

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: May 16, 2016

SUBJECT: ZC Case No. 14-04A: Report for Minor Modification to Approved PUD – 2100 K Street, N.W.

I. APPLICATION

Professional Associates and International Finance Corporation, the applicants, request Zoning Commission approval for a minor modification to ZC Order 14-04, a consolidated planned unit development (PUD). This request is to add penthouse habitable space to a building approved by the Zoning Commission as a PUD, pursuant to § 411.24 of the Zoning Regulations. This change results in the following modifications:

- Convert and enlarge the elevator lobby, including the addition of a restroom; and
- Increase the habitable space to 1,570 square feet, or 0.02 FAR.

No changes are proposed to penthouse heights, materials or design. Setbacks would continue to be in compliance with the Zoning Regulations, provided the applicants document that the guardrails are set back, at a minimum, a distance equal to their height, with subsections not relevant to the proposal omitted.

II. ZONING

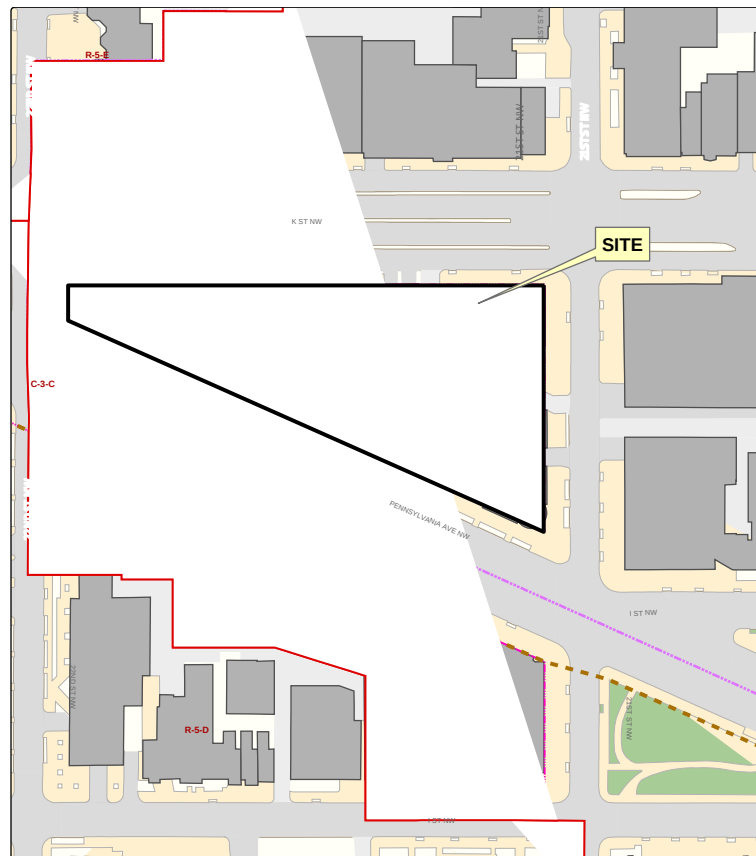
The subject application is in conformance with the applicable provisions of the Zoning Regulations, as described below.

411.4 *A penthouse may house mechanical equipment or any use permitted within the zone, except as follows:*

- (a) *Penthouse habitable space on a detached dwelling, semi-detached dwelling, rowhouse, or flat shall be limited pursuant to § 411.5 below;*

- (b) *Within residential zones and the Capitol Interest Overlay in which the building is limited to forty feet (40 ft.) maximum penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;*
- (c) *A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104; and*
- (d) *Penthouse habitable space is not permitted 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.*

The penthouse would house mechanical equipment and habitable space only, as permitted within the C-3-C zone.



Zoning and Vicinity Map

411.6

All penthouses shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color; except that a rooftop egress stairwell enclosure not containing any other form of habitable or mechanical space may be contained within a separate enclosure.

The penthouses would be located within one structure that would harmonize with the main structure utilizing the same materials as were approved as a part of the original PUD.

- 411.7 *Mechanical equipment shall be enclosed fully, except that louvers for the enclosing walls 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.*

All mechanical equipment would be fully enclosed, with the exception of the cooling tower. No roof would be provided over the cooling tower, which would be at a height below the top of the enclosing walls.

- 411.9 *Enclosing walls of the penthouse shall be of equal, uniform height as measured from roof level, except that:*

- (a) Enclosing walls of penthouse habitable space may be of a single different height than walls enclosing penthouse mechanical space;*
- (b) For a penthouse containing no habitable space, enclosing walls of penthouse mechanical space shall be of a single uniform height except walls enclosing an elevator override may be of a separate uniform height; and*
- (c) Required screening walls around uncovered mechanical equipment may be of a single, different uniform height.*

The enclosing walls of the habitable space penthouse are a uniform 18 feet, 6 inches, and the enclosing walls of the mechanical space penthouse are a uniform 15 feet in height.

- 411.10 *Enclosing walls of a penthouse from roof level shall rise vertically to a roof, with a slope not exceeding twenty percent (20%) from vertical.*

The penthouse enclosing walls would rise vertically to a roof.

- 411.13 *For the purposes of calculating floor area ratio for the building, the aggregate square footage of all space on all penthouse levels or stories measuring six and one-half feet (6.5 ft.) or more in height shall be included in the total floor area ratio permitted for the building, with the following exceptions:*

- (a) Penthouse mechanical space;*
- (b) Communal recreation space;*
- (c) Penthouse habitable space, other than as exempted in § 411.13(b), with a floor area ratio of less than four-tenths (0.4); and*
- (d) Mechanical equipment owned and operated as a penthouse by a fixed right-of-way public mass transit system.*

The proposed penthouse habitable space would have a floor area ratio of 0.2, less than the maximum 0.4 permitted.

411.15 *The gross floor area of penthouse habitable space shall be included in calculations to determine the amount of off-street vehicle parking, bicycle parking, and loading as required elsewhere in this title; except that recreation space for residents or tenants of the building or other ancillary space associated with a rooftop deck shall not be included.*

The approved PUD provides more off-street vehicle and bicycle parking than required, sufficient to accommodate the proposed penthouse habitable space square footage. The increase is insufficient to require additional loading.

411.17 *For non-residential buildings, the construction of penthouse habitable space, including all forms of habitable space, shall trigger the affordable housing requirement as set forth in § 414.*

As a nonresidential building the proposed penthouse habitable space would trigger the affordable housing requirement for this project.

411.18 *Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be set back from the edge of the roof upon which it is located as follows:*

- (a) *A distance equal to its height from the front building wall of the roof upon which it is located;*
- (b) *A distance equal to its height from the rear building wall of the roof upon which it is located;*
- (c) *A distance equal to its height from the side building wall of the roof upon which it is located if:*
 - (1) *In any zone, it is on a building used as a detached dwelling, semi-detached dwelling, rowhouse, or flat, that is:*
 - (A) *Adjacent to a property that has a lower or equal permitted matter-of-right building height, or*
 - (B) *On a corner lot adjacent to a public or private street or alley right-of-way or a public park;*
 - (2) *In the R-1 through R-4 Zone Districts, it is on any building not described in (c)(1) that is:*
 - (A) *Adjacent to a property that has a lower or equal permitted matter-of-right building height, or*
 - (B) *On a corner lot adjacent to a public or private street or alley right-of-way or a public park;*

- (3) *For zones not listed in paragraph (c)(2), it is on a building not described in paragraph (c)(1) that is located adjacent to a property that has a lower permitted matter-of-right building height;*
- (4) *For any zone, it is on a building adjacent to a property improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height; and*
- (5) *For any zone, it is on a building with walls that border any court other than closed courts;*

The subject building would be located within a commercial zone district and the proposed penthouses would be located at a minimum a distance equal to their heights from all sides of the building. The applicant informed OP that, although not dimensioned on the plans, the guardrails would be located a distance equal to their heights from all building walls. OP requested the applicant submit a revised roof plan to the record depicting the distance the guardrails would be set back from the sides of the building.

411.25 *In addition to meeting the requirements of § 3030, an application made pursuant to § 411.24 shall include:*

- (a) *A fully dimensioned copy of the approved and proposed roof plan and elevations as necessary to show the changes;*
- (b) *A written comparison of the proposal to the Zoning Regulations; and*
- (c) *Verification that the affected ANC has been notified of the request.*

Dimensioned copies of the approved and proposed roof plans and elevations, and a written comparison of the proposal to the Zoning Regulations were submitted. The application indicates that the ANC in which the subject property is located, ANC 2A, was notified and scheduled to be reviewed by the ANC at its regularly scheduled meeting of May 18, 2016.

III. COMPREHENSIVE PLAN

The requested modifications would not be inconsistent with the Comprehensive Plan.

IV. AGENCY COMMENTS

No comments were received from other agencies.

V. COMMUNITY COMMENTS

No comments were received from ANC 2A.

VI. RECOMMENDATION

The Office of Planning recommends that the Commission approve the modifications as minor, and subject to the affordable housing requirement for penthouses, provided the applicant documents that the guardrail is setback a distance equal to its height from the edge of the building. Should the Commission conclude that the modifications need a public hearing the Office of Planning recommends that the application be set down for public hearing.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP