrop of dark cool forest."

The buildings in both complexes are visually unified by their low-scale height and massing (1-2 stories), palette of materials (red brick walls with stone and wood detailing and trim, slate roofs), and Colonial Revival styling. They also exhibit an attention to the design of their rear elevations particularly where those elevations face residential buildings across the street.

² Corning had worked for architect Arthur Heaton when the firm designed the Park and Shop in Cleveland Park (1930), the first such planned retail and parking complex in the Washington area. Hillegeist was a former employee of the W.C. and A.N. Miller Company.

Proposal

The project calls for constructing a two-story retail and office building on the portion of the parking lot south of and abutting 4860 Massachusetts separated from the Crate and Barrel building by a 32' wide walkway (referred to as a "paseo"). The building would have storefronts and be oriented equally to Massachusetts Avenue and the paseo. The Massachusetts Avenue elevation would have minor setbacks from the building line to allow for leveling of the grade for accessible entrances, out-swinging doors and to accommodate the ATM machines on the side of the bank. The design has been developed with two projecting pavilion elements to transition between these different setbacks.

Two options for the exterior styling the building have been developed – one with flat roofed pavilions and the other with gabled pavilions to more obviously relate to the gabled rooflines found in the complex.

Evaluation

While the two Spring Valley shopping complexes have similarities, they also have notable differences in their organizational qualities and historical development patterns that are relevant to evaluating the proposal. The Massachusetts Avenue Parking Shops was developed and presents itself as a single, self-evidently composed structure. The building is set back from the building line with parking provided in front that is accessed directly from Massachusetts Avenue. The coordinated quality of its design, the clarity of its plan, and the siting of the parking in front of and accessed from the avenue make it obvious why it became a national model for an automobile-oriented commercial complex. That model has become so ubiquitous and universal that it is difficult to fully appreciate that it was once novel and innovative.

Square 1500 is organized and was developed somewhat differently. The complex grew more organically over time, and there is no evidence provided in the landmark application that it was developed according to a central master plan. Rather than having a primary frontal orientation to Massachusetts Avenue, the buildings are sited more loosely around the perimeter of the triangular-shaped block, facing out with primary elevations oriented to the roads on which the buildings front (thus, the building at 49th and Fordham has its primary orientation to Fordham Road rather than to Massachusetts Avenue). As is consistent with the "village-like" description in the landmark application, the complex was intended to be seen and accessed from all sides, with parking around it as well as within the center of the square. The arrangement of parking on the interior of the block has been fluid over time, changing in its extent and configuration, and has always been accessed from Fordham and 49th Street rather than directly from the avenue. As is shown in a 1949 aerial photograph, parking has also always been provided along the access road and along Fordham.

While the inner block parking has been visible from Massachusetts Avenue since the complex's construction, it is arguable as to whether this is an important and intentional characteristic of the site that is worthy of preservation or merely an existing condition. In the absence of documentation, evaluating an existing condition and ascribing to it a specific intent is problematic and open to interpretation. While a new building in this location would indeed restrict views of the inner block parking from Massachusetts Avenue, the essential layout and circulation through the block would remain unchanged. Motorists would continue to see the

readily available parking that was created for the complex along the access road, and would continue to circulate around the block along Fordham Road (which would also continue to have street parking), where they would continue to have access to the parking lot. Unlike the complex across the street, which provided its parking front and center accessed from the avenue, the parking for this complex was designed to be provided on all sides and within the block. While the number of parking spaces would change as a result of the project (a number that has changed over time since the complex was built), the organization of parking and circulation through the site would be unchanged. To the extent that the perception of parking was an amenity of the complex, this would continue to be provided by the parking available on the access road and along Fordham Road, which, if those were full, would continue to direct motorists to the inner block lot.



1949 aerial view of Square 1500 shows parking clustered in the center of the block, along the access road off Massachusetts Avenue, and on Fordham Road.

Similarly, while it may not be possible to definitively determine whether the side walls of the bank were intended to remain exposed or whether this is simply their existing condition, visual analysis reveals that they are unfenestrated, common brick side walls with no architectural

detailing or character (the ATMs and copper roof above were added much later). Based on this visual evidence, it is not unreasonable to conclude that that the side walls were designed to accept a building against them.



North side wall of 4860 Massachusetts Avenue, NW

However, whether a building was ever intended for this location is less relevant than whether a building in this location is compatible with the complex or compromises important characteristic features. A building in this location would not cover or alter character-defining features of the adjacent building, nor would it compromise or be out-of-character with the landmark's "village-like environment." A new building in this location would be compatible with the underlying planning concept of clustering commercial buildings on this square, and would not be incompatible with its organic developmental history.

Rather than compromising the character of the landmark, the project has the potential to enhance and improve the complex. As it has evolved over time, the parking lot is not particularly efficient or attractive, and the proposal provides the opportunity to improve the lot visually, environmentally and in terms of pedestrian safety. Interstitial spaces provide the opportunity for selective asphalt removal in which trees could be provided to enhance its appearance and provide shade, and pervious surfaces could be introduced to manage storm water. The HPO has encouraged that this project, as well as the rehabilitation of the gas station, include new walks and planting around the perimeter of the parking lot and out to Massachusetts Avenue and 49th Street so that pedestrians could circulate around the perimeter of the lot without having to walk through it. A master plan that improves the landscape and pedestrian circulation through site should continue to be developed as an essential component of this project.

While the general concept of a two-story building on this site is compatible with the character of the landmark, further refinements would improve the proposal's relationship to its surrounding context. The HPO recommends further study of the following:

1. With retail and outdoor seating lining it on both sides, the "paseo" has the opportunity to become a significant enhancement to the complex's village-like character. However, in the perspective renderings this space looks tight and could benefit from being widened to provide the opportunity for both passage through it and for seating and planting that would enliven it.
2. Proportionally, the new building's design would be improved if the hyphen element (between the two pavilions) was reduced in size relative to the size of the pavilions; it currently reads as too large and dominant of an element in the composition. The hyphen would also benefit from being three storefront bays wide rather than four, as would be more typical of the use of odd numbers for rhythmic elements on classical and colonial revival buildings.
3. The landmark's buildings and building elements (storefronts, windows, doors) were consciously designed to be domestic in scale in order to relate to the character of the surrounding residential neighborhoods. The size, proportions and detailing of the proposed storefronts, doors and windows should continue to be studied to relate more compatibly with those in the complex.
4. The height of the parapet should be reduced to rise no higher than the base of the gables.
5. The rear elevation should continue to be developed.

Recommendation

The HPO recommends that the Board find the general concept for a two-story building in this location to be compatible with the character of the landmark, and that the master plan for the site and the design of the building continue to be developed as outlined above, and that the project return for final conceptual review when ready.

ATTACHMENT G

NATIONAL REGISTER HISTORIC LISTING FOR SQUARE 1500 DESCRIPTION SUMMARY

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number _____ Page _____

SUPPLEMENTARY LISTING RECORD

NRIS Reference Number: 03000731 Date Listed: 8/7/2003

Property Name: Square 1500 County: State: DC

Multiple Name

This property is listed in the National Register of Historic Places in accordance with the attached nomination documentation subject to the following exceptions, exclusions, or amendments, notwithstanding the National Park Service certification included in the nomination documentation.

Patricia Andrews
Signature of the Keeper

8/7/2003
Date of Action

Amended Items in Nomination:

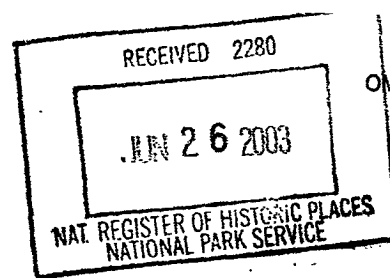
This SLR makes two technical corrections to the form. The form does not include an acreage figure for the nominated property. The SHPO confirmed that it include 2 acres. The property is nominated under National Register Criterion C, but no Area of Significance is indicated in section 8 of the form. The form is amended to add Architecture as an Area of Significance and add the acreage figure.

DISTRIBUTION:

National Register property file
Nominating Authority (without nomination attachment)

United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form



OMB No. 10024-0018

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name _____
other names Square 1500

2. Location

street & number 4820, 4860, 4866, 4872, 4874 Massachusetts Ave. & 4301 49th Street, N.W. ☐ not for publication
city or town Washington, D.C. ☐ vicinity
state _____ code _____ county _____ code _____ zip code _____

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ☒ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☒ meets ☐ does not meet the National Register criteria. I recommend that this property be considered significant ☐ nationally ☐ statewide ☒ locally. (☐ See continuation sheet for additional comments).

Lee M. Buchanan / DC-SHP 6/4/03
Signature of certifying official/Title Date

DC State Historic Preservation Office
State or Federal agency and bureau

In my opinion, the property ☒ meets ☐ does not meet the National Register criteria. (☐ See continuation sheet for additional comments).

Lee M. Buchanan / DC-SHP 6/4/03
Signature of certifying official/Title Date

DC State Historic Preservation Office
State or Federal agency and bureau

4. National Park Service Certification

- I hereby certify that this property is:
- ☒ entered in the National Register.
 - ☐ See continuation sheet.
 - ☐ determined eligible for the National Register.
 - ☐ See continuation sheet.
 - ☐ Determined not eligible for the National Register.
 - ☐ removed from the National Register.
 - ☐ other (explain): _____

Signature of the Keeper

Patrick Anders

Date of Action

8/7/2003

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Square 1500

Name of Property

Washington, D.C.

County and State

Section 7 Page 1

Description Summary:

The five commercial buildings on Square 1500 are a unified grouping of freestanding structures that all share common architectural vocabulary, building materials, scale, and design motifs. Developed and managed by a single real estate firm between 1939 and 1950, these red brick commercial buildings were designed in a consistent Colonial Revival style to complement the surrounding residential neighborhood. The buildings are tied together by the provision of parking space in between and to the rear of the buildings. Four of the five buildings range along and face Massachusetts Avenue, N.W., while one of the structures—the two-and-one-half story building at 4301 49th Street, N.W.—faces the residential neighborhood.

General Description:

4820 Massachusetts Avenue:

The largest and most significant building in Square 1500 is the Garfinckel department store (now Crate & Barrel), located on the prominent corner of 48th and Massachusetts Avenue, N.W. The five-part, red-brick, two-story structure, built in 1942, is designed with a central pavilion flanked by hyphens and wings. The central block is covered with a side-facing gable roof, while the end wings have front gable roofs. The hyphens have flat roofs with a brick parapet wall capped by a limestone cornice. A limestone stringcourse divides the first and second stories of the hyphens and end wings, while a limestone-clad façade in the main block gives the central pavilion a distinct verticality.

The central, gable-roofed pavilion is itself divided into three parts. The center section is articulated by limestone cladding and features the principal entrance on center of the first story and a Palladian window under a broken pediment at the second story. A contemporary, non-original marquee carrying the Crate and Barrel name projects above the central entry. Flanking this limestone-clad section, but still part of the central pavilion are large, plate glass, fixed show windows at the first story and simple 8/8-light double-hung windows at the second story. The hyphens, slightly recessed from the main block and end wings, consist of three bays. The bays are defined by large shop windows topped by a segmental arch decorated with a limestone panel carved in a sunburst pattern on the first story and large symmetrically aligned window openings on the second story. The segmental arch design motif is carried throughout the remaining buildings facing Massachusetts Avenue. The three large multi-light windows on the second story are replacement windows, built at the time the Garfinckels store was converted into the Crate & Barrel. The original windows had a tri-partite design with 6/6 light sash flanked by 2/2 light sash.

ATTACHMENT H

**JANUARY 15, 2015 LETTER OF DETERMINATION
ISSUED BY DC ZONING ADMINISTRATOR**

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

January 15, 2015

Christine Roddy, Director
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, DC 20006-1020



Let C

RE: Consolidation of Lots and Development of Spring Valley Shopping Center
(Square 1500, Lots 1, 2, and 3 ("Property"))

Dear Ms. Roddy:

This memorializes our discussion at our meeting on May 8, 2014. It is my understanding that your client, Washington Real Estate Investment Trust ("WRIT"), has purchased the Property and plans to construct a modest addition to the shopping center along Massachusetts Avenue. The shopping center is comprised of three commercial structures located on three record lots. The buildings located on the Property are a designated historic landmark. WRIT would like to consolidate the three record lots into one record lot and to construct a fourth commercial building along Massachusetts Avenue. I am confirming that WRIT may rely on Section 3202.3 to subdivide the lots to create a single record lot and maintain four independent commercial buildings on the Property.

Section 3202.3 provides that "any combination of commercial occupancies separated in their entirety, erected or maintained in a single ownership shall be considered as one (1) structure". In sum, Section 3202.3 allows for multiple commercial buildings on a single record lot so long as the property is maintained in single ownership. This provision is typically used in the few locales in the District, such as this, that can be described as a strip shopping center.

The flexibility allowed pursuant to Section 3202.3 is contingent on compliance with the requirements of Section 2516; however, Section 2516 is not applicable in this instance since the Property is not located within 25 feet of a residential district. The Property is currently located in the C-2-A Zone District. Properties to the west are located in the R-4 Zone District and properties to the south are located in the R-1-B zone district, yet, the zone boundary line separating the Property from these properties runs down the centerline of the street. Each of the streets are at least 50 feet wide, meaning that the Property is not located within 25 feet of a residential zone. More specifically, Massachusetts Avenue is 160 feet wide, 49th Street is 90 feet wide and Fordham Road is 60 feet wide; thus, the Property is located at least 30 feet away from the closest residential district. Accordingly, the restrictions of Section 2516 are not triggered and the project can benefit from the flexibility afforded by Section 3202.3.

You have also asked me to confirm the implications of new construction on the single record lot with respect to parking requirements, green area ratio ("GAR") requirements and side yard requirements. As a historic landmark, no additional parking requirements are triggered if the addition is less than 50% of the total existing gross floor area. In calculating the existing GFA on the single record lot, calculate the combined density of the three existing buildings.

1100 4th Street, SW 3rd Floor Washington, D.C. 20024

Phone: (202) 442-4576 Fax: (202) 442-4871

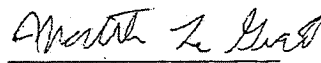
2/20/3

Assuming the addition does not exceed the 50% threshold, it will not trigger a new parking requirement and only existing parking which may be displaced by the addition would need to be either replaced in kind or relief granted by a variance or other zoning process. Similarly, an addition will not trigger the GAR requirements so long as the new construction is less than 50% of the existing GFA of the three buildings combined.

Finally, the proposed infill development will not create side yards but will create courts. A side yard is located between a building and a side property line. Because the yards will be located between two buildings and not between a building and a side property line, they are considered courts and not side yards. Accordingly those spaces must comply with the court requirements of the Zoning Regulations.

Please let me know if you have any further questions.

Sincerely,



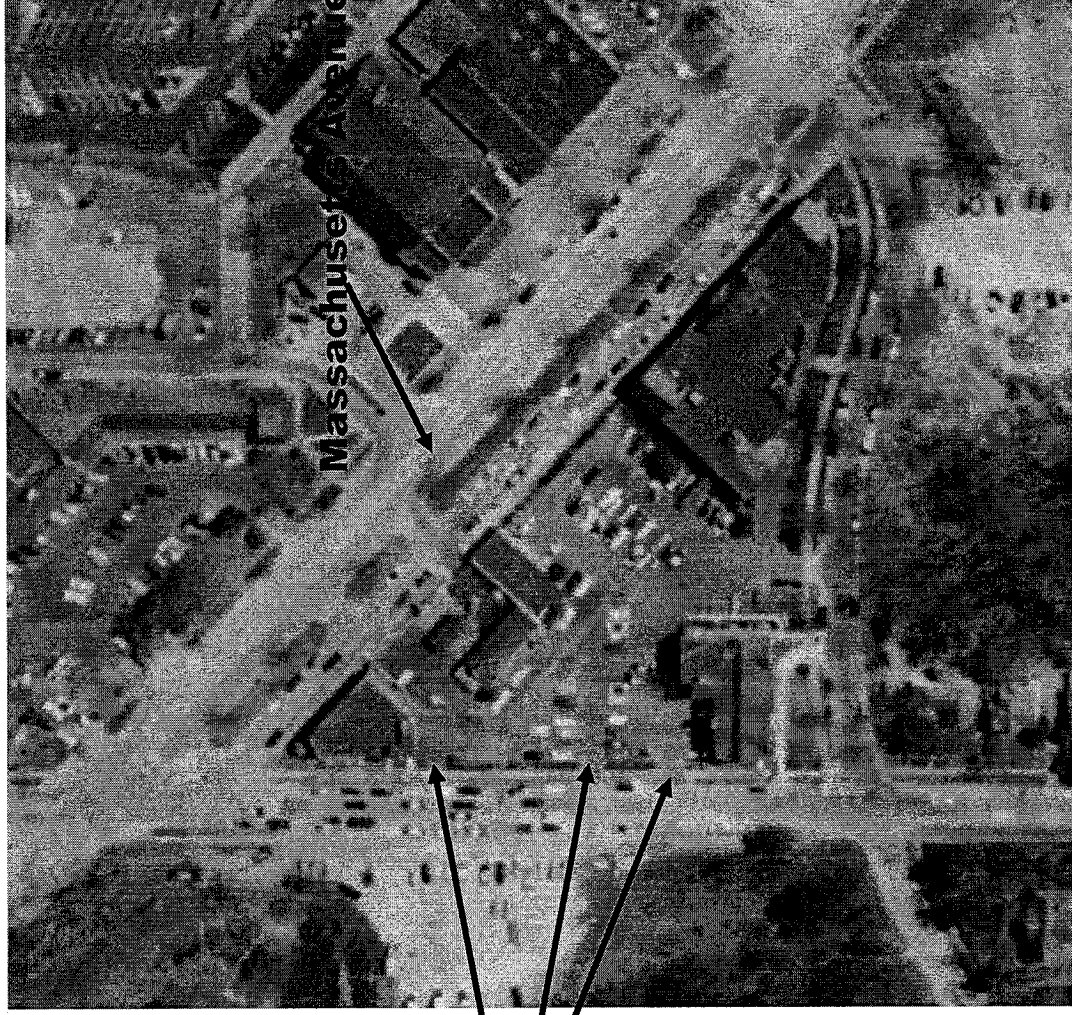
Matthew Le Grant
Zoning Administrator

Chambers

ATTACHMENT I

AERIAL PHOTOGRAPHS OF SQUARE 1500

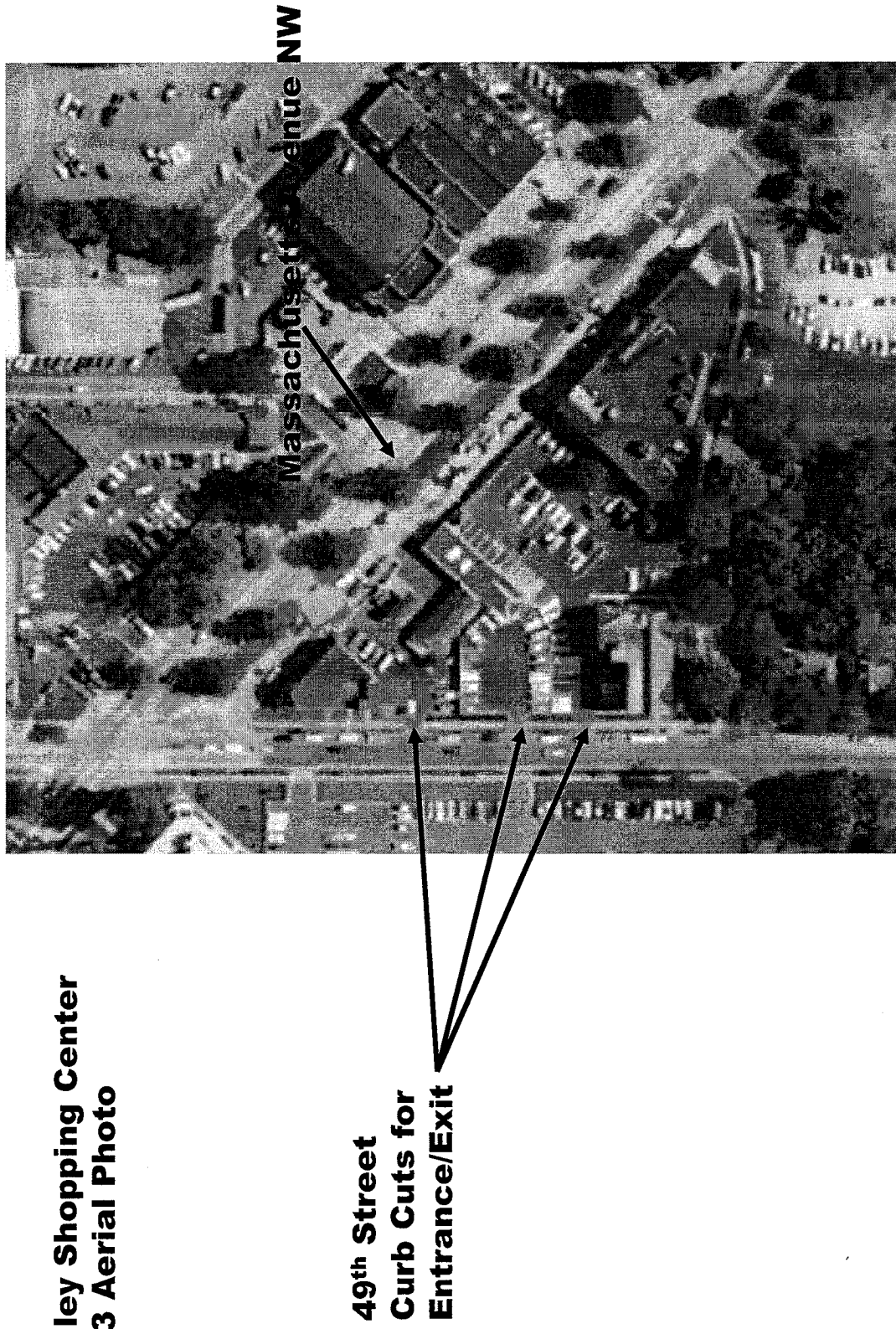
**Spring Valley Shopping Center
1957 Aerial Photo**



Massachusetts Avenue NW

**49th Street
Curb Cuts for
Entrance/Exit**

**Spring Valley Shopping Center
1963 Aerial Photo**



Massachusetts Avenue NW

**49th Street
Curb Cuts for
Entrance/Exit**