

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
^{MBR} Maxine Brown-Roberts, Associate Director Development Review

DATE: September 4, 2026

SUBJECT: BZA Case 21489, Request for special exception relief to expand an existing penthouse at 1401 New York Avenue, NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Penthouse Habitable Space, Subtitle C § 1501.1(e) (penthouse habitable space is not permitted on any building within a defined area near the White House; habitable penthouse proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1401 New York Avenue, NW
Applicant	Holland & Knight, LLP on behalf of Carr Properties
Legal Description	Square 222, Lot 24
Ward, ANC	Ward 2; ANC 2C
Zone	D-6
Historic District	N/A
Lot Characteristics	Irregular, corner, through lot of approximately 18,443 square feet with a 53.08 ft. frontage on New York Avenue, 206.08 ft. on 14 th Street, NW, and 93.08 ft. on H Street, NW.
Existing Development	The property is improved with a 12-story office building.
Adjacent Properties	Office buildings with some apartment houses.
Surrounding Neighborhood Character	High Density Commercial Core
Proposed Development	Construction which would expand an existing habitable penthouse of a 12-story office building with ground floor retail.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- D-6	Regulation	Existing	Proposed ¹	Relief
Density I § 200	10 FAR, except 6.0 FAR over historic portions	10.23 FAR	No Change	None Requested
Height I § 201 & 532	130 ft. max. for right-of-way greater than or equal to 110 ft.	130 ft./12 stories	No change	None Requested
Penthouse Height I § 532 & C § 1502	20 ft. max; 1 habitable story plus mezzanine & 1 mechanical story	18.17 ft./1 story	No Change	None Requested
Penthouse Front Setback C § 1504.1(a)	Distance equal to the height of the penthouse. (18.17 ft. top of penthouse, 12 ft. to top of canopy)	Measurement Not Provided	20 ft. from rooftop, 12 ft. from canopy.	None Requested
Penthouse Rear Setback C § 1504.1(b)	Distance equal to the height of the penthouse. (18.17 ft. top of penthouse, 12 ft. to top of canopy)	Measurement Not Provided	No Change	None Requested
Penthouse Side Setbacks C § 1504.1(c)	Distance equal to the height of the penthouse. (18.17 ft. top of penthouse, 12 ft. to top of canopy)	Measurement Not Provided	East: 21.5 ft. from rooftop, 12 ft. from canopy. West: N/A (No Change)	None Requested
Penthouse Habitable Space C § 1501.1(e)	Penthouse habitable space is not permitted on any building within an area bound by I Street, NW to the north; Constitution Avenue, NW to the south; 19th Street, NW to the west; and 13th Street, NW to the east.	Penthouse related to office use.	Expanded Habitable penthouse related to office use	Special Exception

IV. OFFICE OF PLANNING ANALYSIS

PENTHOUSE USES: Special Exception Relief from Subtitle C § 1501.1(e):

1501.1 A penthouse or rooftop structure may house mechanical equipment, or any use

¹ Per the applicant.

permitted within the zone, except that penthouse space shall be restricted as follows:

(a) . . .

(e) On any building within an area bound by I Street, N.W., to the north; Constitution Avenue, N.W., to the south; 19th Street, N.W., to the west, and 13th Street, N.W., to the east, penthouse habitable space or publicly accessible rooftop deck on the highest roof of the building, shall be permitted only if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, after consultation with the US Secret Service to determine whether security concerns exist.

The subject building is located within the boundary described above and the US Secret Service has determined that the existing penthouse and additions would pose security concerns (Exhibit 13).

The existing building currently has a penthouse with interior space that houses an elevator lobby, vestibule, restrooms, and mechanical space. There is also an exterior roof deck and uncovered mechanical equipment. The existing penthouse has a height of approximately 18.25 feet and meets the setback requirement from the north, south, and east building walls. The setback from the west building wall is not required.

To enhance the rooftop experience for office tenants the proposal would expand the penthouse by 2,700 square feet, renovate the space and to include a tenant lounge and multi-purpose room. Additional rooftop improvements would include a bar, lounge space, and an upgraded rooftop terrace. The proposed additions at a height of 18.17 feet with a canopy height of 12 feet will provide setbacks of at least 20 feet and 12 feet respectively.

The proposed penthouse expansion would trigger a requirement to contribute funds to the Housing Production Trust Fund (HPTF) of approximately \$291,000. The exact contribution amount would be calculated at the time of Permitting.

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 expansion of the habitable penthouse would be consistent with the intent and purpose of the D-6 zone in both intensity and use. The penthouse itself would meet all the development requirements of the Zoning Regulations and only seeks relief tied to the review requirement of C § 1501.1(e).

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

As the proposed penthouse will adhere to the development requirements, the expanded use 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 will meet all special exception criteria associated with the requested relief. Additionally, Exhibit #13 includes a letter of support from the United States Secret Service.

V. OTHER DISTRICT AGENCIES

DDOT has requested OP to inform the BZA that they have no objection to this application.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit # 23, ANC 2C has provided a report in support of the application.

VII. COMMUNITY COMMENTS TO DATE

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

Location Map

