

MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: July 23, 2018

SUBJECT: ZC Case 62-19/B - **OP Report** –Minor Modification to approved PUD at 600 New Hampshire Avenue, NW (Square 18, Lot 0811)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following minor modification request:

- Penthouse addition for communal recreation space in a building approved by the Zoning Commission as a planned unit development (PUD) under Case No. 62-19, Subtitle C § 1504.3, pursuant to Subtitle Z § 703.

The proposed penthouse addition would not change the material facts upon which the Commission based its original approval of the PUD, and would fully comply with the penthouse regulations of Subtitle C § 1500.

II. BACKGROUND AND MODIFICATION REQUEST

The subject office building, located at 600 New Hampshire Avenue, NW, is part of the larger Watergate PUD, which was first approved under Zoning Commission Order No. 62-19, dated July 17, 1962. The site is now zoned MU-2 (ZR16). The applicant states that the building is being renovated, and as part of this process would like to incorporate new penthouse habitable space on the roof. The proposed square footage would be 1,700 square feet, with a floor area ratio (FAR) of 0.03, and would be 12 feet 4 inches in height. The existing rooftop structure, which houses air intake and mechanical equipment would be expanded to accommodate the new penthouse habitable space.

The applicant states the proposed penthouse would be used as communal recreation space, and would be accessible to all tenants of the office building. The penthouse space would be intended to be used for different purposes such as, a conference room, presentation space, or an event/dining space. An adjacent rooftop terrace would wrap around most of the proposed penthouse. The proposed penthouse structure would be designed to match the existing building design.

III. OP ANALYSIS

The minor modification request to add penthouse habitable space is subject to the following regulations¹:

Subtitle C Chapter 15 PENTHOUSE GENERAL REGULATIONS

¹ Regulations from Subtitle C Chapter 15 that do not apply to this modification request were omitted from the OP analysis.

1500.1 A penthouse, when not in conflict with The Height Act, may be erected to a height in excess of the building height authorized by the zone district, in accordance with the conditions specified in this section.

The proposed penthouse habitable space would not conflict with the Height Act, and would have a maximum height of 12 feet 4 inches, which is under the maximum height permitted for penthouses in an MU-2 zone.

1500.6 All penthouses and mechanical equipment shall be placed in one (1) enclosure, except that a rooftop egress stairwell enclosure not containing any other form of habitable or mechanical space may be contained within a separate enclosure, and shall harmonize with the main structure in architectural character, material, and color.

The existing mechanical equipment, and proposed penthouse habitable space would be placed in one enclosure. The proposed penthouse, which incorporates curves and ellipses into its design, would harmonize with the design of the main structure. According to the submitted plans, there is an existing separate rooftop egress stairwell enclosure that does not contain any other form of habitable or mechanical space.

1500.9 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;

The enclosing walls of the proposed penthouse habitable space would be a single different height (12 feet 4 inches) than the walls enclosing the penthouse mechanical space. The existing enclosing walls of the mechanical space are of slightly varying heights.

1500.10 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 enclosing walls of the penthouse would rise vertically from the roof level to the penthouse roof, without a slope.

1500.12 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 Subtitle C § 1505.

The applicant states they would comply with Subtitle C § 1505, and would pay approximately \$165,000 based on the current assessed value of the proposed penthouse habitable space.

Subtitle C Chapter 15 PENTHOUSE HEIGHT

1501.1 Permitted penthouse height and number of stories shall be as prescribed in the development standards for the applicable zone.

The maximum permitted penthouse height in the MU-2 zone is twenty feet, and the maximum penthouse stories is one story plus mezzanine. The proposed penthouse would be 12 feet 4 inches in height, and one story.

1501.2 *Permitted penthouse height and number of stories for a building constructed pursuant to the planned unit development (PUD) shall be as prescribed for the PUD standards for the applicable zone, pursuant to Subtitle X, Chapter 3.*

The PUD regulations under Subtitle X § 303.18 state that the MU-2 matter-of-right penthouse height and number of stories maximums shall serve as the maximum permitted penthouse height and stories for a PUD.

Subtitle C Chapter 15 PENTHOUSE SETBACKS

1502.1 *Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback 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...*
- (d) *A distance equal to one-half (0.5) of its height from any side building wall of the roof upon which it is located that is not adjoining another building wall and not meeting the conditions of paragraphs Subtitle C §§ 1502.1(c)(1) through (5);*

The proposed penthouse would be set back from the front, rear, and side building walls at a distance that would exceed its total proposed height. The proposed roof deck and guardrails that would be added to the area adjacent to the proposed penthouse would also comply with the required setback requirements.

Subtitle C Chapter 15 PENTHOUSE AREA

1503.1 *For the purposes of calculating floor area ratio for the building, the aggregate square footage of 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 Subtitle C § 1503.1(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 applicant states that the proposed penthouse would be used as communal recreation space because it would be available to all tenants of the office building, and would be

exempt from an FAR limit². Even if the proposed penthouse space were considered penthouse habitable space, it would still comply with the penthouse area requirement because the FAR would be 0.03.

Subtitle C Chapter 15 RELIEF TO PENTHOUSE REQUIREMENTS

1504.3 A request to add penthouse habitable space to a building approved by the Zoning Commission as a planned unit development or through the design review requirements of Subtitle X, Chapters 3 and 6 prior to January 8, 2016, may be filed as a minor modification for placement on the Zoning Commission consent calendar, pursuant to Subtitle Z § 703, provided...

The application was appropriately filed and placed on the consent calendar, and the OP recommendation report was filed seven days in advance of the scheduled meeting.

1504.4 In addition to meeting the requirements of Subtitle X, Chapter 9, an application made pursuant to Subtitle C § 1504.3 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 Advisory Neighborhood Commission has been notified of the request.*

The applicant submitted the required materials, and notified the affected Advisory Neighborhood Commission (ANC).

IV. COMMUNITY COMMENTS

ANC 2A filed to the record (Exhibit 4) a letter stating that they voted to support the application on May 16, 2018 on condition that the property owner and the ANC enter into a written agreement regarding the operation of the penthouse habitable space and the rooftop terrace. The ANC has not filed a formal resolution into the record, and requests additional time to finalize the operating agreement.

V. AGENCY REFERRALS

The Watergate development is a designated landmark, and is subject to review by the District of Columbia Historic Preservation Office (HPO). The site is also located within the area governed by the Shipstead-Luce Act, and is subject to review by the Commission of Fine Arts (CFA). The applicant submitted into the record (Exhibit 1D) a letter of no objection from the CFA. Staff from HPO notified Development Review staff that the office does not object to the proposal.

JS/JK

² This information was provided to OP from the applicant via email correspondence.