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July 15, 2002

MEMORANDUM

To: D.C. Board of Zoning Adjustment

From: Norman M. Glasgow, Jr. NMG, Jr.

Steven E. Sher SES
Director of Zoning and Land Use Services

Subject: Parking and Loading Requirements for Historic Landmarks and Contributing Buildings in Historic Districts

At the public hearing on Application No. 16892, the Board requested our analysis of the provisions of Chapters 21 and 22 as they relate to the requirement to provide off-street parking and loading for buildings which are historic landmarks or are certified by the State Historic Preservation Officer as contributing to the character of a historic district. As codified in §2100.5 of 11 DCMR, which is part of the section entitled "Authority to Require Parking Facilities," the Regulations provide that:

> "No additional parking spaces shall be required for a historic landmark or a building or structure located in a historic district which is certified by the State Historic Preservation Officer as contributing to the character of that historic district."

A similar provision for loading berths, loading platforms and service/delivery loading spaces is contained in §2200.5.

The Zoning Administrator has consistently applied the plain language of those provisions. New parking spaces or loading berths have not been required for a change in the use of a qualifying historic property nor for an increase in the intensity of use,

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including an addition to the floor area of a building. The application of those provisions as described above has been uniformly applied to *all* qualifying properties and has not been based upon the degree of increase in intensity. There is nothing in the cited sections, or in any other provision of the Regulations, which limits the size of the increase or authorizes the Zoning Administrator to determine that parking would be required for some additions and not others. Compare these sections to §§2100.7 and 2200.7, which differentiate increases in intensity above and below twenty-five percent for non-historic buildings.

In the subject BZA case, the Atlantic Building is an individually designated historic landmark on the District of Columbia Inventory of Historic Sites and the buildings at 920, 922-924, 926, 938, 940 and 942 F Street have been determined to contribute to the character of the Downtown Historic District and the Pennsylvania Avenue National Historic Site. The demolition of all but the facades of the four eastern buildings was approved by the Mayor's Agent in 1989 and the three western buildings will be retained and rehabilitated in their entirety. Notwithstanding that the new construction will contain substantially more floor area than the existing construction, the new construction is considered an addition under the codes.

In the subject development, as noted at the public hearing, the Applicant has proposed to provide approximately 180 to 220 parking spaces, which would meet the minimum requirement for a non-historic office building in a C-4 District. The building would also contain two thirty foot loading berths and one service/delivery loading space.