

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



Building and Land Regulation Administration
Office of the Zoning Administrator

October 5, 2001

Zoning Commission for the
District of Columbia
441 4th Street, N.W. Suite 210S
Washington, D.C. 20001

Re: Zoning Commission Case No. 01-07C
PUD and Rental of Public Air Space Applications for
1700-1730 K Street, N.W. (Square 126, Lots 56 and 851)

Dear Members of the Commission:

Pursuant to the Public Space Utilization Act, on June 20, 2001, the Building and Land Regulation Administration ("BLRA") forwarded the application of Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture, for the rental of public air space contiguous to Lots 56 and 851 in Square 126 to the following District agencies and public utilities for review and comment:

Office of Planning
District Division of Transportation, DPW
Environmental Health Administration, DOH
National Capital Planning Commission
Water and Sewer Authority
Potomac Electric Power Company
Verizon
Washington Gas

By letter dated July 12, 2001, the Water and Sewer Authority ("WASA") indicated that it had no objection to the rental of public air space. Similarly, by action taken August 2, 2001, the National Capital Planning Commission ("NCPC") concluded that the proposed lease of public airspace would not affect the identified federal interest nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. Copies of the WASA and NCPC recommendations are attached.

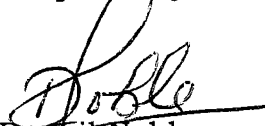
01-07C
27

We understand that the Office of Planning has indicated to the Zoning Commission by a preliminary report dated May 30, 2001, that it has no objection to the proposed rental of public space as of the date of the report, subject to additional review by the appropriate District agencies.

BLRA has not received any objections or additional comments from other District agencies or public utilities. After a review of the application, BLRA concludes that the rental of public air space is consistent with the goals and objectives of the Public Space Utilization Act and that the application can be granted without adverse effects to the use, operation, and maintenance of, any street or alley. The use of airspace will not be used to deprive any real property not owned by the applicants of light, air, and access. Further, the applicants will maintain a clearance of at least fifteen feet between the recorded grade of the alley and the lowest portion of the proposed building to be constructed above the alley. Accordingly, BLRA recommends approval of the application.

Pursuant to the Commission's authority under section 3000.8 of the Zoning Regulations, BLRA respectfully requests the Commission to waive the requirements of section 3012.3 in order to accept this report less than ten days in advance of the hearing date.

Respectfully submitted,



Denzil Noble
Deputy Administrator
Building and Land Regulation Administration

Attachments

cc: Whayne S. Quin, Holland & Knight LLP

WAS1 #1018572 v1



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

5000 OVERLOOK AVENUE, S.W., WASHINGTON, D.C. 20032

JUL 12 2001

Mr. Denzel Noble, Deputy Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
Suite 2000
941 North Capitol Street, N.E.
Washington, D.C. 20002

SUBJ: Rental of Air Space in Square 126, Contiguous to Lots 56 and 851

Dear Mr. Nobel:

This is in response to your June 20, 2001, memo requesting our review and comments on the possible rental of public air space within square 126 as filed by Holland and Knight L.L.P. on April 16, 2001. The proposed building will have two overhangs within the alley. However, they will be high enough so that they will not hinder the possible maintenance of the combined sewer within the alley. The District of Columbia Water and Sewer Authority does not object to the proposed rental of air space within Square 126.

If you have any questions, please call me at (202) 787-2379 or e-mail me at ishabels@dcwasa.com.

Sincerely,

James J. Shabelski, P.E.
Supervisor
Water and Sewer Design Branch

cc: Deputy General Manager – M. Marcotte
Holland and Knight L.L.P.- Wayne S. Quin ✓

D.C.:WASA:DE&TS:JJS:jmd
07/10/01, File-SQUARE 126, LOTS 56 & 851

**LEASE OF PUBLIC AIRSPACE OVER EXISTING ALLEYS IN SQUARE 126
FOR A NEW COMMERCIAL BUILDING AT 1700 AND 1730 K STREET, NW**

Report to the Department of Consumer and Regulatory Affairs

August 2, 2001

Abstract

The Commission, pursuant to the District of Columbia Public Space Utilization Act, has reviewed the proposed lease of public airspace above the public alley system in Square 126, and concludes that the proposal would not affect the federal establishment or other federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. The proposed new commercial building at 1700 and 1730 K Street, NW, would project over the existing internal alley system in two locations: (1) at the southwest corner of the proposed building over the alley accessed off K Street; and, (2) in the rear of the proposed building over the dead end interior alley. The projections begin at the 4th and 3rd floors, respectively, through the 12th floors and will not impact vehicular access within the alley system. The projections would not be visible from the adjacent Special Streets—K Street and 17th Street—or Farragut Square, the adjacent Special Place.

Authority

D.C. Code, Section 7-1031, et. seq.

Executive Director's Recommendation

The Commission concludes that the proposed lease of public airspace would not affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

* * *

BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF PROPOSAL

Commerce Building Associates and Riddell Building Joint Venture have filed a request to lease public airspace in Square 126. Square 126 is bounded on the north by K Street, on the east by 17th Street, on the south by I Street and on the west by 18th Street. The applicants intend to construct a 12-story commercial building at 1700 and 1730 K Street, NW, and propose to project two portions of the building over the internal alley system. The affected alleys include a portion of the dead end alley in the center of the block and a corner of the alley accessed off of K Street which intersects the internal alley. Federal interests in the area include K Street and 17th Street, which are Special Streets, as well as Farragut Square, an NPS-maintained original L'Enfant reservation across 17th Street. The project site has street frontage on K and 17th Streets, NW and is located within the original L'Enfant city grid and the Central Employment Area. The site is zoned C-4, Central Business District.

The proposed projections would be located: (1) on the rear southwest corner of the project site where the corner of the building would project two feet, four-and-one-half inches over the alley at the 4th through 12th floors; and, (2) in the rear of the proposed building where it would project five feet, six-and-one-half inches over the dead end alley at the 3rd through 12th floors. The corner projection is necessitated by the angled property line where the alley intersects the internal alley system; however, the corner projection would not project beyond the plane of the proposed building.

UTILIZATION OF PUBLIC AIRSPACE

Pursuant to the District of Columbia Public Space Utilization Act (D.C. Code, Section 7-1031), the Mayor may lease public airspace (airspace is defined as the space above or below a street or alley under the jurisdiction of the Mayor) if the Zoning Commission of the District of Columbia, after a public hearing and after securing the advice of the National Capital Planning Commission, has determined the use to be permitted in the subject zone and has established that any regulations are consistent with those regulations applicable to abutting privately owned property. In the subject application, the properties abutting the alleys are zoned C-4 and the proposed use of the airspace for office use is consistent with the C-4 zone and adjacent properties.

In addition to commenting on the proposal to lease public airspace, the Commission will review the project as a consolidated PUD on referral from the Zoning Commission after a proposed action has been taken. The proposed PUD would permit greater density on the site than what is permitted by-right (although the proposed building will be less dense than the two buildings that currently occupy the site). The Zoning Commission hearing has been tentatively scheduled for the end of September.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

A policy in the Preservation and Historic Features Element of the Comprehensive Plan applies where changes in existing public rights-of-ways are proposed. This policy specifies:

Within Historic Districts, and particularly within the L'Enfant City, original street patterns should be preserved by maintaining public rights-of-way. Where alleys continue to provide adequate off-street service and transportation functions, they should be retained.

The proposed building projections over the alley would be a minimum of 15 feet above the alley and would not impede normal vehicular use. The proposed projections would not be visible from the two Special Streets and the Special Place that border the site. The proposal is not inconsistent with the Comprehensive Plan for the National Capital. The District of Columbia's Generalized Land Use Plan designates the area for high-density commercial use.

FEDERAL INTEREST EVALUATION

The proposed lease of public airspace is not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital and would not affect the identified federal interests. The portion of the proposed building that would encroach on the public right-of-way will not be visible from any of the surrounding Special Streets or Farragut Square, the nearby Special Place. The proposed building height and coverage are consistent with the other commercial buildings in the immediate area and would not affect the federal interest.

The proposed use of District of Columbia airspace above the alley system in Square 126 is consistent with the C-4 zone. The alleys will remain open to provide access for vehicles serving the proposed building and the existing buildings which back onto the effected alleys. Circulation within the alley system would not be effected since the encroachment would occur above the 3rd and 4th floors.

Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on July 11, 2001, and forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies participating. The participating agencies were NCPC; the District of Columbia Office of Planning; the Fire Department; the Department of Housing and Community Development; the Department of Public Works; the General Services Administration; the National Park Service; and the Washington Metropolitan Area Transit Authority.