

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

October 16, 2017

Christy Moseley Shiker
Holland & Knight LLP
800 17th Street, NW, Suite 1100
Washington, DC 20006



Re: 601 Pennsylvania Avenue, NW – North Building Square 459, Lot 2151 (part of Record Lot 18)

Dear Ms. Shiker:

This is to confirm the substance of our discussions on July 11, 2017, regarding the penthouse habitable space of the existing office building located at Lot 2151 (part of Record Lot 18) in Square 459 (the “Property”). The Property is zoned D-6-R and was approved as a planned unit development (“PUD”) pursuant to Zoning Commission Order Nos. 396, 570, 396-A, and 396-B. The office building on the Property was constructed and occupied around 1990.

As you described at our meeting, your client is proposing to convert a portion of the existing mechanical penthouse on the office building to penthouse habitable space, and to add open trellis features on the north and west facades of the penthouse. The habitable space will contain a conference room and spaces to support the existing roof deck. You indicated that the proposed modifications are subject to review by (i) the Pennsylvania Avenue Development Corporation (“PADC”), through the General Services Administration, the National Capital Planning Commission, and the National Park Service, by virtue of a 1996 Memorandum of Agreement; (ii) the Commission of Fine Arts, by virtue of the Shipstead Luce Act; (iii) the Historic Preservation Review Board, due to the Property’s location within the Pennsylvania Avenue national Historic Site; and (iv) the Zoning Commission, for a minor modification to the approved PUD.

Since the original approval of the PUD, the Zoning Regulations have been replaced in their entirety and, specifically, the penthouse regulations have been modified. Accordingly, you have asked that I review certain aspects of the penthouse design to confirm that it is in compliance with Chapter 15 of Subtitle C of the 2016 Zoning Regulations (“11 DCMR”).

The penthouse design is shown in the plans attached hereto. The main roof of the building has an elevation of 149.5’ and the parapet is 3’ taller at elevation 152.5’. The penthouse has a primary maximum height of 18’-6”, a second height of 13’-3” for penthouse habitable space and limited mechanical space, and a third height of 8’-3” for the existing screen wall. This penthouse design and the proposed uses comply with the applicable provisions of Subtitle C as follows:

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- § 1500.3: The proposed uses of the penthouse are mechanical equipment, a screen wall, and a conference room and support spaces for the existing roof deck. These are permitted uses in accordance with this provision.
- § 1500.6: The penthouse and its associated mechanical equipment are located within a single enclosure, consistent with this provision.
- § 1500.8: The mechanical equipment is fully enclosed in accordance with this provision. The trellis feature is not part of the roof structure and is more than 50% open.
- § 1500.9: There are three penthouse enclosing wall heights: (i) mechanical equipment at 18'-6"; (ii) penthouse habitable space and limited mechanical space at 13'-3"; and (iii) a screen wall at 8'-3", which is consistent with this provision and past determinations of this office.
- § 1500.10: The enclosing walls of the penthouse rise vertically from the roof level in accordance with this provision.
- § 1500.12: As a result of the proposed habitable space, the Applicant will contribute to the Housing Production Trust Fund in accordance with the formula contained in Subtitle C §§ 1505.13 through 1505.16, which will be equal to one-half of the assessed value of the proposed penthouse habitable space. The final amount of the total contribution will be determined no earlier than 30 days prior to the date of the building permit application to construct the penthouse habitable space.
- § 1501.2: The maximum permitted height for a penthouse in the D-6-R District is 20'. However, the maximum permitted height for a penthouse set forth in the approved PUD is 18'-6". The maximum height proposed for the penthouse is 18'-6".
- § 1502.1: The penthouse must be setback 1:1 from the edge of the roof upon which it is located. As shown on the attached plans and sections, the penthouse is setback at least 1:1 in all locations in accordance with this provision. The trellises are also setback 1:1 in accordance with this provision.
- § 1502.1(e): This provision is not applicable because the Property does not front on Pennsylvania Avenue; however, the PUD modification must comply with PADC requirements, including any applicable Square Guidelines.
- § 1503.1: All area within the penthouse is devoted to penthouse mechanical space and communal recreation (conference) space for users of the building, consistent with this provision.

§ 1504.3: The request to add penthouse habitable space is properly submitted to the Zoning Commission as a minor modification to a PUD for placement on the Commission's consent calendar.

Based on this analysis, the penthouse configuration as shown in the attached plans complies with the applicable provisions in Chapter 15 of Subtitle C, of DCMR Title 11. Upon the presentation of proper plans, I would approve this penthouse configuration for zoning compliance in a building permit application review following the Zoning Commission's review and approval of the minor modification.

I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments: Penthouse Plans, Elevations, and Sections

File: Det Let re 601 Pennsylvania Ave NW to Shiker 10-16-17