GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: District of Columbia

Board of Zoning Adjustment

FROM: Ellen McCarty, Director
Office of Planning

DATE: November 15, 2005

SUBJECT: BZA Application #17390 (15 & H Street Associates LLP)
1426 H Street, N.W. (Square 222, Lot 22)

RECEIVED
D.C. OFFICE OF ZONING
2005 NOV -8 PM 4:59

APPLICATION

The application by 15 & H Street Associates LLP (Applicant) requests special exception relief pursuant to .11 DCMR 3104.1 of the Zoning Regulations, to permit more than one roof structure enclosure, a mechanical equipment penthouse that does not meet the setback requirements, and enclosing roof structure walls of unequal height pursuant to Sections 770.6 and 411 of the Zoning Regulations

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the above stated special exceptions.

SITE AND AREA DESCRIPTION

The subject property at 1426 H Street, N.W., (Square 222, and Lot 22) is located at the southeast intersection of 15 and H Streets, N.W. Square 222 is bounded on the north by H Street, on the south by New York Avenue, on the east by 14th Street, and on the west by 15th Street. The rectangular property is approximately 24,567 square feet in area and is in the C-4 Zone district. The property is also within the Fifteenth Street Financial District.

The property is occupied by the Woodward Building, an eleven-story office building of approximately 203,661 square feet constructed in 1912 of brick trimmed in stone with a basement. The building is currently used for commercial and retail uses. The Woodward Building has not been updated since its construction, thus it lack modern amenities such as central air and heating.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17390
EXHIBIT NO. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17390
EXHIBIT NO. 27

HISTORIC PRESERVATION

The Fifteenth Street Financial Historic District is on Fifteenth Street between Sherman Park and McPherson Square. There are twenty-two buildings in the district, twelve of which are designated landmarks of the National Capital, seven of which are listed in the National Register of Historic Places. The remaining fifteen buildings (including the subject building) are contributing buildings. The Historic Preservation Review Board approved the project in concept and delegated final approval to staff.

PROPOSAL

The applicant proposes to restore the existing building and convert its use to multi-family residential with 186 units. The development will also include 108 below-grade parking spaces.

In order to implement the project, the applicant seeks approval by the Board of Zoning adjustment for special exception relief from §§ 411 and 770.6 of the Zoning Regulations to permit more than one roof structure enclosure, a mechanical equipment penthouse that does not meet the setback requirements, and enclosing roof structure walls of unequal height.

ZONING REQUIREMENTS

The subject site has a base zoning of C-4. The Central Business (C-4) District is for the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area. The C-4 District shall also contain high-density residential and mixed use developments.

SPECIAL EXCEPTION

Roof Structure

The standards are reviewed as follows:

Section 770.6

Section 770.6 of the Zoning Regulations provides that, if housing for mechanical equipment or a stairway or elevator penthouse is provided on the rooftop of a building or structure, it shall be erected or enlarged as follows:

- **(a) It shall meet the requirements of § 411;**
- **(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located.**
- **(c) In the C-5 (PAD) District, it shall be set back from that portion of the perimeter of the roof fronting on a street a minimum distance equal to twice the height of the roof structure above the roof upon which it is located; and**
- **(d) It shall not exceed eighteen feet, six inches (18 ft., 6in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inches (18 ft., 6 in.), height of the housing.**

The existing penthouse structure was built before the adoption of the current Zoning Regulations, a time when there was no limit on the height of roof structures or setback requirements. The existing penthouse is 19.52 feet in height and is therefore nonconforming with regards to § 770.6(d), which requires roof structures not exceed eighteen feet, six inches (18'6") in height above the roof. The proposed penthouse addition will measure 18'6" and will conform to the current Zoning Regulations. However, the final roof structure will include walls of unequal height, a condition that does not comply with the provisions of § 770.6(a), which requires enclosed walls from roof level, shall be of equal height.

The existing penthouse structure is not set back from the exterior walls a distance at least equal to its height above the roof upon which it is located, as required under the regulations. Because the new penthouse extension will follow the building lines of the existing penthouse, it too will not comply with the 1:1 set back requirements of § 770.6 (a).

The applicant proposes an additional penthouse structure that will enclose a stairway. The second penthouse is necessary in order to provide an additional means of egress from the proposed roof terrace as required by building code. The height of the additional structure will only be 10 feet which complies with § 770.6(d). It will also be set back from the exterior walls a sufficient distance pursuant to § 770.6(a). The additional penthouse structure, however, does not comply with § 770.6(a) and thus also requires special exception approval by the Board pursuant to § 411.11.

Section 411.1 states:

To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1910 (36 Stat. 452, as amended; D.C. Official Code 88 6-601.01 to 6-601.09 (formerly codified at D.C. Code S8 5-401 to 5-409 (1994 Repl. & 1999 Supp., penthouses for storage and toilets incidental and accessory to roof swimming pools shall be subject to conditions and variable floor area ratio credit specified in this section.

§ 411.11 provides the Board authority to approve as a special exception the location, design, and other aspects of roof structures, including setbacks that do not meet the standard matter-of-right requirements as follows:

Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under § 411.3 through 411.6, even if such structures do not meet the normal setback requirements of § 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with § 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

The special exception approval is required because the existing roof structure and the proposed extension do not meet the current setback requirements of the Zoning Regulations. Additionally, the existing roof structure exceeds the 18 feet, 6 inches above the roof maximum height permitted by the Zoning Regulations. The existing roof structure is 19.52 feet in height and only meets the one to one setback requirements on the south side of the building. Since the addition will not be constructed to the height of the existing nonconforming roof structure, it will have walls that will be unequal in height. Additional relief is needed to build a second roof structure. The second roof structure will be 10 feet in height and will enclose the stairway. This structure is necessary in order to provide a second means of egress to the proposed roof terrace. The second roof structure will meet both the height and setback requirements of the Zoning Regulations.

(1) **Compliance with the roof structure regulations is impractical because of operating difficulties, size, of building lot, or other conditions related to the buildings or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.**

The building was constructed in 1912 before the current Zoning Regulations were adopted, when height and setbacks on roof structures were not required. The existing roof structure has been unchanged since original construction. The building lacks central heat and air condition and will need to be upgraded to accommodate multi-family residential use.

In order to provide central air and heat, a series of cooling towers and pumps must be added to the roof. However, the new equipment will not fit in the existing penthouse. In order to maintain the architectural integrity of the building, the new equipment will be enclosed in an extension structure of the existing penthouse and will adhere to the current maximum height requirements. The applicant will construct an additional stairway penthouse on the roof in order to provide an additional means of egress from the proposed rooftop terrace. The stairway will be separate from the main roof structure in order to provide adequate distance between the two means of egress while not adding to the mass of the roof structure by connection with a screen.

(2) **The intent and purpose of Section 400.7 of the Zoning Regulations are not materially impaired and the light and air of adjacent buildings are not adversely affected**.

The effects to light and air to adjacent structures will be minimal, because the addition to the existing penthouse will be setback twenty-one feet from the lot line on the east. Although the penthouse addition will not meet the setback requirement on the southern side, it will be located to the east of the adjacent 9-story building to the south. The new stairway penthouse will be only minimally visible from surrounding buildings because it will be only ten feet in height, and setback more than thirty feet from H Street frontage and approximately seventeen feet from the 15th Street frontage.

411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.

The new penthouse and the penthouse extension will be in harmony with the existing penthouse. It would be nearly impossible for the applicant to place all of the needed mechanical equipment in one enclosure, as required by § 411.3 of the Zoning Regulations. The existing penthouse structure is an

existing condition on the existing building. The building was built in 1912, which was before there were height or setback requirements on roof structures. Historically, there has not been central heating and air conditioning in the building. The existing roof structure cannot accommodate the new equipment necessary to modernize the energy systems needed for new residential tenants. In order to provide the building with central air condition and heating, a series of additional cooling towers and pumps must be added to the roof. The applicant proposes an extension to the existing penthouse that will adhere to the current maximum height requirements. The new extension penthouse will be consistent with the architectural character, material, and color on the existing penthouse. The new penthouse extension will not meet the 1:1 setback requirement on the southern side, and will therefore need relief from § 411.3.

The applicant also proposes to construct an additional stairway penthouse in order to provide an additional means of egress to the proposed roof terrace as required by building code. The stairway will be separated from the main roof structure in order to provide an adequate distance between the two means of egress while not adding to the mass of the roof structure.

411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.

The new penthouse will be eighteen feet, six inches in height above the roof, which is consistent with the height requirements under § 770.6 (d). The height of the walls on the existing roof structure is 19.52 feet and exceeds the current maximum height requirement and is therefore nonconforming. The proposed penthouse extension will be 18.6 feet in height above the roof upon which it is located, and thus will conform to the current Zoning Regulations. However, because there is a difference in the height of the existing penthouse and the proposed new extension, the new addition will have enclosed walls of unequal heights. Therefore, the applicant is requesting relief from this provision. OP believes the difference will be minimal and would not be visible at grade.

411.6 When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 411.3 and 411.5, except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

The new penthouse extension will be fully enclosed and will provide both architectural continuity and a functional space for the pump room and additional mechanical equipment.

COMMUNITY COMMENTS

Advisory Neighborhood Commission 2F, at its regularly scheduled meeting on September 17, 2005, voted to support the requested special exceptions.

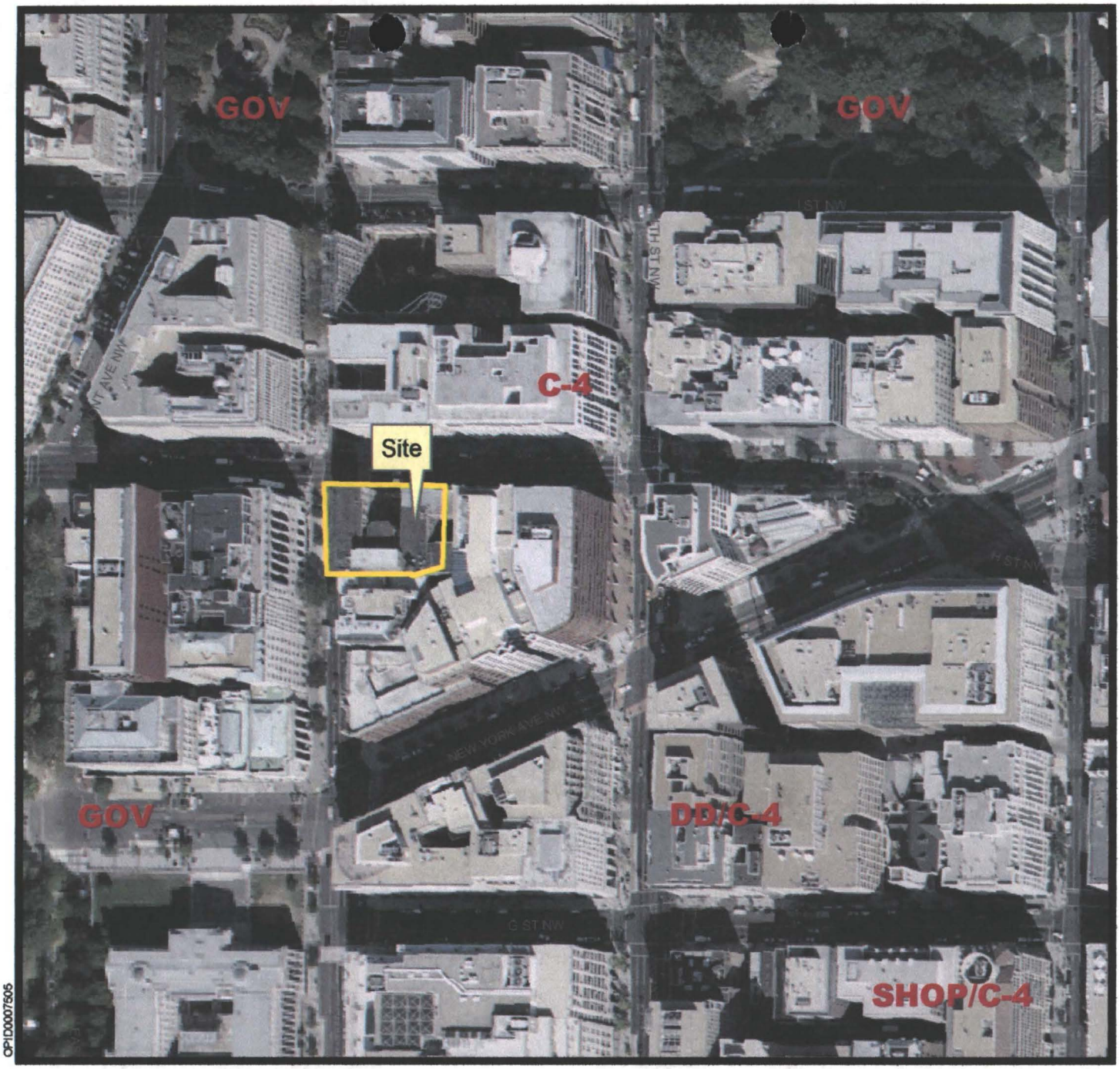
RECOMMENDATION

Granting the special exception to allow more than one roof structures will not impair the intent of the roof structure requirements. Due to the location mechanical equipment on the roof structures the required setback requirements cannot be met. The structures will not affect the light and air of adjacent

buildings as the adjacent building to the north because those buildings are taller than the subject building, even with the proposed additions. Additionally, the highest enclosure will be located near the center of the building and therefore will not block the light and air of adjacent buildings and streets.

The Office of Planning deems that the applicant has demonstrated that the subject application meets the burden of proof for the two requested special exceptions. OP believes the application can be approved without being detrimental to the public good and the project will be in harmony with the general purpose and intent of the Zoning Regulations, and therefore recommends the application be approved.

EMcC/jem



Aerial Oblique Photos
BZA Application # 17390
1426 H Street, NW

★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 25, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.
Oblique imagery ©2003 Pictometry International