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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Phil Feola
Jeff Utz

DATE: June 28, 2004

17149

RE: Lot Occupancy, BZA Application No. ~~17170~~, Sidwell Friends School

INTRODUCTION

The Board, at its public hearing on June 22, 2004 in the above-captioned matter, requested an analysis of the project's "lot occupancy" as it is defined in the Zoning Regulations and whether or not the parking garage, as proposed in the School's application, should be included, in whole or in part, in the zoning calculations with regard to lot occupancy.

PARKING STRUCTURE

The proposed underground parking garage is an accessory building located below the main floor of the main building (the Upper School) and does not obstruct light or ventilation to the main building (or neighboring buildings). Therefore, it should not be counted in the percentage of lot occupancy of the campus. The parking garage is entirely covered by an earth and grass field and will appear as a great open green. It will absorb and treat stormwater that falls upon its surface and will be a part of contiguous plane that will be directly connected to other open green space on the campus.

LOT OCCUPANCY

In order to evaluate how the Zoning Regulations define lot occupancy, it is necessary to construct the concept through the definitions contained in 11 DCMR Zoning § 199.1. The definition of **percentage of lot occupancy** is "a figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied as building area" (emphasis added).

Building Area is defined as "the maximum horizontal projected area of a building and its accessory buildings.... This term does not include ... portions of a building that do not extend above the level of the main floor of the main building if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property" (emphasis added).

BZA
Case No. 17149
Exhibit No. 62

Board of Zoning Adjustment
District of Columbia
CASE NO. 17149
EXHIBIT NO. 62

Building is defined as "a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one building."

Accessory Building is defined as "a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building."

When tracing through the above definitions, it is clear that the proposed parking structure is an accessory building. As an accessory building, the parking garage should not be included in building area since it does not extend above the level of the main floor of the main building (the Upper School) and does not obstruct light or ventilation of the main building or adjacent buildings. Because the accessory parking garage is not included in the building area, the parking garage is also not included under the definition of percentage of lot occupancy.

PRACTICES AND PROCEDURES

The Office of the Zoning Administrator has consistently evaluated lot occupancy as a function of structure which extends above the main level of the main building. For example, a wooden deck built on the ground does not count against lot occupancy. However, the same deck built off the second story of a house does count against lot occupancy. Under the historic practice of the Zoning Administrator, the proposed Sidwell parking garage will not count against lot occupancy.

CONCLUSION

Under the Zoning Regulations, and consistent with interpretations of the Office of the Zoning Administrator, the below grade parking structure is an accessory building, below the grade of the main level of the Upper School and, thus, does not count against lot occupancy. However, even if the entire parking garage were counted in the lot occupancy of the site (and all of the structures in the application were constructed), the total lot occupancy would be only 28%, well below the 40% permitted in the R-1-B Zone District.

cc: ANC 3C
ANC 3F
Office of Planning

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