GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION

Office of the Director

MEMORANDUM

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TO: Jerrily R. Kress, FAIA
Director, Office of Zoning

FROM: Kenneth Laden
Associate Director
Transportation Policy and Planning Administration

DATE: November 20, 2002

SUBJECT: BZA Application # 16823 – Humberto Gonzalez
Toutorsky Mansion

At the November 12, 2002 hearing on the above referenced BZA Application, the Department of Transportation was asked to provide supplemental information for the record. Our response appears below:

1. At the request of Ms. Hubbard, DDOT agreed to investigate the transportation plan associated with Zoning Commission Case # 76-27. Through the Office of Zoning we were able to acquire a copy of the Record of Decision, however we have not been able to locate the transportation study associated with the case. Following a review of the Record of Decision, we were not able to determine whether parking in the rear of several of the apartment buildings with rear parking were occupying public or private space.

   It is our understanding that stacked parking is allowed in private space, but may not be counted toward meeting zoning requirements.

2. The second question raised at the hearing was what are the requirements regarding loading zone lengths and how close may they be located from alleys and intersections. Loading zone distances may vary depending upon the length of trucks servicing the location. Since a 16 foot long truck may service this bed and breakfast operation, we would recommend a minimum 20 foot loading zone. A longer loading zone may be required to address concerns regarding guest queuing for special events.

BZA
Case No. 16823
Exhibit No. 105

Board of Zoning Adjustment
District of Columbia
CASE NO.16823
EXHIBIT NO.105

Minimum distances for loading zones from alley entrances is 5-feet, although longer distances may be required depending upon the turning radius into an alley and other site characteristics. Minimum distances for loading zones from intersections is 20 feet from a designated crosswalk, or 25 feet from the intersection if there is no designated crosswalk. Again longer distances may be required depending upon the turning radius at the intersection and other site characteristics.

3. The third question was how many parking violations, vehicle impoundment boots and towing orders have been issued for the curb space in front of the driveway leading to the garage. I have contacted the DC Department of Public Works, Parking Services Administration and they have advised me that they would only be able to provide parking violation information on a particular block, not adjacent to a particular address. I have requested the information for the 1600 block of Riggs Place NW (north side) and will forward that information to the Office of Zoning as soon as I receive it.

Attachment

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 166

CASE NO. 76-27

July 21, 1977

Pursuant to notice, a public hearing of the Zoning Commission ("Commission") was held on May 16, 1977 on an application for approval of the use of air space pursuant to the District of Columbia Public Space Utilization Act, October 17, 1968, as compiled at Section 7-941, et Seq., D. C. Code (1973), requested by The John Akridge Company.

FINDINGS OF FACT

1. The applicant requests approval as provided by the District of Columbia Public Space Utilization Act (the "Act"), October 17, 1968, compiled at Section 7-941, et Seq., D. C. Code (1973), of the use of public space above and below a 15 foot east-west public alley entering from 15th Street adjoining Lots 3, 4, 5, 807, 808, 809 and 810 in Square 216.

2. The application comes to the Commission under the provisions of Section 7-944 of the Act which provides in pertinent part as follows: "The Commissioner may execute a lease of air space under this Act if -...

   2. The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such air space and has established regulations applicable to the use of such air space consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such air space, off street parking and floor area ratios applicable to such structure, and easements of light, air, and access . . .

3. The Commission finds that the entire site including

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the alley and the lots on either side, is to be treated as one parcel of land as is hereinafter more fully described.

4. The private properties involved in this application abutting the public alley contain a total square footage of 17,481 square feet. The alley area contains 1,200 square feet. The site is located entirely within the C-4 zoning classification and thus pursuant to Section 7-944, of the Air Space Act, the regulations for the use of the structures to be erected in the air space should be consistent with the C-4 regulations.

5. The building proposed will be for typical C-4 occupancy with office and commercial retail uses. Office uses will be located on floors two through twelve. Commercial retail uses will be located on the first floor and may also be on the second floor with some retail uses also located below grade. The below grade levels will also be used for off-street parking. The building will utilize existing public services such as water, sanitary and storm sewers, electricity and telephone.

6. In the plans before the Commission, the applicant has applied an F.A.R. of 10.0 to the private property on either side of the public alley and an F.A.R. of 9.0 to the public alley area under consideration. The total gross floor area for the site would thus be approximately 185,610 square feet.

7. The height of the building is proposed to be 130 feet as permitted in the C-4 District. A vertical clearance of a minimum of 15 feet will be provided over the public alley from finished grade. The applicant will provide space below the surface of the alley (approximately 4 feet) for the accommodation of existing and proposed utilities. Below this utility space area, public space will be utilized for garages and commercial purposes.

8. The building is designed as a single building and as such the alley access will continue with one modification. The applicant will provide a three foot easement on the north side of the existing alley to permit better circulation.

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9. As a result of the two referrals made to the National Capital Planning Commission, required by the Public Space Utilization Act and the Home Rule Act the Planning Commission has recommended favorably on the application by indicating that the proposed use for the air space is consistent with the "General Land Use Objectives: 1970/85" element of the Comprehensive Plan as well as with paragraphs 200.21 and 393.11 of the Comprehensive Plan. The Planning Commission also has determined that the proposed use conforms with the Downtown Urban Renewal Plan in that such plan calls for the uses in this square to be "combined office and commercial". Finally, the Planning Commission has determined that the proposed leasing of air space will not have a negative impact on the Federal establishment or other Federal interests in the National Capital region.

10. The building as proposed will meet all the requirements of the Zoning Regulations that would be applicable to the building if it were constructed entirely on private property.

11. Open space at the rear of the building will be provided through an open court. Windows will be provided on the front of the building on all street facades, and at the rear of the building where the building abuts the open court and public alley, and on the north end of the building. The northern end windows are being provided even though at a future date they may be blocked if and when an adjacent building is constructed in accordance with the C-4 Zone.

12. The roof structure that will be provided will meet the zoning requirements and will not require the Board of Zoning Adjustment approval. The roof structure will have an F.A.R. of approximately .18 and will have the required setback in accordance with the Zoning Regulations and will not exceed a height of 18 feet 6 inches.

13. There were no parties in support of or in opposition to the application. The Washington Board

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DECISION

The Zoning Commission therefore orders APPROVAL of the application for use of public space above and below the fifteen (15) foot east-west alley, entering from 15th Street, N. W., in Square 216 and the related construction on Lots 3, 4, 5, 807, 808, 809 and 810 subject to the following conditions:

1. The structure shall be designed to constitute one building and meet the zoning requirements as such. Said building will occupy the air space over and under the alley together with a record lot to the south and record lot to the north. The lease agreement should contain provisions to assure that the building will not be divided in the future.

2. Use of the aforementioned building shall be in accordance with the C-4 District Regulations.

3. The height of the building shall not exceed 130 feet plus roof structure.

4. A maximum F.A.R. of 10 may be applied to those portions of the building located on private property. A maximum F.A.R. of 9.0 may be applied to the area of the alley itself.

5. A three (3) foot easement shall be provided along the north side of the alley and a smooth turning radius for vehicles shall be provided at the rear of the building.

6. No structures shall be permitted within the first fifteen (15) feet above the surface of the alley and the 3 foot easement. No private development shall be permitted within the first four (4) feet below the surface of the alley, which space shall be reserved for utilities.

7. The alley and easement areas shall be kept appropriately lighted and signed to identify them for public use as an alley.

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of Realtors filed a letter in support of the application. One resident of the Dupont Circle area appeared in opposition to the approval of the use of air rights in general and to this specific project.

CONCLUSIONS OF LAW

1. The Zoning Commission of the District of Columbia, must determine the use and Zoning Regulations applicable to the use of air space, consistent with zoning applicable to abutting privately owned property, for individual applications as they are brought before this Commission. The standards for the Commission's approval are set forth in Section 7-944 D. C. Code wherein Congress has provided that the Commission must establish such regulations "consistent with regulations applicable to the abutting privately owned property including limitations and requirements respecting the height of any structure to be erected in such air space, off street parking and floor area ratios applicable to such structure, and easements of light, air and access. . ."

2. The Commission concludes, that the phrase "structure to be erected in such air space" contained in Section 7-944 D. C. Code includes the entirety of any structure of which a part is to be erected within air space. The Commission has the authority to adopt regulations applicable to the air space and the parcels assembled in conjunction therewith.

3. The instant application for use of air space is an appropriate utilization of air space under the terms of the District of Columbia Space Utilization Act.

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The vote of the Commission was 4-0 (Walter B. Lewis, George M. White, Theodore F. Mariani and Ruby B. McZier in favor, Richard L. Stanton, not present, not voting).

THEODORE F. MARIANI
Chairman
D C Zoning Commission

STEVEN E. SHER
Executive Director
D C Zoning Secretariat