

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: October 22, 2020

SUBJECT: BZA Case 20303 (20 Massachusetts, NW) to permit the enlargement of an existing office building in excess of 90 feet and to permit a rooftop bar and restaurant in a penthouse.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Expansion of an Existing Structure, Subtitle I § 605.6, pursuant to Subtitle I § 605.7 (proposed enlargement of an existing office building above 90 feet in height is only permitted via special exception because it is in the Capitol Security Sub-Area); and
- Penthouse Rooftop Bar and Restaurant, Subtitle C § 1500.3(c), pursuant to Subtitle X § 901.2 (penthouse eating and drinking establishment only permitted via special exception).

II. LOCATION AND SITE DESCRIPTION

Address	20 Massachusetts Ave, NW
Applicant	Government Properties Income Trust LLC
Legal Description	Square 626, Lot 78
Ward, ANC	6/6C
Zone	D-3, Capitol Security Sub-Area
Lot Characteristics	A triangular through-lot measuring 406 ft. at its widest point. The lot is bounded by Massachusetts Avenue, NW to the north, a 20-foot public alley to the west, F Street, NW to the south, and a bank building to the east.
Existing Development	The site is currently improved with an eight-story (plus penthouse) office building.
Adjacent Properties	Office buildings and a bank are adjacent to the subject lot.
Surrounding Neighborhood Character	The surrounding neighborhood character is office buildings, hotels, and restaurants.

Proposed Development	<p>The applicant proposes a two-story plus habitable penthouse addition to an existing eight-story building with mechanical penthouse. The proposal would include office, ground-level retail, and hotel uses. The proposed penthouse would provide mechanical space and 14,554 square feet of habitable space. The applicant states in Exhibit 32 that the proposed habitable penthouse would serve the hotel and office occupants of the building and would be set up as an event and/or conference space where food and beverages would be served. The applicant further states that there is no current proposal for a separate restaurant use in the penthouse. However, special exception relief is requested because the applicant would like to reserve the option for a restaurant use in the future.</p> <p>The existing building is 88 feet 6 inches tall and the existing penthouse is 18 feet 6 inches tall. The proposed height of the building is 110 feet and the proposed height of the penthouse would be 20 feet. Special exception relief is required because the proposed addition to the building would be over 90 feet tall and is located in the Capitol Security Sub-Area. The proposed penthouse habitable space would comply with all penthouse development standards.</p>
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III. OFFICE OF PLANNING ANALYSIS

(a) Special Exception Relief from Subtitle I § 605.6, Existing Structure Proposed for Substantial Renovation in the Capitol Security Sub-Area.

605.7 *In an application for a special exception subject to this section, the Board of Zoning Adjustment shall also consider whether the proposed development is:*

(a) *Compatible with the present and proposed development of the neighborhood;*

The proposed upper-story addition along with the proposed penthouse would be compatible with the present and proposed development of the neighborhood because it would complement other mixed-use buildings in the neighborhood, would comply with all development standards of the Zoning Regulations, and would be designed to activate the abutting sidewalks and streets through the inclusion of ground floor retail space. The applicant states that the habitable penthouse space is not expected to be open to the general public and that it will be securely controlled by the building's property management team. However, if a restaurant use is provided in the future, the applicant states that it may be open to the public.

(b) *Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and*

(c) *Does not present a security risk to the grounds under the authority of the Architect of the Capitol.*

The applicant submitted this application to Architect of the Capitol for review and comment. At the time this report was filed to the record, the Architect of the Capitol had not provided comments to the applicant or filed comments to the record.

(b) Special Exception Relief from Subtitle C §1500.3(c), Penthouse Habitable Space.

- i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

The D-3 zone is a high-density zone designed to accommodate high-density commercial and mixed-use development. The proposed restaurant use could provide a source of activity and dining, serving not only the guests of the hotel, but also nearby residents, office workers and visitors in the surrounding area. The restaurant use is permitted as a matter-of-right, and by special exception in the penthouse, and would be consistent with the intent of the zone. The applicant has confirmed in their pre-hearing filing (Exhibit 32) that the space would generate a contribution to the Housing Production Trust Fund, estimated at this time to be approximately \$890,000.

- ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The restaurant use would be located on the penthouse level of the proposed mixed-use building and the proposed penthouse would not abut residential or any other sensitive uses. Therefore, the proposal would not appear to affect adversely, the use of neighboring properties.

IV. OTHER DISTRICT AGENCIES

No comments from other district agencies had been received or added to the record at the time this report was filed.

V. ADVISORY NEIGHBORHOOD COMMISSION

No comments from the ANC had been added to the record at the time this report was filed.

VI. COMMUNITY COMMENTS TO DATE

No comments from the community had been added to the record at the time this report was filed.



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