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Herbert F. Abrams
Jose L. Galvez, III

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Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Joseph I. Lieberman

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Henry A. Waxman

Mayor
District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

Acting Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 07-13

JAN 08 2008

Mr. Anthony Hood
Chairman
Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Dear Chairman Hood:

The National Capital Planning Commission at its meeting on January 3, 2008 approved the enclosed action that found the proposed Zoning Commission action to approve the Planned Unit Development and related map amendment at the former Randall Junior High School at 65 I Street, SW would result in the construction of a building that does not comply with the requirements of the Height of Buildings Act of 1910 because the penthouse penetrates the limit of height and therefore the entire penthouse structure is required to be set back from the exterior building wall along the full length of the north side of the building a distance equal to the height of the penthouse above the adjacent building roof. The proposed development does not set back the penthouse back in this manner.

The Commission also discussed whether the Height of Buildings Act requires all penthouses of all buildings to be set back a distance equal to the height of the penthouse above the adjacent roof, regardless of whether any portion of the building exceeds the limit of height, and did not reach a conclusion on this point.

We appreciate your consideration of our Commission's views and we look forward to resolving this matter either through this forum or another relevant forum.

ZONING COMMISSION
District of Columbia

CASE NO. 07-13 (ORIGINAL)
EXHIBIT NO. 74
ZONING COMMISSION
District of Columbia
CASE NO. 07-13
EXHIBIT NO. 74

COMMISSION ACTION

NCPC File No. Z.C. 07-13



**RANDALL JUNIOR HIGH SCHOOL REDEVELOPMENT
CONSOLIDATED PUD AND MAP AMENDMENT**
Square 643-S, Lot 801

65 I Street, SW
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

January 3, 2008

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Commission Action

The Commission:

Advises that the project would be adverse to a federal interest because a penthouse element on top of the roof causes the building to exceed the maximum height allowed under the Height of Buildings Act of 1910, which states that "Pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof."

Recommends that the Zoning Commission require the applicant to modify the project design to setback the penthouse a distance from the exterior wall of the building equal to the penthouse height.

Deborah B. Young

Secretary to the National Capital Planning Commission



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ZONING COMMISSION
District of Columbia

CASE NO. 07-13
EXHIBIT NO. 74

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Mr. Anthony Hood

Page - 2

Also enclosed for your information is a copy of the Staff Recommendation for the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcel C. Acosta', with a stylized flourish at the end.

Marcel C. Acosta
Acting Executive Director

Enclosures

COMMISSION ACTION

NCPC File No. Z.C. 07-13



**RANDALL JUNIOR HIGH SCHOOL REDEVELOPMENT
CONSOLIDATED PUD AND MAP AMENDMENT
Square 643-S, Lot 801**

65 I Street, SW
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

January 3, 2008

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Commission Action

The Commission:

Advises that the project would be adverse to a federal interest because a penthouse element on top of the roof causes the building to exceed the maximum height allowed under the Height of Buildings Act of 1910, which states that "Pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof."

Recommends that the Zoning Commission require the applicant to modify the project design to setback the penthouse a distance from the exterior wall of the building equal to the penthouse height.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION



NCPC File No. ZC 07-13

**RANDALL JUNIOR HIGH SCHOOL REDEVELOPMENT
CONSOLIDATED PUD AND MAP AMENDMENT
Square 643-S, Lot 801**

65 I Street, SW
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

December 27, 2007

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Planned Unit Development (PUD) and related map amendment at the former Randall Junior High School, located at 65 I Street, SW, in Washington, D.C. This 500,000-square foot project at the former Randall Junior High School includes the 100,000-square-foot Corcoran College of Art and Design, and a 400,000-square-foot residential building. Underground parking will also be provided for approximately 400 cars.

Federal Interest

The identified federal interests relevant to this proposal are the Comprehensive Plan for the National Capital and the Height of Buildings Act of 1910.

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Executive Director's Recommendation

The Commission:

Advises that the project would be adverse to a federal interest because a penthouse element on top of the roof causes the building to exceed the maximum height allowed under the Height of Buildings Act of 1910, which states that "Pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof."

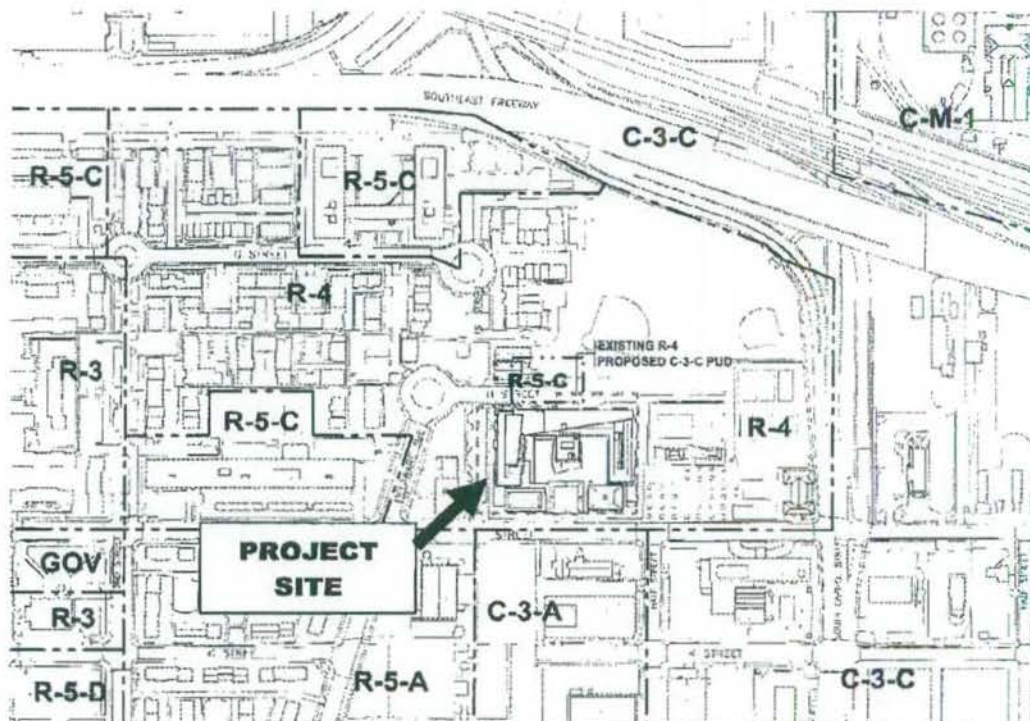
Recommends that the Zoning Commission require the applicant to modify the project design to setback the penthouse a distance from the exterior wall of the building equal to the penthouse height.

* * *

PROJECT DESCRIPTION

Site

The 2.66-acre site is on Lot 801, Square 643-S and is located between I Street and H Streets in Southwest, one block to the west of South Capital Street. The eastern boundary is the former right-of-way of Half Street and to the west is the former centerline of 1st Street, a 90 foot right of way. Both of these streets are closed. Adjacent to the site to the east and northeast is Randall Park, a District owned park. This site is currently located in an R- 4 zone, one of the District's low density residential zones, and is across the street from a C-3-A and a C-3-C, two commercial zones.



ZONING MAP

Background

The District of Columbia sold the former Randall Junior High School to the Corcoran Gallery of Art in 2006 in order to redevelop it for an art College and residential use. The Trustees of the Corcoran Gallery and MR Randall Capital, LLC, a subsidiary of Monument Realty, have held numerous meetings with the community and the Office of Planning on the redevelopment of this site.

The community voiced several concerns which included a partially blocked H Street, loading facility locations for large trucks, a parking garage entrance on H Street and the overall height and bulk of the building.

As a result of these meetings, the developers incorporated changes into their design. These changes range from building footprint re-design and building program changes to agreements on truck traffic. The current project documents, dated October 19, 2007, are the end result of that input. Two revisions have been made to these plans and they are dated December 10th and December 18th.

Proposal

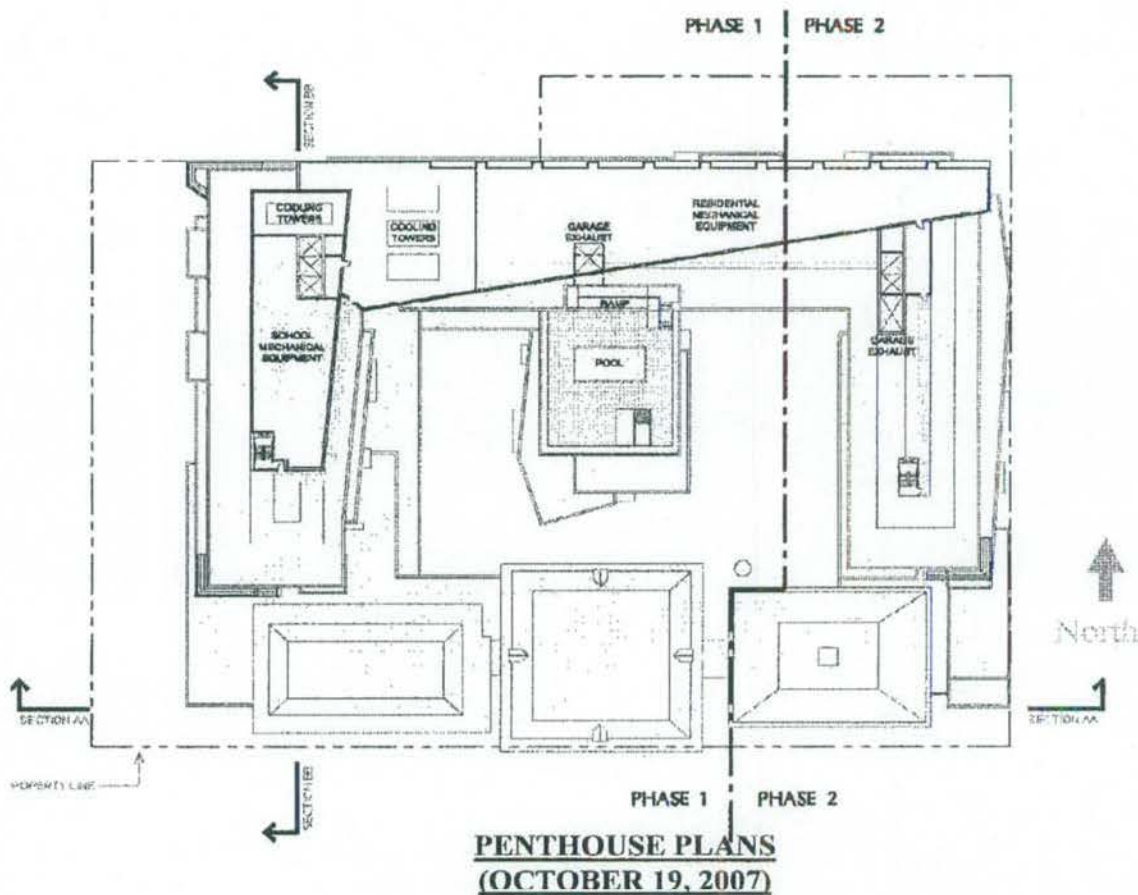
This proposed project is to build the Corcoran College of Art and Design and 400-500 residential units in southwest Washington, D.C. The building proposed will include 333 residential and 60 non-residential parking spaces in an underground parking garage.

The Corcoran College of Art and Design will be approximately 100,000 square feet and will occupy the front of the building which is on I Street, SW. This portion of the overall project is approximately 45 feet tall and will be accessible from the southwest entrance of the building. It is a brick building with a gabled roof and includes a ceremonial entrance which is located between the main college and residential entrances.

Residential units, which occupy nearly 400,000 square feet of the building, will be accessible from two doors, one on the southeastern section and another on the northwestern section of the building. The number of residential units has not been finalized, and the current number of units is 480, with 20% of them being affordable. The image below shows that the residential units are on the northern portion of the site. Building materials include brick, metal and glass curtain windows with aluminum mullions. This portion of the building is 100 feet tall, with several penthouses that range in size from 16 to 18 feet tall; see Penthouse Plans on next page. The penthouses will house the mechanicals for the residential units as well as the art college. Balconies are included in most of the units.



PERSPECTIVE OF PROJECT LOOKING NORTHWEST



This project will be constructed through a combination demolition and renovation of historic Randall Jr. High School that currently exists on this site. In order to accomplish this, the developer is asking for relief from several provisions of zoning and change in zoning from R-4 to C-3-C. The zoning provisions that relief is being sought are:

1. Special Exception relief from rear yard
2. Variance to rooftop structure setback
3. Special Exception for number and height of rooftop structures
4. Variance relief from court requirements
5. Variance from number of loading spaces

PROJECT ANALYSIS

Executive Summary

The one issue staff identified after reviewing this proposal was conformance to the Height of Buildings Act. While staff understands that a significant amount of time and effort has been undertaken by the developer, the District government and the community, the Height of Buildings Act requires that building heights shall be limited by a specific relationship to the roadway width the building fronts upon and requires rooftop elements above that height to be set back 1:1 from the

building wall. As it is currently designed, staff believes that this proposed building does not conform to this requirement.

The developer has proposed a building of 100 feet for a property that fronts on I Street, a 90-foot right-of-way. The Height of Buildings Act states:

Section 5. That no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue or highway in its front, increased by 20 feet..."

According to this language, the height of any commercial building that fronts on a 90-foot right-of-way would be limited to 110 feet. The roof for the residential portion of this building is 100 feet above the measuring point. The problem arises with the 16 foot walls used to screen the northern mechanicals (see Penthouse Plan on previous page). The Height of Buildings Act states that:

"...structures that shall be fireproof, and no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed: and provided that pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof."

The northern mechanical penthouse is only setback six feet and six inches from the edge along H Street which is not sufficient, according to the Height of Buildings Act. Because the penthouse is not set back properly from the building wall, it is included in the overall height of the building, which is 116 feet, or six feet greater than the 110 feet that is permissible under the Height of Buildings Act for this project.

Staff also notes that the Office of Planning recognized this issue with the Height of Buildings Act in their Public Hearing Report dated September 17, 2007, and again in their Supplemental Report to the Zoning Commission, dated October 29, 2007. Their recommendation stated that "OP does not object to the requested zoning relief, but the [northern] mechanical penthouse must be redesigned so that its wall does not constitute a parapet. As a parapet it counts toward building height and the building would therefore exceed the 110 foot limit of the Height [of Buildings] Act."

This recommendation also included the following condition:

- Re-design the north mechanical penthouse wall so that it does not constitute a parapet.

The developers of this property submitted revisions to their drawings at the December 10, 2007 Zoning Commission meeting and addressed the penthouse issue (see image on the next page, right). Their proposal at the December 10th Zoning Commission meeting was to redesign the northern penthouse by moving it back four feet from the facade. While the Zoning Commission proposed to approve the project with the four foot setback, they discussed increasing this setback to at least six feet. Zoning Commission members considered this six-foot distance in lieu of the four foot dimension because it is the difference between the actual height of the northern penthouse, which is 116 feet, and the allowable maximum height of the building under the Height of Buildings Act, which is 110 feet, the theory being that only the portion of the penthouse that exceeds the allowable overall building height need be set back. NCPC staff does not concur that this approach would meet the requirements of the Height of Buildings Act and maintains that the entire penthouse structure must be set back a distance equal to its height above the roof.

SITE PERSPECTIVE LOOKING SOUTHEAST
(CORNER OF HALF AND H STREETS, SW)

Before (without roof setback)

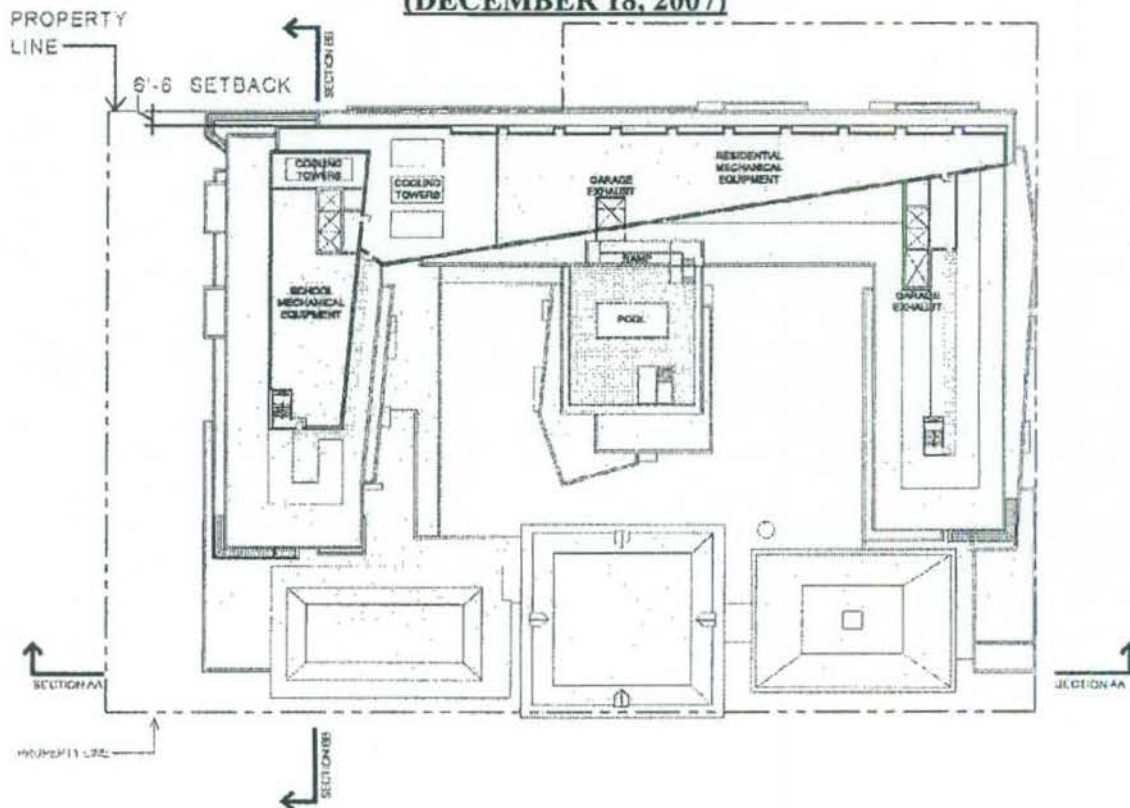


After (with 4 foot roof setback)



The developer has revised their plans to reflect the six foot setback theory and submitted these plans, dated December 19, 2007, that now show the building set back six feet six inches (see Penthouse Plan below).

REVISED PENTHOUSE PLANS
(DECEMBER 18, 2007)



As staff believes that the conformance to the Height of Buildings Act issue has not been resolved by either the previous re-designs or the plans submitted on December 18, 2007, **we recommend that the Commission comment to the Zoning Commission that the applicant should modify the design to set the penthouse back from the building wall to a distance equal to its height.**

CONFORMANCE

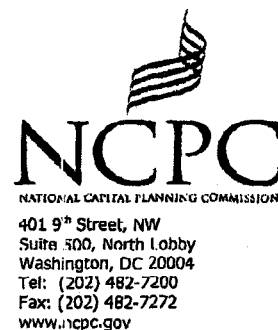
Comprehensive Plan for the National Capital

The proposed planned unit development and related map amendment are inconsistent with the Comprehensive Plan for the National Capital with respect to the Preservation of Historic Features Element, which includes the following policy under the National Capital Image Policies:

3. Preserve the horizontal character of the National Capital through enforcement of the 1910 Height of Buildings Act.

The proposed planned unit development and the related map amendment are not inconsistent with the Housing, Land Use, Educational Facilities, Environmental Protection and Urban Design Elements of the District Element of the Comprehensive Plan.

FAX TRANSMISSION

**To:** Sharon Schellin**FAX:** (202) 727-6072

Phone:**Date:** 1/8/2008

From: David Levy**Re:** Z.C. 07-13

Phone:**Pages:** 10

• Comments:

NATIONAL CAPITAL PLANNING COMMISSION