

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

December 17, 2013

By US Mail and Email PDF



Allison Prince
 Goulston & Storrs
 1999 K Street, NW, 5th Floor
 Washington, DC 20006

**Re: 1920 N Street, NW and 1233 20th Street, NW – Lots 75 and 76¹, Square 116
 (the “Property”)**

Dear Ms. Prince:

This letter confirms the issues we discussed on September 10, 2013 relating to a proposed new office and retail building at the Property. During this meeting, we discussed the architectural embellishment for the proposed building described further below. It is my understanding that the owner is designing a 130 foot office and retail project on the Property. The new structure at 1920 N Street, NW will be combined with the existing structure at 1233 20th Street, NW to form one building. I have concluded that the proposed Embellishment as shown on Exhibit A (the “Plans”), and as defined below, complies with the Zoning Regulations and the Act to Regulate the Height of Buildings in the District of Columbia (“**Height Act**”) (D.C. Official Code §§ 6-601.01 to 6-601.09) as described below.

The Property has frontage on 19th, 20th, and N Streets, NW. The Property is zoned in the C-3-C Zone District and the New Downtown Transferable Development Rights (“**TDR**”) Receiving Zone. [1709.16] The C-3-C Zone District and New Downtown Receiving Zone permit a maximum building height of 130 feet at the Property, based on the Height Act. [1709.21] The Height Act allows a building on a business street (which includes a street in a commercial zone district) to be built to a height equal to the width of the widest abutting street plus twenty (20) feet, with the overall maximum building height of 130 feet. The building may achieve a maximum FAR of 10.0, provided that the Property receives sufficient TDRs. [1709.21] In addition, the proposed building may occupy 100% of the lot. [772.1] The rear yard may be measured to the middle of the adjacent street. [774.11]

The Plans propose an architectural embellishment on the eastern portion of the Property which will extend to a height of 140.5 feet, or 10.5 feet above the 130 foot limit (the “**Embellishment**”). The enclosed area of the Embellishment will be approximately 100 feet long and 52 feet wide and comprise an area of approximately 5,200 square feet². These

¹ These parcels will be combined with Lots 59, 60, 61, 809, and 833 in Square 116.

² The Plans depict an example of the Embellishment described in this letter. The dimensions of the final design of the Embellishment will be within two percent (2%) of the dimensions described in this paragraph.

dimensions have been reduced since the September 10, 2013 meeting. The initial length of the Embellishment was 130 feet and its area was approximately 6,100 square feet. The vertical space comprising the Embellishment actually begins at a building height of approximately 117 feet. The structural beams contained within the glass enclosure extend west from the enclosure and are exposed to the elements a distance of approximately 30 feet.

Based on the presentation by the project architect at the September 10th meeting, I understand that the Embellishment will be comprised of a glass box with structural support elements on its exterior (minimized to allow for maximum translucence) surrounding an iconic structural beam skeleton. As mentioned, a portion of the structure will extend beyond the glass enclosure to the west. According to the architect, the primary driver for the Embellishment is its aesthetic effect; the structure will become the ornament. Based on the presentation and my review, I agree that the Embellishment is design driven – it is a translucent and modern interpretation of a tower. The tower encases a unique structural form. Although the steel beam skeleton will have a function to support portions of the building, the Embellishment would not exist but for its role in the aesthetics of the building. As further evidence of the ornamental nature of the Embellishment, that portion of the proposed building is the continuation of a bay window beginning approximately 36 feet, 8 inches above grade. Such bay window is an integral part of the building's design.

Although the ceiling of the portion of the top floor comprising the Embellishment is the top of the Embellishment, the upper volume of such space, including that above 130 feet is not usable by building occupants on the top floor. As a corollary, if there were a ceiling constructed all the way across the proposed building, at a height of 130 feet, the portion of the Embellishment above 130 feet would not be able to function as a non-compliant roof space since it is obstructed by the beams and the ceiling height would be too low. Further, the portion of the Embellishment over 130 feet will not contain any air-handling ductwork or other mechanical items to render it as occupiable space. The Embellishment is also separate from, has no direct communication with, and is below the height of the project's roof structure.

The mere fact that a portion of the top occupiable floor's ceiling happens to be the top of Embellishment does not render the portion of such space over 130 feet occupiable. In fact, there are similar situations in buildings all over the city where the ceiling of an occupiable floor is located above the relevant Height Act height. Such situation occurs in publicly accessible atriums all over the city. In such situations, although the users of occupiable space are located at the ground level of a building, there is no structure, and no ceiling, separating such users from the ceiling of the atriums above 130 feet. Such precedent exists in cases both approved by the D.C. Zoning Commission and similar bodies as well as those that proceeded as a matter-of-right. Such condition exists in the following precedential cases: 1875 Pennsylvania Avenue, NW (the Wilmer Hale building, which contained an embellishment located immediately adjacent to the street frontage and extended for the entire depth of the building); 1818 H Street, NW (the World Bank building); 555 13th Street, NW (Columbia Square); 1430 K Street, NW; 1331 F Street, NW; 1625 I Street, NW; 601 13th Street, NW (the Homer Building); the International Monetary Fund (IMF) Headquarters I at 19th and H Streets, NW; IMF Headquarters II at 1900 Pennsylvania Avenue, NW; 1501 K Street, NW (the Investment Building); 1400 M Street, NW

1920 N Street, NW
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(the Westin DC City Center); 555 12th Street, NW; and, most recently, the Convention Center Hotel, approved by Z.C. Order No. 08-13.

Similarly, facades have been permitted to extend above 130 feet for aesthetic reasons throughout the City. In such cases, the extension of the façades did not create roof structures as defined under the Zoning Regulations, but rather constituted architectural embellishments. As a result, such architectural elements were not required to be set back from the exterior walls of the respective buildings. Such condition exists in the following precedential cases: 1875 Pennsylvania Avenue, NW (the Wilmer Hale building); 1430 K Street, NW; 1501 K Street, NW (the Investment Building); 1160 1st Street, NE; 900 7th Street, NW (the International Brotherhood of Electrical Workers building); and 1225 Connecticut Avenue, NW.

As mentioned above, the Embellishment comprises approximately 5,200 square feet of area. The roof area of the building is approximately 43,000 square feet. Therefore, the Embellishment comprises approximately twelve percent (12%) of the roof area, and an even smaller percentage of the building footprint.

As an architectural embellishment, the Embellishment is also not a roof structure under the Zoning Regulations. It does not house any mechanical equipment, stairways, or elevator overrides. The Plans propose a separate roof structure that will contain such “back of the house” elements of the building which will be set back from the exterior walls of the building.

In light of the above discussion, the Zoning Regulations and the Height Act permit architectural embellishments above 130 feet and the Embellishment is permitted as designed.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,



Matt Le Grant
Zoning Administrator

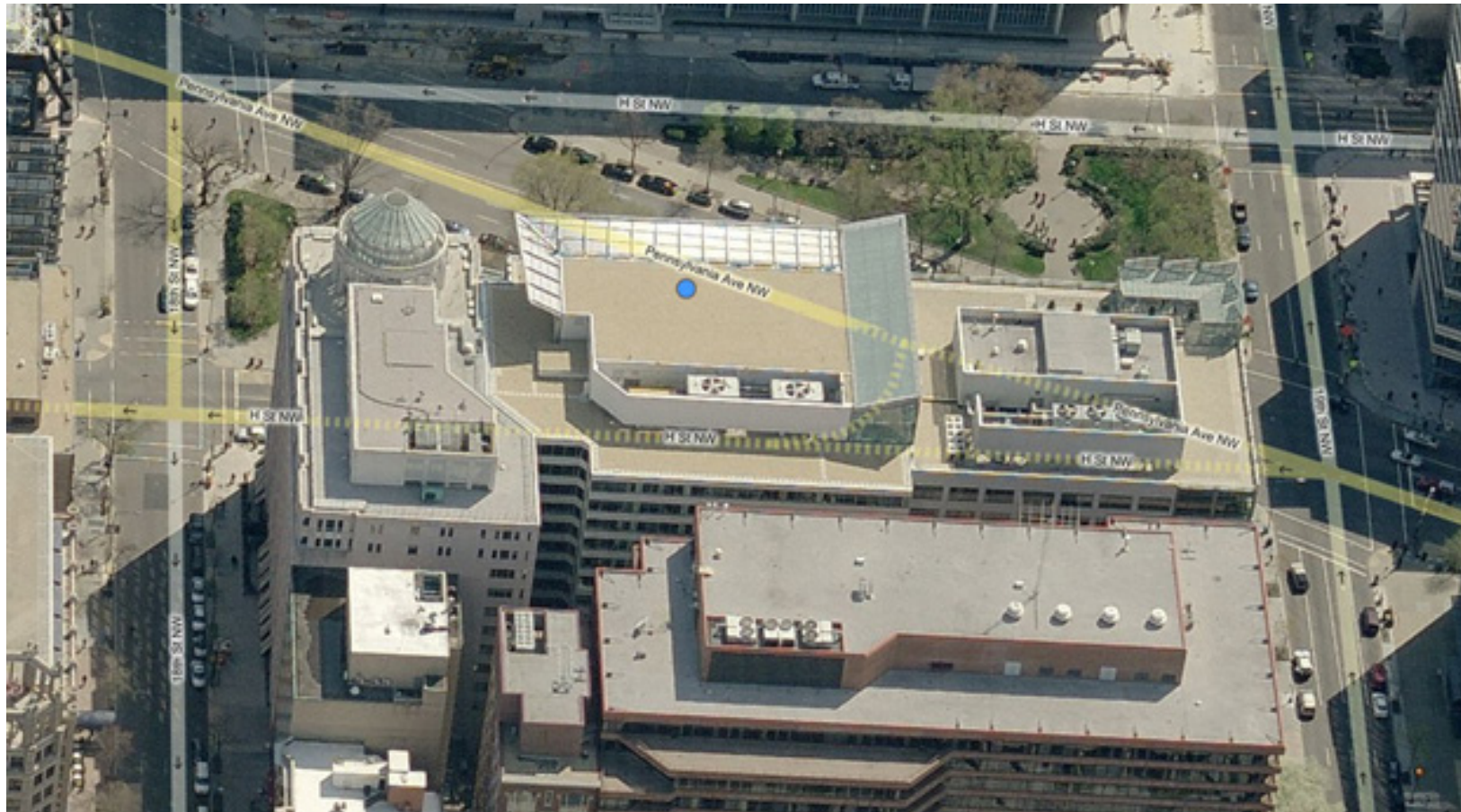
Attachments: Plan Set for Architectural Establishment

File: Det Let re 1920 N St NW to Prince 12-17-13

1920 N STREET NW
WASHINGTON, DC
PRECEDENT EXHIBIT

SEPTEMBER 10, 2013





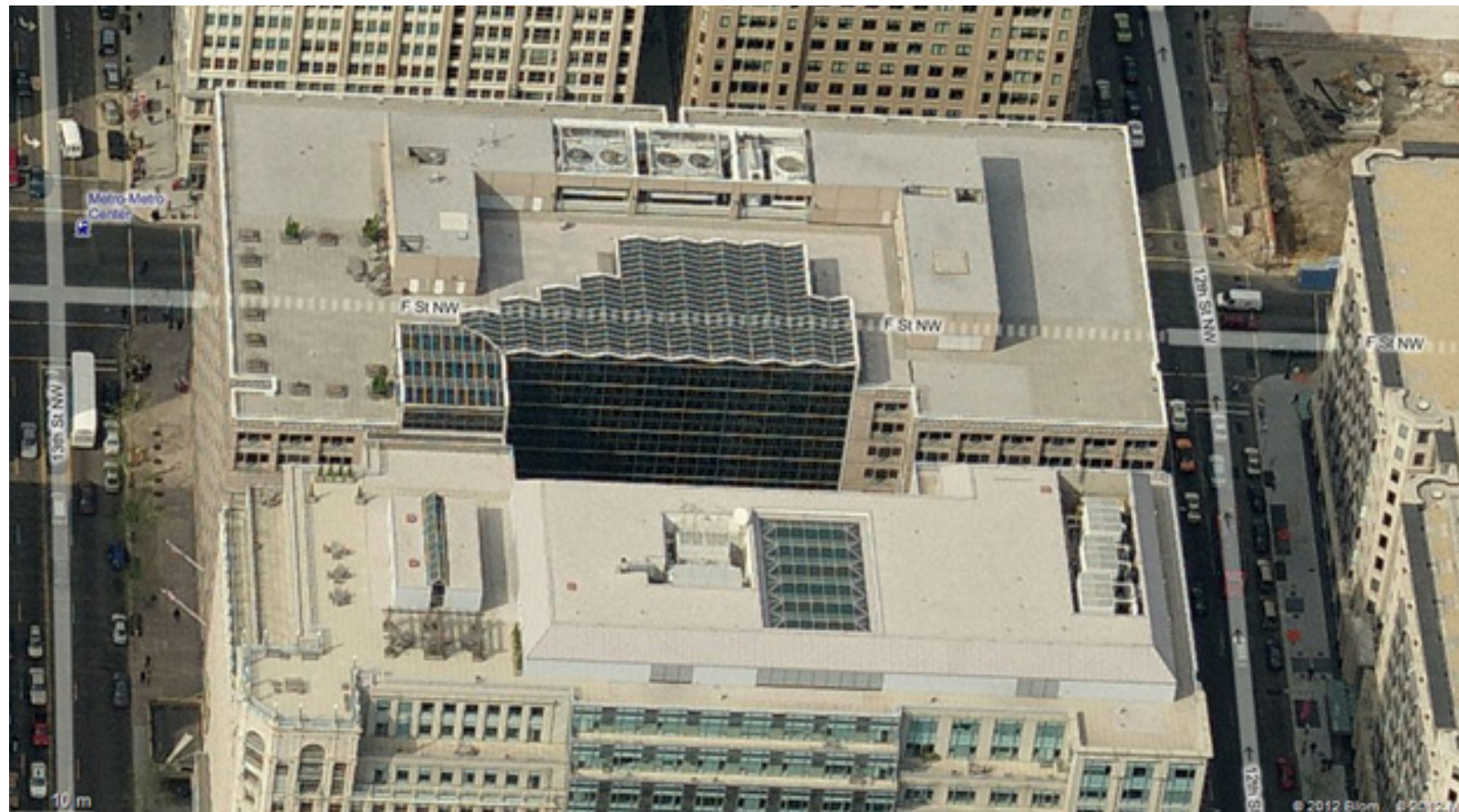
WILMER HALE - 1875 PENNSYLVANIA NW

PRECEDENT



THE WORLD BANK - 1818 H STREET NW

PRECEDENT



COLUMBIA SQUARE - 555 13TH STREET NW

PRECEDENT



1430 K STREET NW

PRECEDENT

1331 F STREET NW



1625 EYE STREET NW

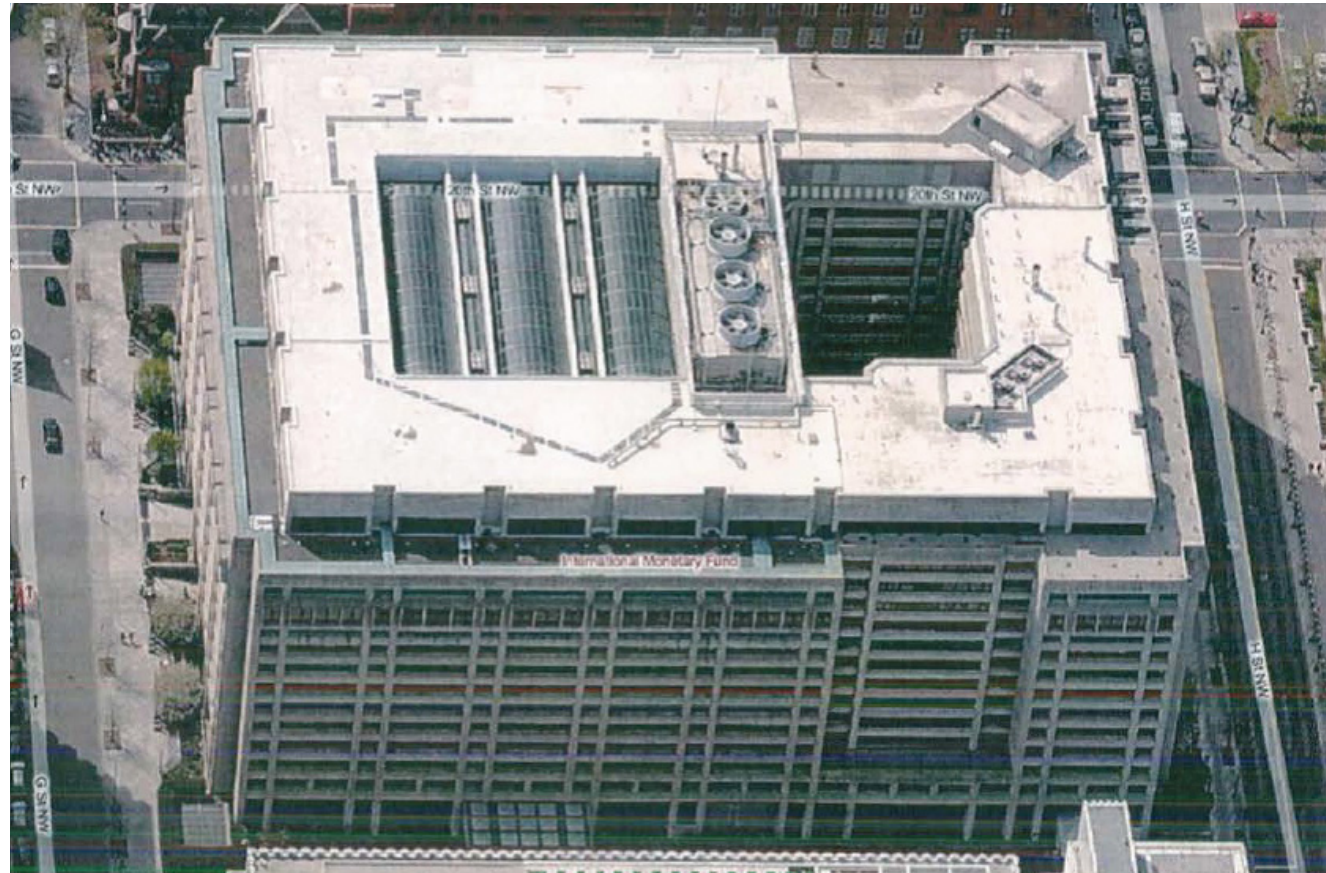


PRECEDENT



THE HOMER BUILDING - 601 13TH STREET NW

PRECEDENT



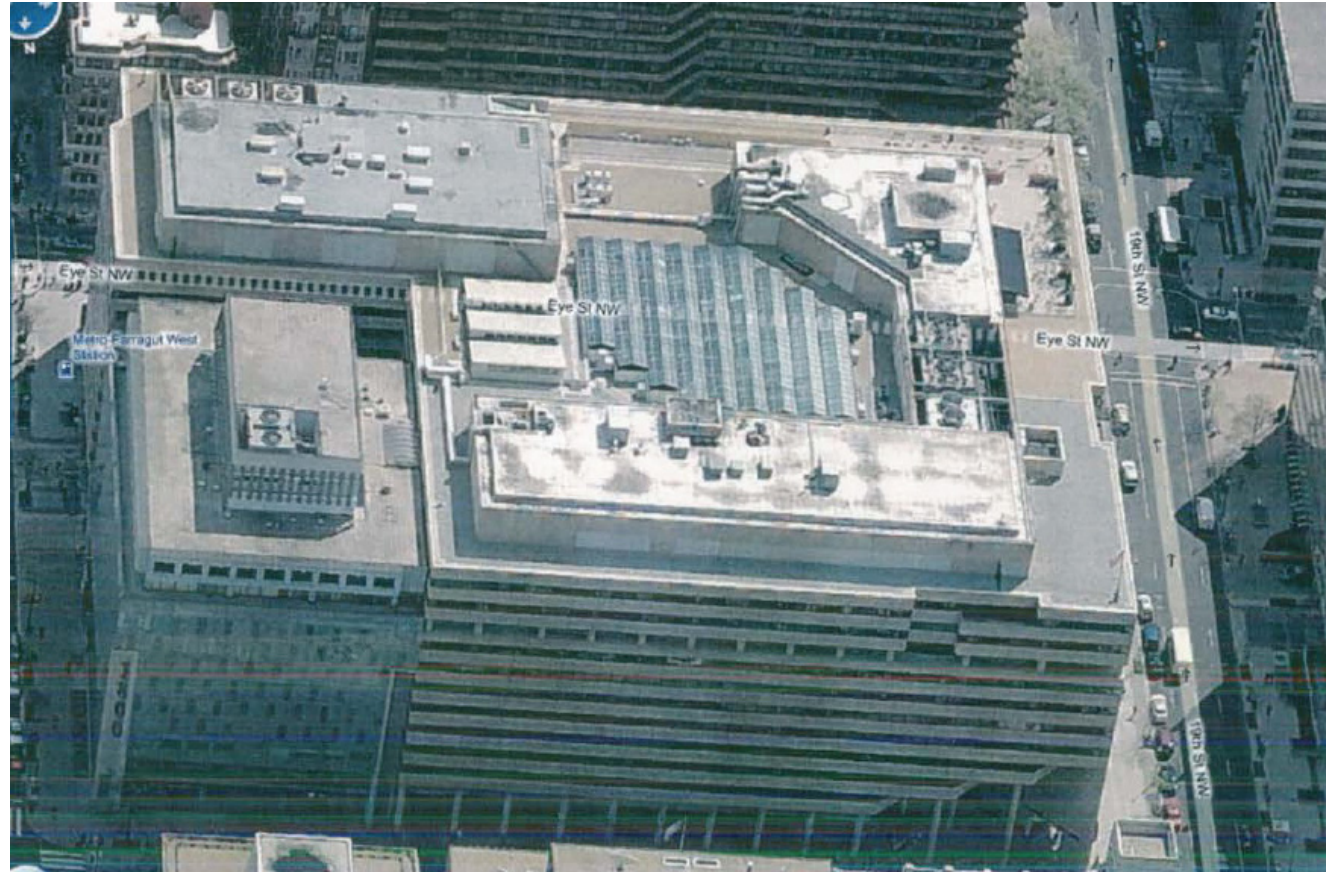
IMF - HQ I - 700 19TH STREET NW

PRECEDENT



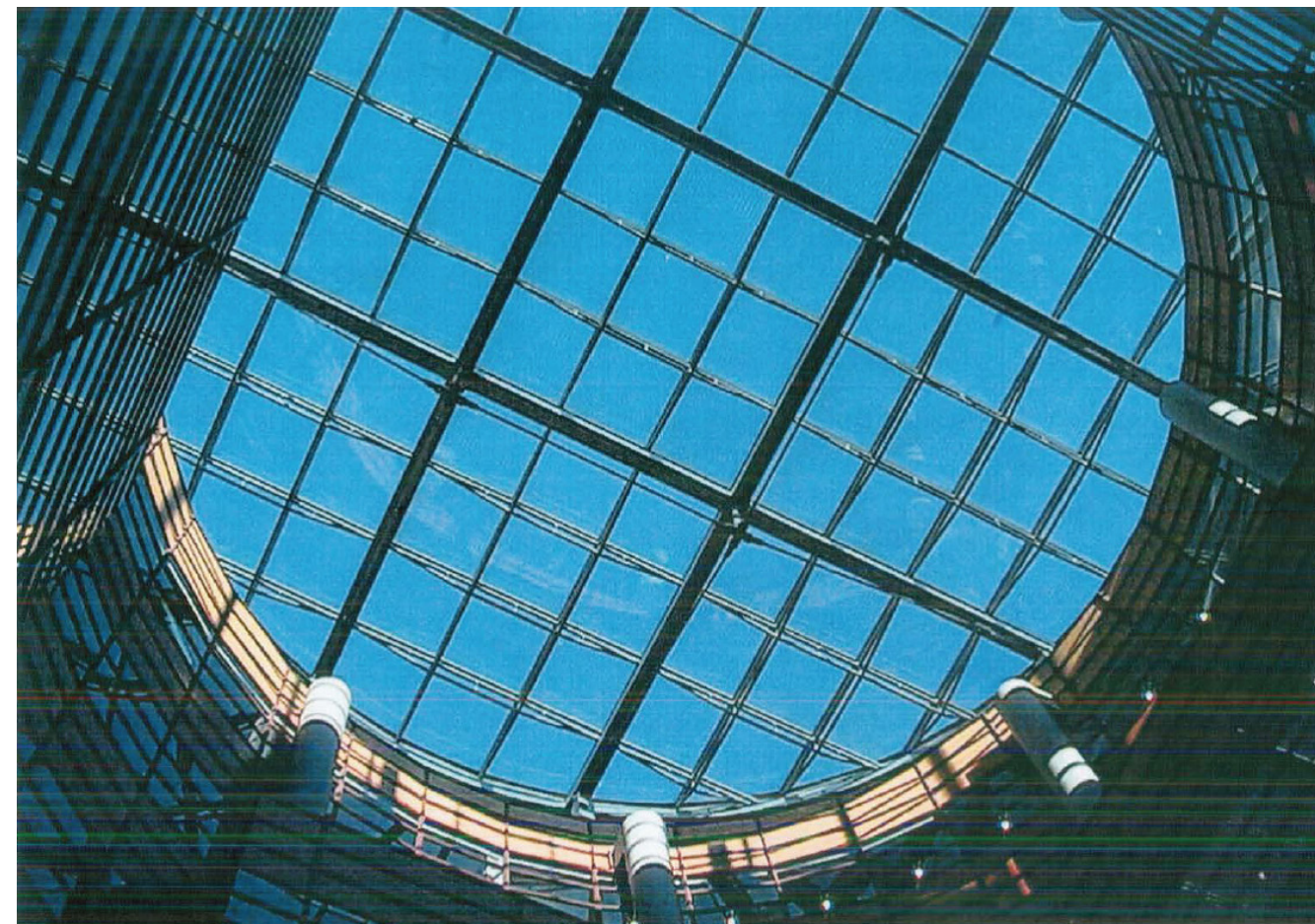
IMF - HQ II

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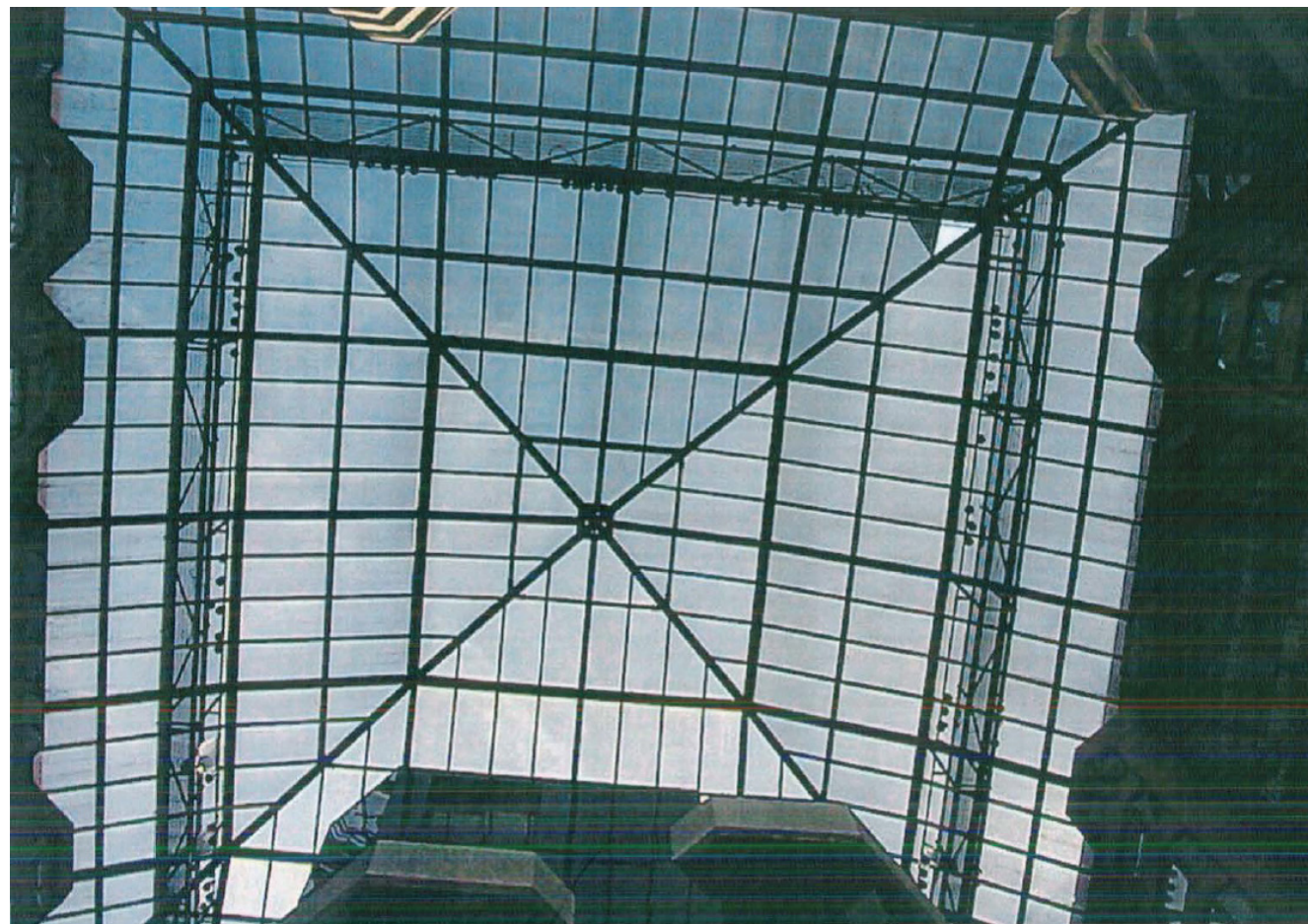
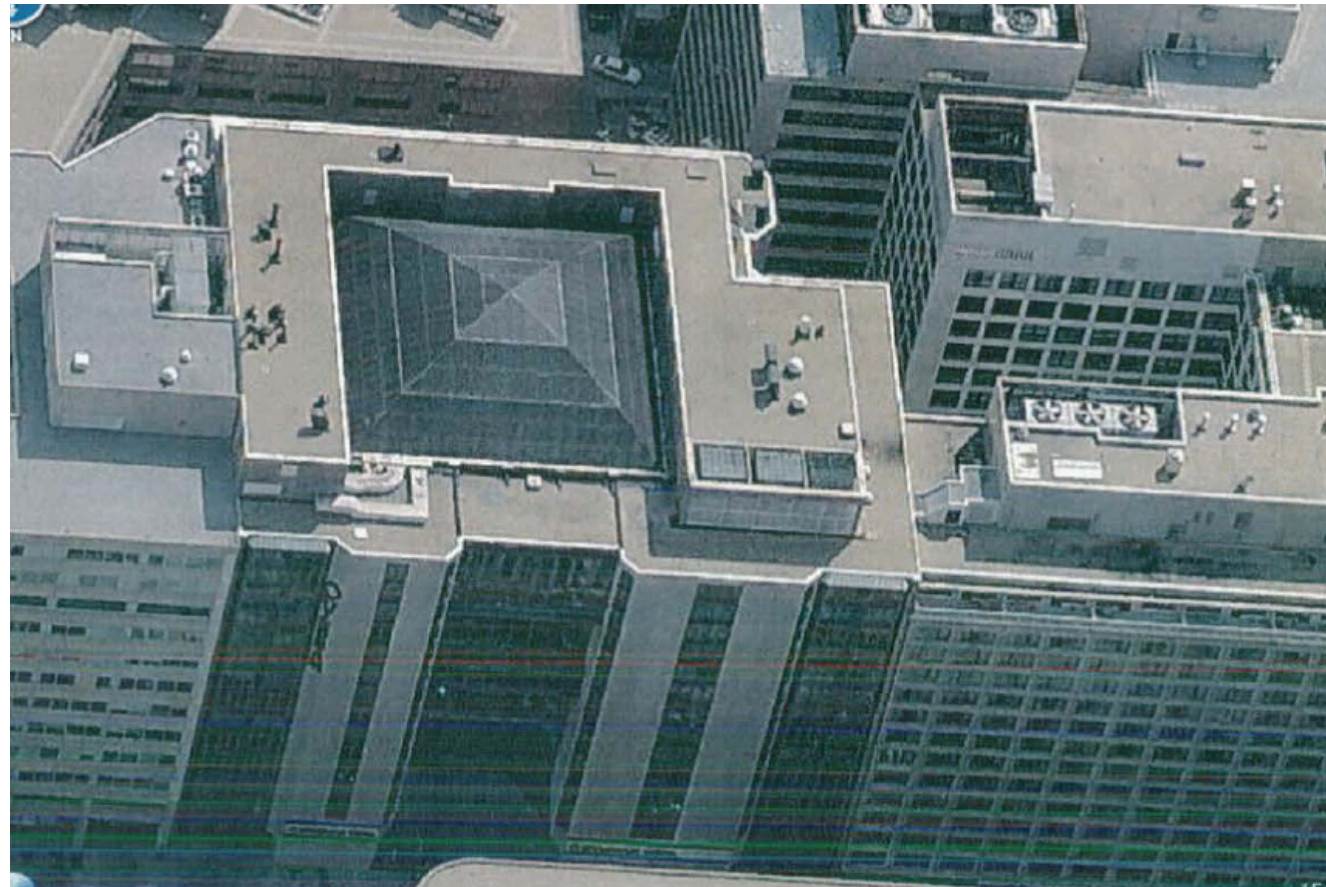
INTERNATIONAL SQUARE - 1875 I STREET NW

PRECEDENT



1501 K STREET NW

PRECEDENT



WESTIN DC - CITY CENTER - 1400 M STREET NW

PRECEDENT



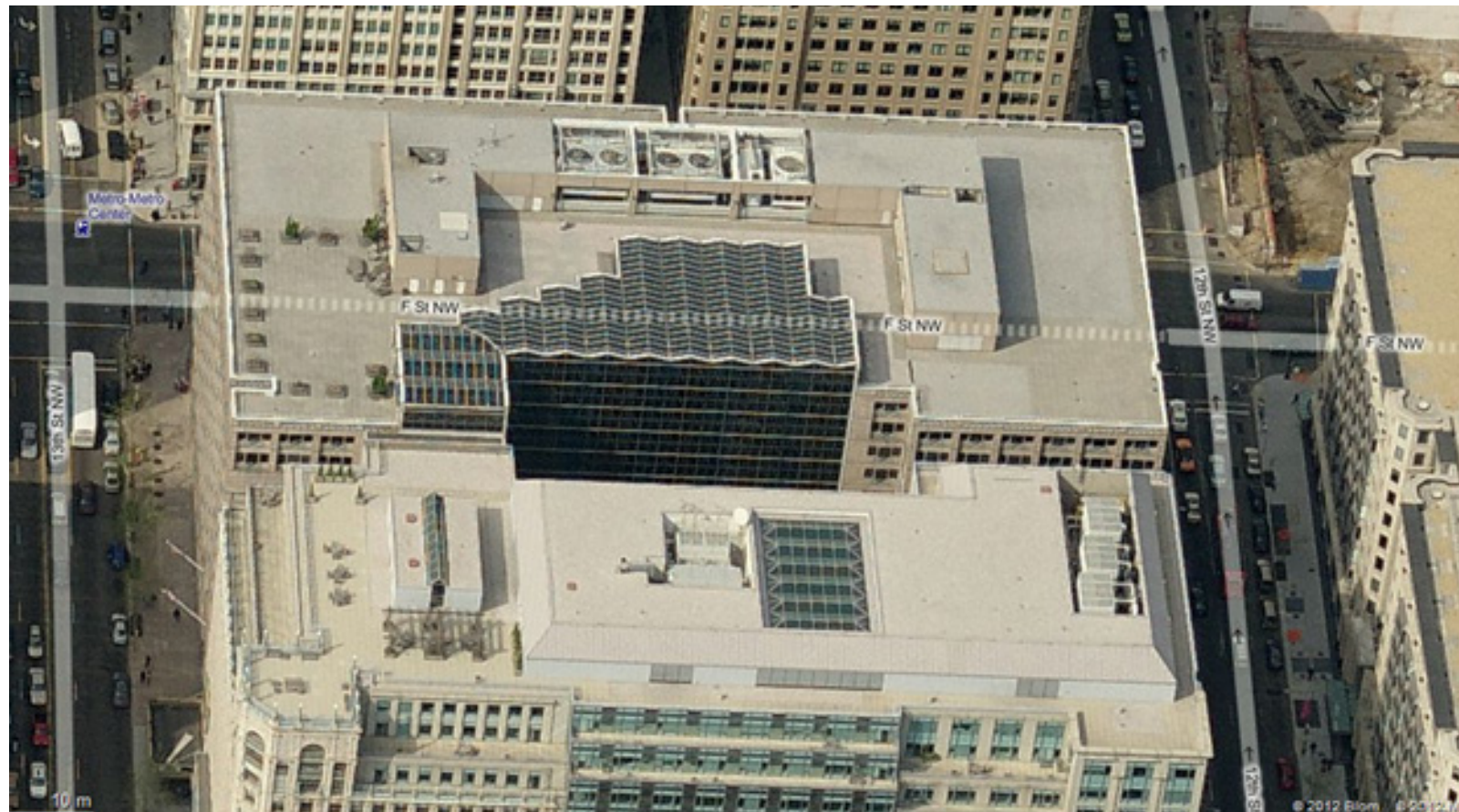
555 12TH STREET NW

PRECEDENT



THE WORLD BANK - 1818 H STREET NW

PRECEDENT



COLUMBIA SQUARE - 555 13TH STREET NW

PRECEDENT

1331 F STREET NW



1625 EYE STREET NW

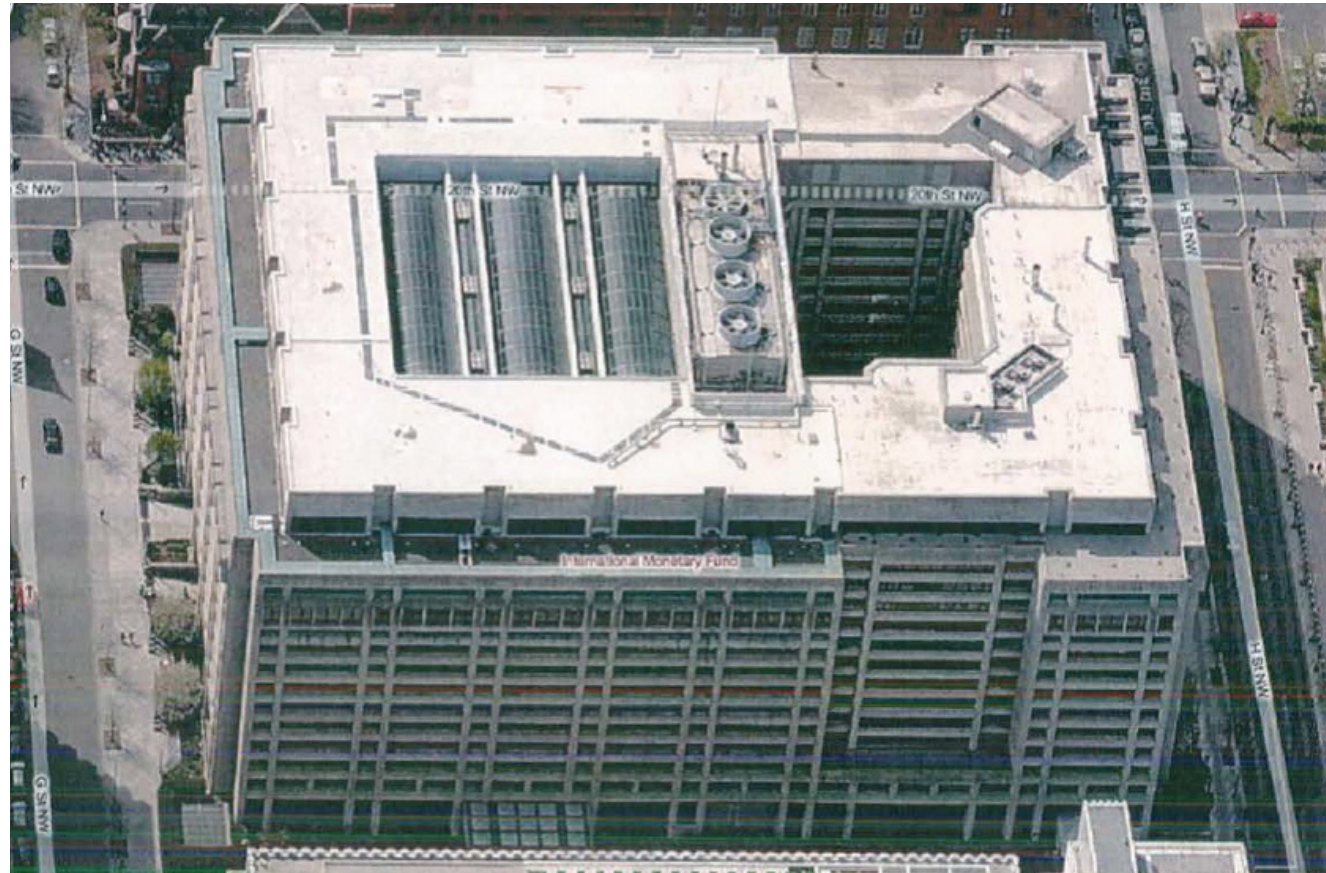


PRECEDENT



THE HOMER BUILDING - 601 13TH STREET NW

PRECEDENT



IMF - HQ I - 700 19TH STREET NW

PRECEDENT



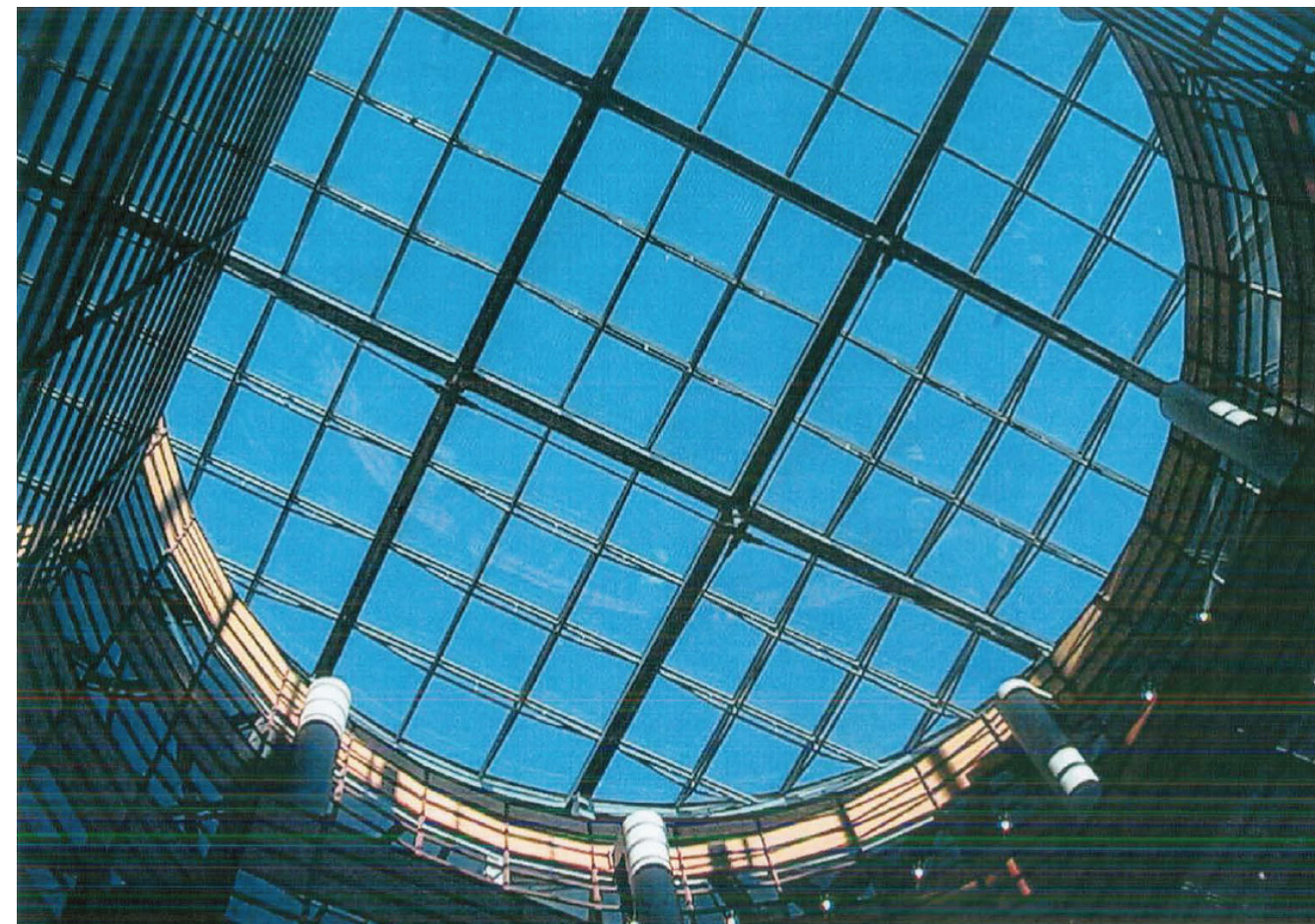
IMF - HQ II

PRECEDENT



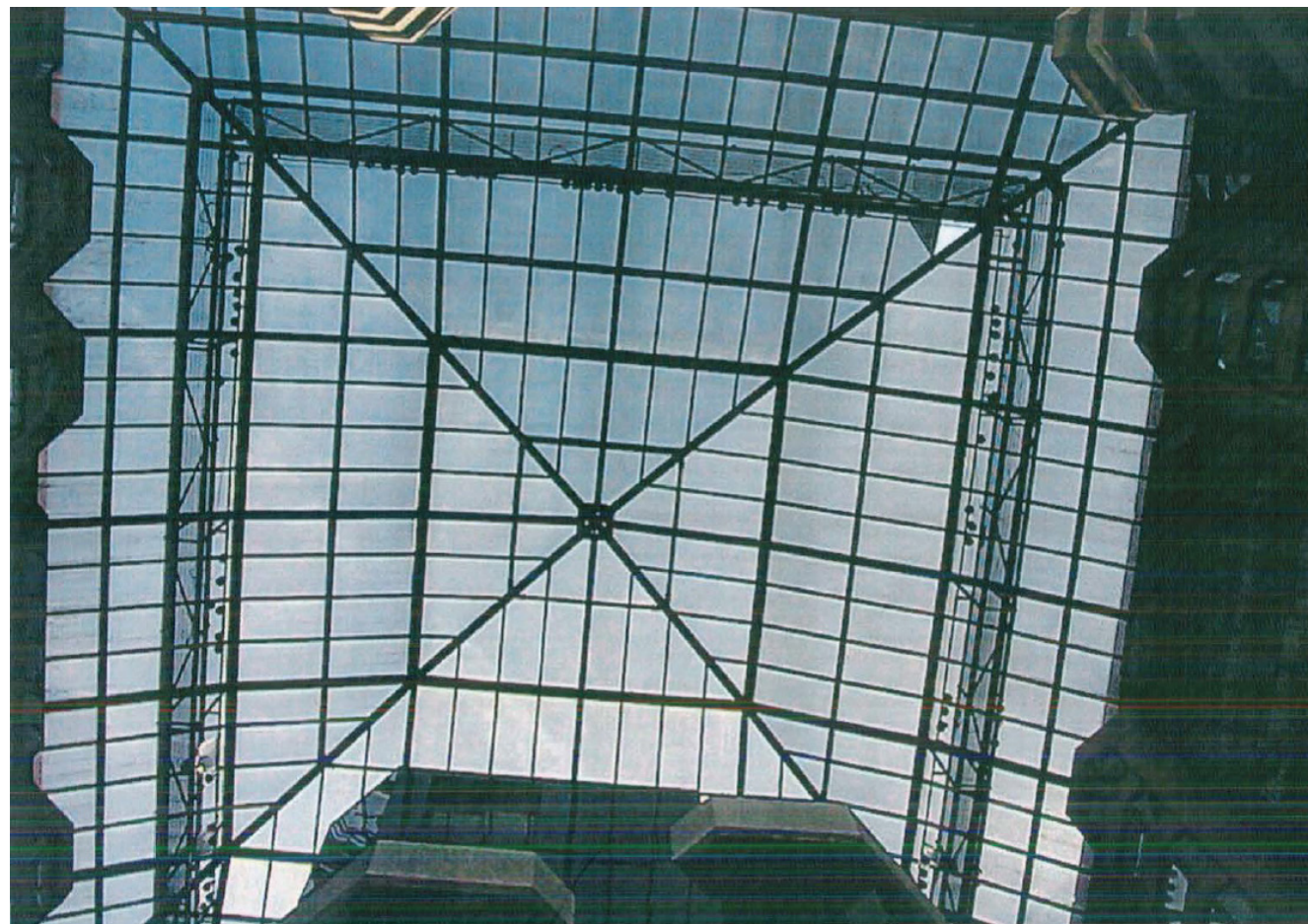
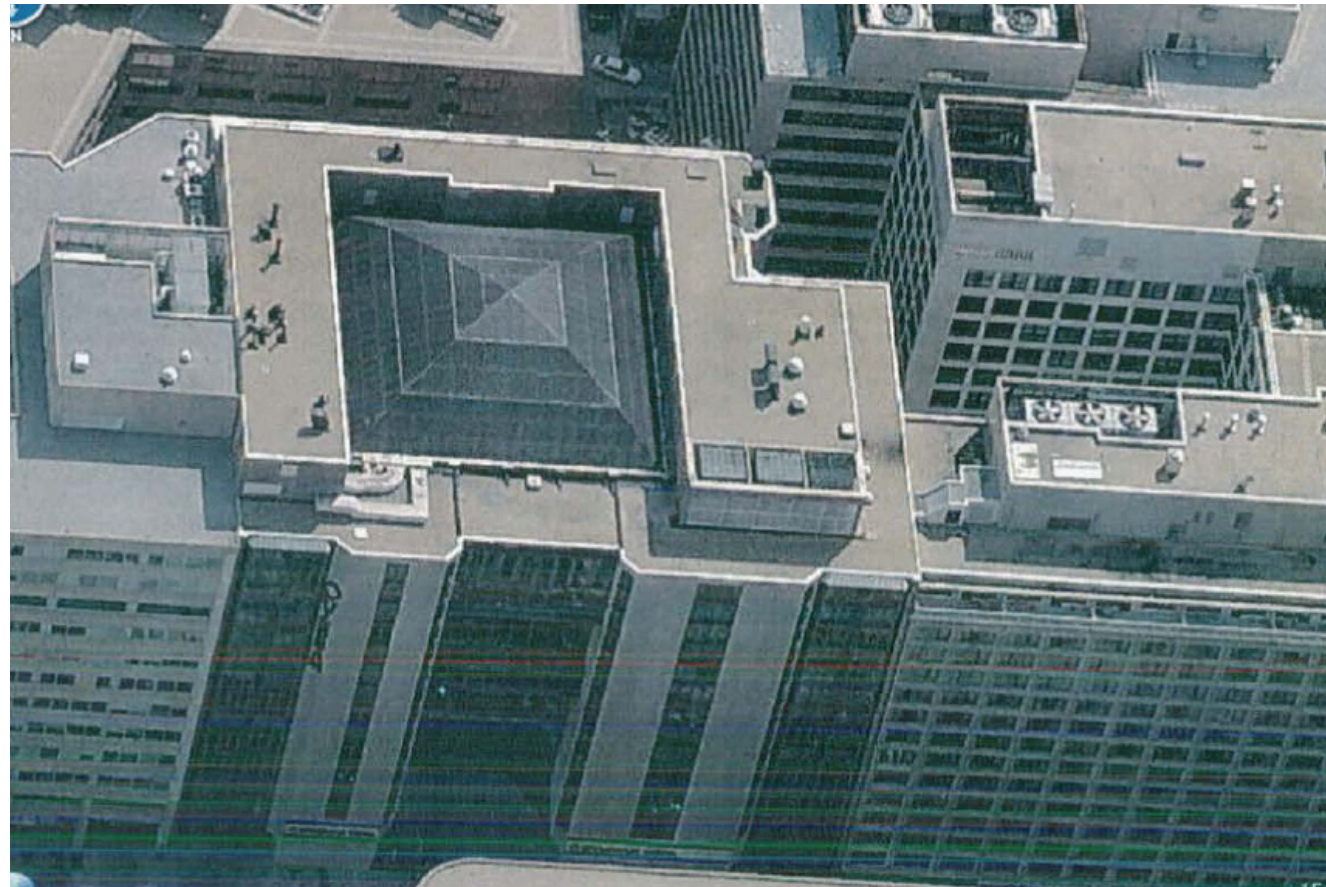
INTERNATIONAL SQUARE - 1875 I STREET NW

PRECEDENT



1501 K STREET NW

PRECEDENT



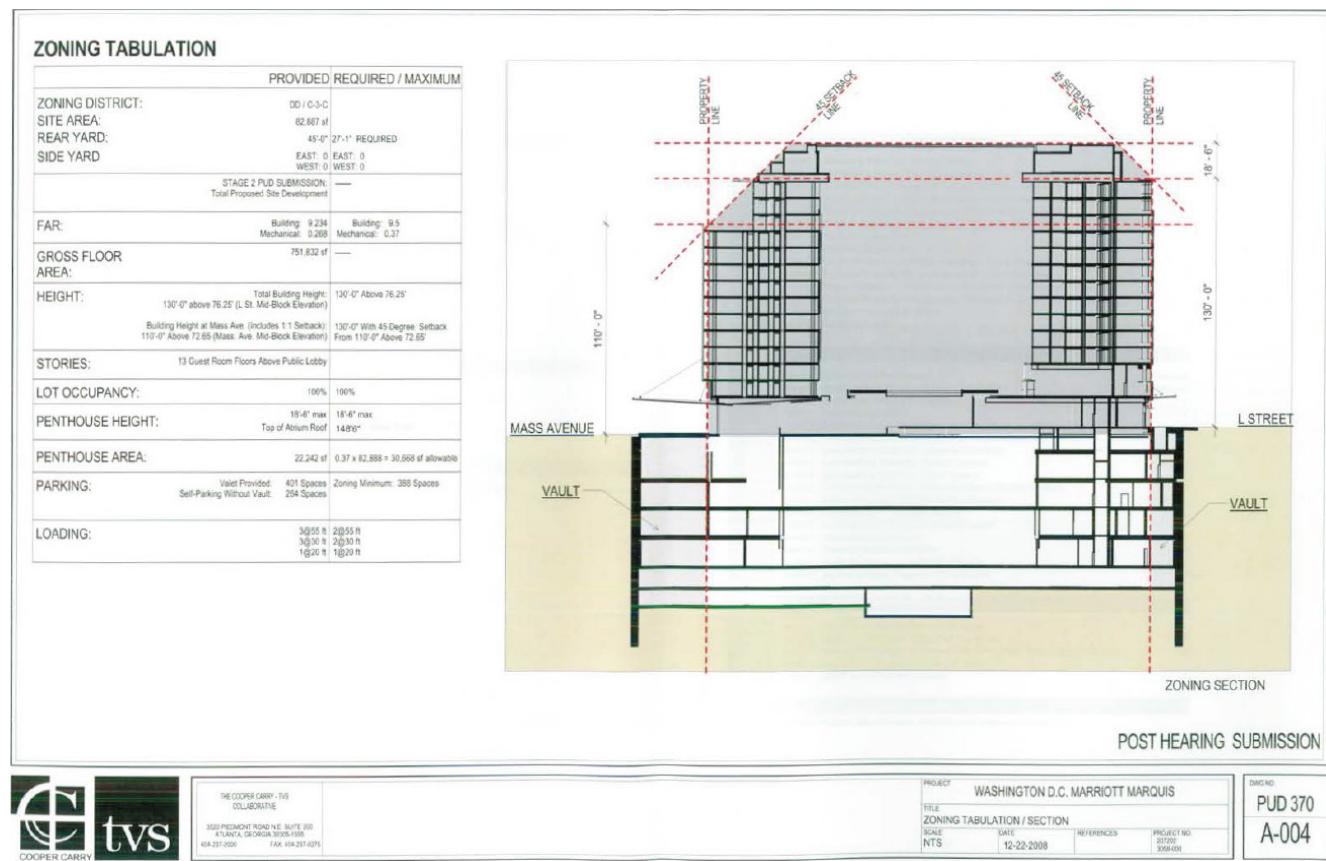
WESTIN DC - CITY CENTER - 1400 M STREET NW

PRECEDENT



555 12TH STREET NW

PRECEDENT



WASHINGTON DC MARRIOTT MARQUIS-
CONVENTION CENTER HOTEL

PRECEDENT



THE COOPER CARRY - TVS COLLABORATIVE 3000 PIEDMONT ROAD, SUITE 200 ATLANTA, GEORGIA 30338-1000 404.251.0500 FAX 404.251.0271	PROJECT: WASHINGTON D.C. MARRIOTT MARQUIS FILE: ZONING TABULATION / SECTION SCALE: NTS DATE: 12-22-2008 REFERENCES: PROJECT NO: 20705 208498	SHEET NO: PUD 370 A-004
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