

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
Joel Lawson, Associate Director Development Review

**DATE:** January 7, 2026

**SUBJECT:** BZA Case 21395, Request for a special exception relief to permit a canopy structure on a 5<sup>th</sup> story outdoor terrace at a new 11-story commercial building at 725 12th Street NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle C § 1506 and Subtitle X § 901.2:

- Subtitle C § 1504.1(d), Penthouse Setback (1:1 setback from open courts required; no setback from an open court along the southern side of the 5<sup>th</sup> floor penthouse structure.) pursuant to C § 1506.

### **II. LOCATION AND SITE DESCRIPTION**

Address	725 12th Street NW
Applicant	Goulston & Storrs PC on behalf of BXP Project 11 LLC
Legal Description	Square 319; Lots 864
Ward, ANC	Ward 2; ANC 2C
Zone	D-7, high density downtown zone
Historic District	N/A
Lot Characteristics	Irregular corner lot measuring approximately 175 ft. x 215 ft.
Existing Development	Twelve-story commercial building
Adjacent Properties	Mixed-use and office buildings.
Surrounding Neighborhood Character	Downtown Core
Proposed Development	New 11-story trophy-class commercial office buildings, existing below grade 354 space parking garage to remain.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- D-4-R	Regulation	Existing	Proposed <sup>1</sup>	Relief
Density I § 200	10 FAR max.	8.89 FAR	8.17 FAR	None Requested
Height I § 201 & 532	130 ft. max	130 ft.	No Change	None Requested
Penthouse Height I § 532 & C § 1502	20 ft. and 1-story max.	Not provided	11.75 ft. and 1- story	None Requested
<b>Penthouse Open Court Setback C § 1504.1(d)</b>	<b>A distance equal to its height from building walls that border all sides of an open court on the property.</b>	N/A	<b>No setback at the southern side of the penthouse structure.</b> 1:1 setback met for all other sides. (Exhibit 9, pg. 2)	<b>Relief requested</b>
Lot Occupancy I § 202	100%	69%	81%	None Requested

### IV. OFFICE OF PLANNING ANALYSIS

#### PENTHOUSE REAR SETBACK: Special Exception Relief from Subtitle C § 1504.1(b)

##### Subtitle C Section 1506 RELIEF FROM PENTHOUSE OR ROOFTOP STRUCTURE REQUIREMENTS

*1506.1 Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:*

- (a) The special exception requirements of Subtitle X, Chapter 9;*

*Analysis provided below.*

- (b) The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

Per the applicant, due to the proposed design of the building and the need for private outdoor space for each tenant, adhering to the required 1:1 setback on all sides for a 5<sup>th</sup> floor penthouse on an 11-story building would result in a penthouse that would not adhere to the overall architectural design on the project. The 1:1 setback is being met on all other sides of the structure, with some portions set back further than required.

- (c) The applicant's demonstration of at least one (1) of the following:*

- (1) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or*

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<sup>1</sup> Per the applicant.

*unreasonable, or is inconsistent with building codes;*

- (2) The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;*
- (3) The relief requested would result in a penthouse or rooftop structure that is visually less intrusive; or*
- (4) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C § 115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable.*

As demonstrated throughout Exhibit 9, the proposed penthouse design for the lower-level terrace would not appear as an extension of the building wall and is meant to harmonize with the overall architecture of the project.

#### **Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed redevelopment of the site would be consistent with the intent and purpose of the D-7 zone in both intensity and use. The project would primarily serve as trophy office space for two separate tenants. In this case the penthouse addition would provide an outdoor space with adequate shading and privacy for the lower-story tenant. Moreover, the structure would meet the 1:1 setback requirement on all other sides and serves more as an architectural embellishment than a true penthouse structure.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Per the applicant's rendering, the proposed penthouse structure should not be readily visible from 12<sup>th</sup> Street or G Street and the shadows cast should have little to no impact on the surrounding development, especially given the location on the 5<sup>th</sup> story. Furthermore, any impacts to privacy would be no more than would be permitted by-right in the development of a 11-story building in the Downtown. Therefore, the resulted relief should not adversely affect neighboring properties any more than anticipated in a Downtown zone.

(c) *Subject in specific cases to the special conditions specified in this title.*

As discussed above, the relief sought would meet all special exception criteria associated with the requested relief.

## V. OTHER DISTRICT AGENCIES

As of the writing of this report, there are no reports from other district agencies in the record.

## VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, ANC 2C has not provided comments on the application.

## VII. COMMUNITY COMMENTS TO DATE

As of the writing of this report, there are no other public comments in the record.

