

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

December 19, 2014



Via Emailed PDF and US Mail

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

Re: 3288 M Street, NW – Commercial Parking Lot - Square 1186, Lots 809, 811, 812, 814, 819, 821, 822, 824, 826

Dear Mr. Sullivan:

You have asked for a determination regarding the commercial parking lot (the “Parking Lot”) located at 3288 M Street, NW (the “Property”), which is on the south side of M Street, NW, at the intersection with 33rd Street. The Property is located in the W-2 zone district. The W-2 zone district - which was adopted with the 1958 Zoning Regulations - does not permit parking lot use as a matter-of-right. This Parking Lot, however, has been at this location for many years, and apparently since prior to 1958.

You have asked for a determination, based on its historical use, that the Parking Lot operates as a legally non-conforming use, that it may continue to be operated in this manner, and that the Property’s owner may obtain a valid certificate of occupancy for commercial parking lot use (assuming compliance with other applicable laws and regulations).

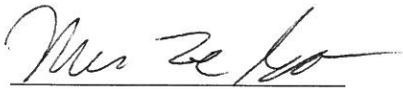
I have determined that the Parking Lot is a legally non-conforming use which is entitled to continue; and will receive my office’s approval of an certificate of occupancy application. The information on which I have based this determination includes the following:

- 2 photos of the lot, circa early 1970’s, from Potomac Street, each of which evidence a commercial parking lot (a “Park Here” sign and an attendants booth) (Exhibit B).
- An assessment list from 1992, identifying the properties as “Parking Lot-Special Purpose” (Exhibit C).
- Two affidavits from long-time residents testifying as to the parking lot use in the early to mid 1960s (Exhibit D).

- A copy of the Sanborn Map, 1959, showing most of the property as a Parking lot (with possibly a small service station on a portion of it) (Exhibit E).

Based on this information, the Parking Lot has been used as a commercial parking lot since before May, 1958. As such, it may continue to be used as a commercial parking lot and is entitled to receive a certificate of occupancy for such use, assuming compliance with all other applicable law.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Enclosures - Exhibits A-E