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Mr. Anthony Hood, Chairperson
D.C. Zoning Commission
Office of Zoning
441 4th Street NW, Suite 210
Washington, D.C. 20001

May 19, 2009

By fax: 202 727 6072

Re: ZC Case #08-15, Friendship Shopping Center
Map Amendment and Planned Unit Development

Dear Chairman Hood and Members of the Commission,

This is to invite your attention to a serious misinterpretation of the Zoning Regulations, which the Applicant is using in the above-referenced case to justify its proposal to eliminate commercial parking spaces from the North Block building.

The Applicant admits that the PUD's North Block building would fail to provide the commercial parking spaces required by the Zoning Regulation, but it asks approval to "accommodate" the required North Block parking in the South Block. It states, "Such approval is ordinarily granted as a special exception under Section 2116.5." (Application, May 16, 2008, p. 10.)

The Applicant misreads §2116.5. That section is limited to surface parking. It states:

Except as provided in §2117.9, if approved by the Board of Zoning Adjustment pursuant to §3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, in accordance with §§2116.6 through 2116.9.

The conclusion that the language of §2116.5 applies only to open parking is confirmed by reference to the rest of the parking chapter of the Zoning Regulations, Chapter 21. Throughout most of Chapter 21 the regulations simply refer to "parking spaces," without qualifier, but in §2116.2, they establish a clear distinction between garages or carports versus parking on an open area. Section 2116.5's reference to "open parking" refers back to the §2116.2 distinction. Therefore, §2116.5 does not authorize, by special exception or otherwise, an applicant to satisfy a building's commercial parking space requirements by providing for parking in an underground parking garage that is not on the same lot as the

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building. A review of the BZA cases addressing §2115.6 confirms this understanding.

The only other potentially relevant provisions are §§708 and §730. These sections permit the BZA, by special exception, to allow accessory parking spaces on a separate lot in C-1 and C-2 zones respectively. However, they require that the separate lots must be within the same square. Since the PUD North Block and South Block are in separate squares, those provisions also do not support the Applicant's attempt to satisfy North Block commercial parking space requirements by reference to the South Block underground garage.

Section 2405.6 of the PUD regulations requires any PUD to provide off-street parking spaces as otherwise prescribed by the regulations. There is no authority in the PUD to grant a waiver of the parking requirements. Therefore, the Applicant must supply the required North Block commercial parking spaces in the North Block building as provided by the Zoning Regulations.

Thank you for your consideration of this significant issue.

Sincerely,



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Cc: Alan Bergstein, Section Chief
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