

STAFF RECOMMENDATION

Carlton Hart

NCPC File No. ZC 07-18



CONSOLIDATED PLANNED UNIT DEVELOPMENT, 1000 F STREET, NW Square 347, Lots 18, 19, 818, 819, 820 and 821

1000 F STREET, NW
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

February 28, 2008

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Planned Unit Development (PUD) located at 1000 F Street, NW in Washington, D.C. This 11 – story office building includes ground floor retail and underground parking. An agreement between the developer and several local, historic preservation organizations requires one existing historic building to be renovated on site, and another existing historic building to be disassembled, relocated and reassembled on another downtown site.

Federal Interest

The identified federal interest relevant to this proposal is the Height of Buildings Act of 1910.

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Executive Director's Recommendation

The Commission:

Advises the Zoning Commission that the proposal would be adverse to the federal interest because it does not conform to the requirements of the Height of Buildings Act in two ways: (1) the parapet wall exceeds the maximum allowable height and (2) the rooftop penthouse exceeds the allowable height and is not set back from the southern and western exterior walls as required by the Height Act.

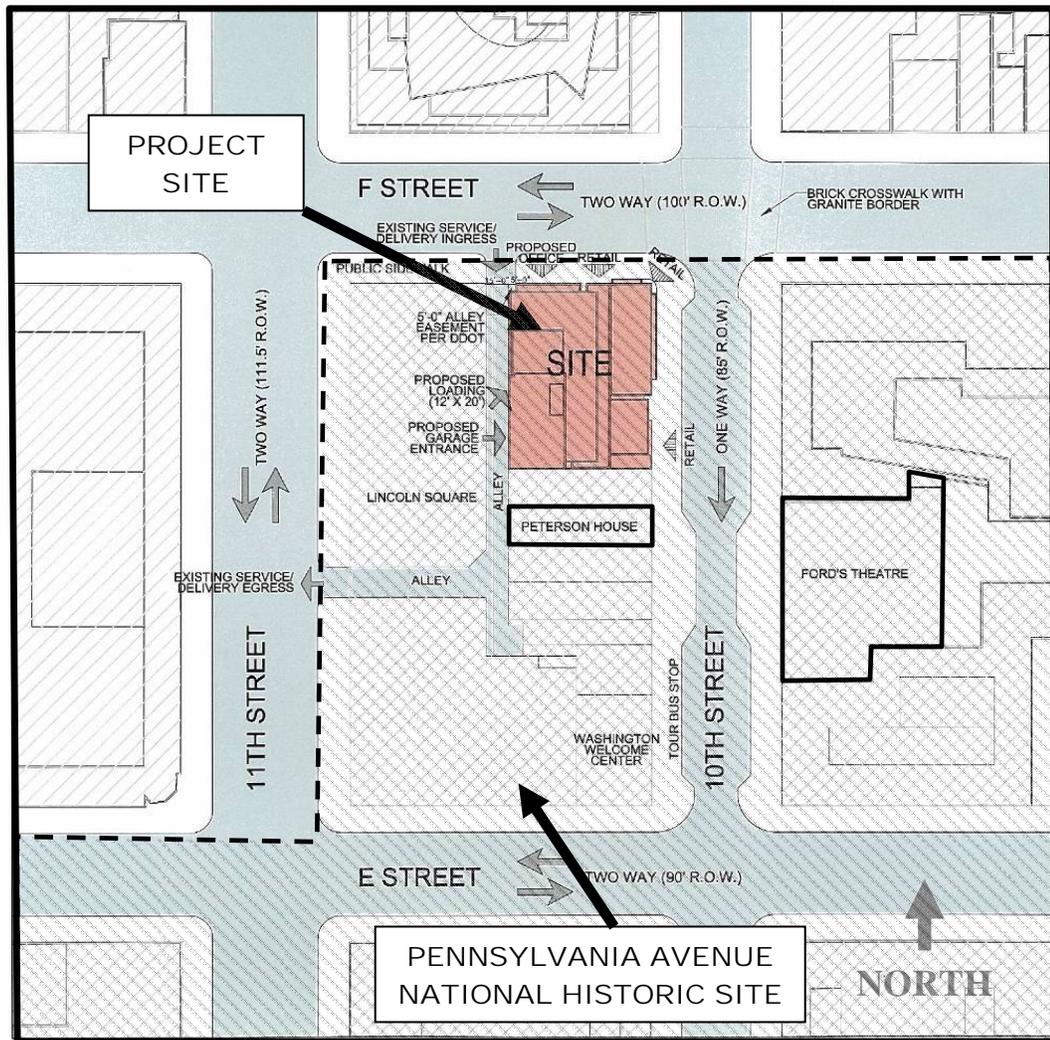
Recommends that the Zoning Commission require the applicant to modify the project design to setback both the parapet wall and the penthouse distances from the exterior walls of the building equal to their height above the adjacent roof.

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PROJECT DESCRIPTION

Site

The 11,790 square foot site on Square 347, Lots 18, 19, 818, 819, 820 and 821 is located at F, G and 10th Streets, Northwest across 10th Street from Ford's Theater and across F Street from the old Woodward & Lothrop Department Store building. This site is currently located in a DD/C-4 zone, one of the District's downtown commercial zones. This site is also located in the Pennsylvania Ave National Historic District.



SITE CONTEXT MAP

Background

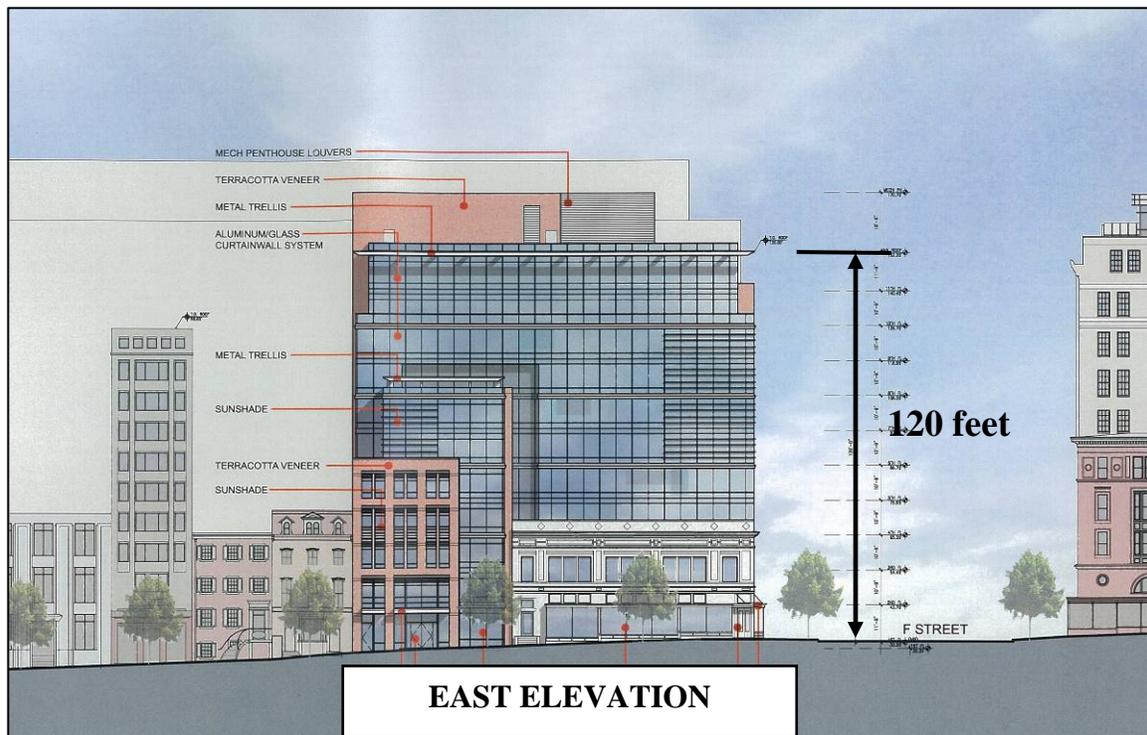
This proposed project would be located across 10th Street, NW from Ford's Theater, a nationally significant landmark. The Peterson House, where President Abraham Lincoln died after being shot at Ford's Theater, is another significant building just to the south of the project site.

Two existing non-contributing buildings currently on the proposed development site will be renovated. A one-story brick building, called the Waffle Shop, was built around 1950 and is the only commercial building from this time period remaining in this area. Through a settlement between the developer and several local historic preservation organizations, it will be disassembled and relocated to a site near Mount Vernon Square and rebuilt. Also, the existing building at the corner of F Street and 10th Street will be renovated and incorporated in the design of the new building.

The Commission's only prior action with regard to this site was an alley closure (NCPC Case No.6729) which was approved by the Commission on Feb. 1, 2007. At the time of the Commission's action to approve the alley closure, no detailed development plans were submitted and so no adverse affect to the federal interest was identified.

Proposal

The proposal is for an 11-story office building with ground floor retail. It includes approximately 7,800 square feet of retail space in the 97,872 square-foot building. This building will be constructed in a Downtown Development/C-4 (DD/C-4) zone which allows buildings up to 130 feet unless further restricted by the Height of Buildings Act of 1910. The Height Act regulates building heights in the District according to the widths of streets at their front to street rights-of-way widths and establishes the maximum building height for this building at 120 feet, given F Street's 100 foot right-of-way.



With guidance from the Historic Preservation Review Board, the proposed building has been designed so it steps back from 10th Street, as shown in the perspective along F Street below, in order to keep in context with the historic district and the surrounding buildings. The uppermost roof of the building is 120 feet high, but a parapet wall at this level rises above that height.

The exterior of the building is proposed to be terra cotta veneer along the west and southern walls. An aluminum glass curtain wall system completes the remainder of the design except for the historic, two-story, masonry structure at the corner of F Street and 10th Street, NW, which will be renovated.



Retail pedestrian entrances will be located along both F Street and 10th Street, while the office space will only be accessible along F Street. A vehicular entrance to the below grade parking area will be located in the 20-foot wide alley at the rear of the building, as will the loading area. There will be 60 parking spaces provided below grade as part of this proposal.

PROJECT ANALYSIS

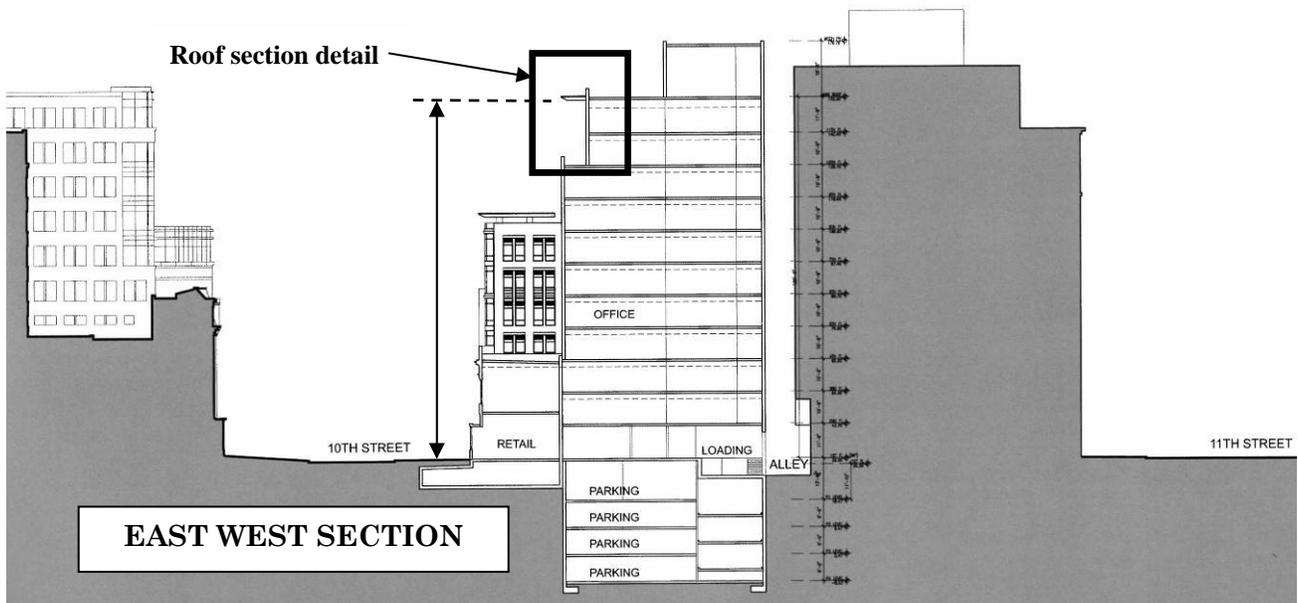
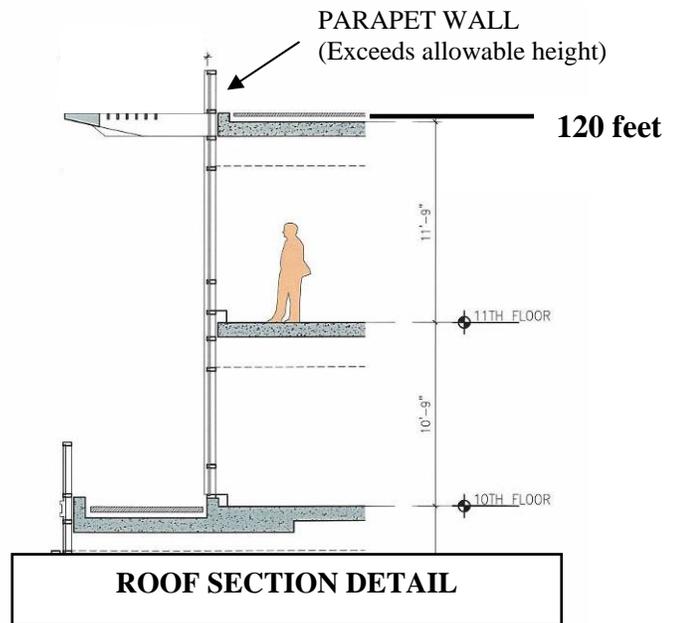
Executive Summary

While the staff recognizes that the project design acknowledges the building's historic site context, the proposal is not in conformance with the Height of Buildings Act. The two ways in which this project violates the Height of Buildings Act are (1) the overall height of the building and (2) penthouse setbacks. The overall height of this proposed building violates the Height Act because it requires the 42-inch parapet wall to be included in the overall building height, making this building height exceed the 120 feet limit, from the top of the parapet wall from the F Street sidewalk. Also under the Height Act, penthouses may only exceed the limit of height if they set back at a distance equal to their height. The penthouse is not set back the required amount and this is not allowed under the Height Act.

Overall Height and Parapet Walls

The Act states that "no parapet walls shall extend above the limit of height." This statement in the Act is unambiguous in its meaning and applicability. The PUD proposal is to construct a 120-foot tall building, to be measured using the 100-foot, F Street right-of-way. As shown in the detail to the right, the parapet is situated directly above the exterior wall on top of the roof, without a setback. The East-West Section shows that the 120 foot measurement is from the ground to the top of the roof and does not include the parapet. Staff finds that this parapet, as designed, exceeds the allowable height and therefore the building does not conform to the Height of Buildings Act.

This is consistent with the Commission's finding for Zoning Case Number 94-01A. This was a



similar case before the Commission that concerned parapet height. In the Staff report for this case, a parapet was defined as a guardrail. The report also found that the guardrail was in violation of the Height Act as the parapet was not set back properly from the adjacent roof. In this case, the Commission recommended that the Zoning Commission "...require the applicant to modify the design to eliminate the canopy and guardrail, or set back these elements from the exterior walls to distances equal to their respective heights above the adjacent roof."

Staff recommends that the Commission advise the Zoning Commission to require the developer to move the parapet wall back a distance from the exterior wall equal to its height in order to be in conformance with the Height Act.

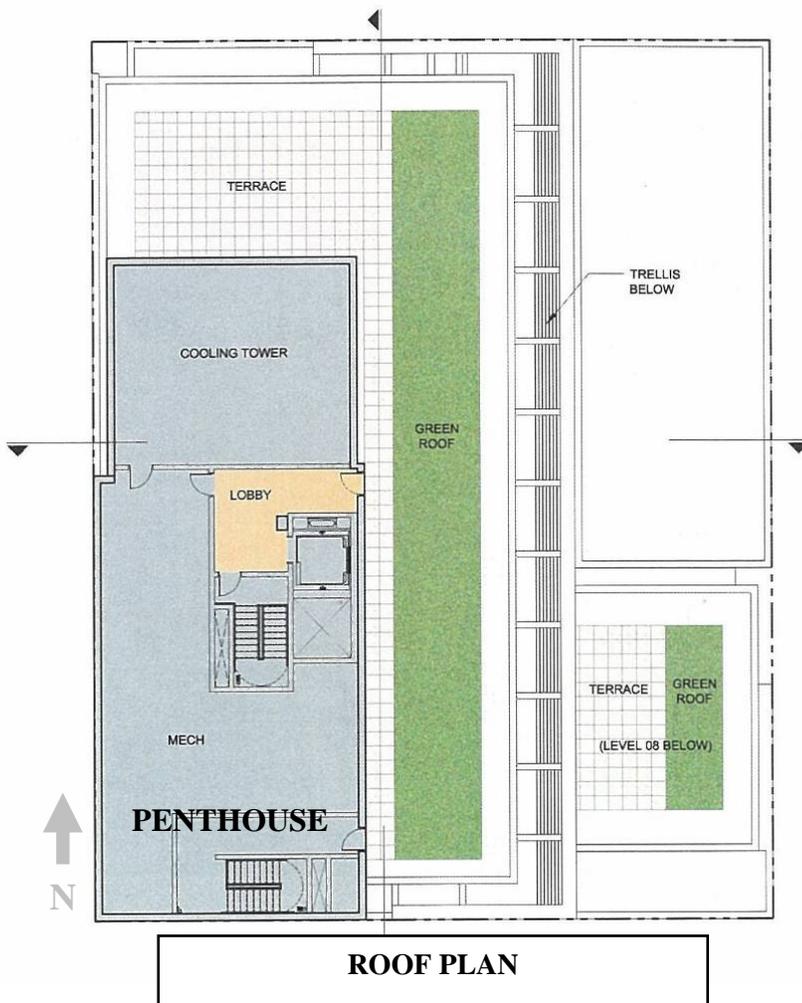
Penthouse Setbacks

The second issue that concerns the Height Act is the penthouse setback. As the Roof Plan shows, the penthouse is set back properly from the northern and eastern exterior walls, but is not set back along the southern and western exterior walls. In the Consolidated PUD Statement, Exhibit #4, filed by the developer and dated June 19, 2007, the developer acknowledge this issue and request relief for the penthouse structure because, in their words, "the mechanical penthouse is not set back from the southern and western exterior walls." According to the Height Act, penthouses:

".. may be erected to a greater height that any limit prescribed in this Act when as the same may be approved by the Commissioners of the District of Columbia:...And provided, that pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof."

In order to ensure a clear understanding of this section of the Height Act, the term 'exterior walls' should be defined. According to the Dictionary of Architecture and Construction, exterior walls are defined as a wall which is part of the envelope of a building, thereby having one face exposed to the weather or to earth¹. This project therefore would have to consider each wall an exterior wall, including party walls that will remain exposed above abutting buildings and those along the alley.

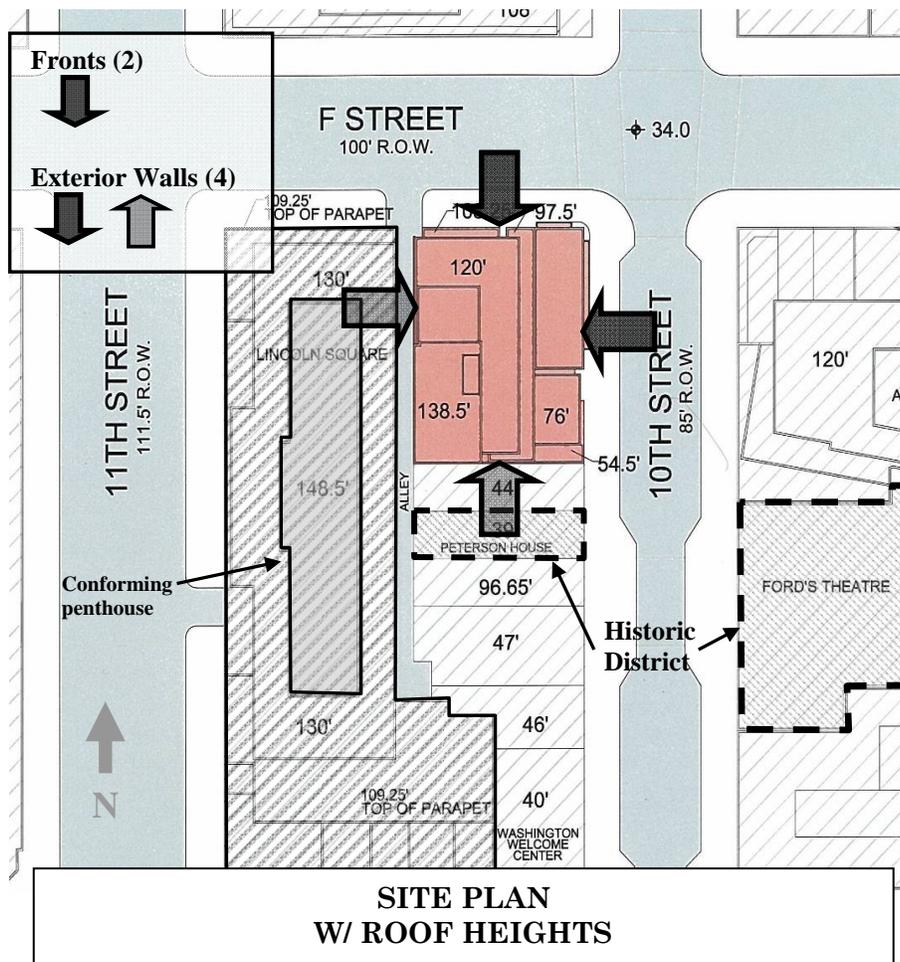
The Commission has been involved in this debate for many years since the adoption of the Height of Buildings Act and recently confronted this issue as part of the review of Zoning Commission Case Number 93-9C. In this case from 1993, the local



¹ Dictionary of Architecture and Construction, Cyril M. Harris, 1993, McGraw-Hill, p. 314.

public broadcasting station, WETA, and George Washington University radio stations wanted to construct an 11 story building on Eye and 21st Streets, NW for their radio and television studios. As in the case before the Commission now, the penthouse in this building was not being set back the required 1:1 from all exterior walls. Staff in 1993 argued in their report to the Commission that this project was not in conformance with the Height of Buildings Act and the design of the building should be changed.

The developer in the 1993 case agreed that the penthouse needed to be set back from exterior walls. However, they also stated that the commonly accepted definition for exterior walls were those walls that fronted on streets. Therefore, they argued that walls along the alley and party walls were not considered exterior walls and no set back was necessary. As a result, they concluded that their project was actually in compliance with the Height of Buildings Act.



It should be noted, at this point, that two terms included in the Height of Buildings Act need to be defined. The first term, exterior wall, was defined earlier. The second term to be defined is the term “front.” Front in architectural terms is defined as the most prominent face of a building and/or that face that contains the main entrance². In this case this proposed building would have two fronts – one on F Street and one on 10th Street, see site plan below. This proposed building also has four exterior walls, given than four of its walls are exposed to the weather. The Height Act purposely uses two terms

for two different building elements and therefore the terms “front“ and “exterior wall” are not synonymous.

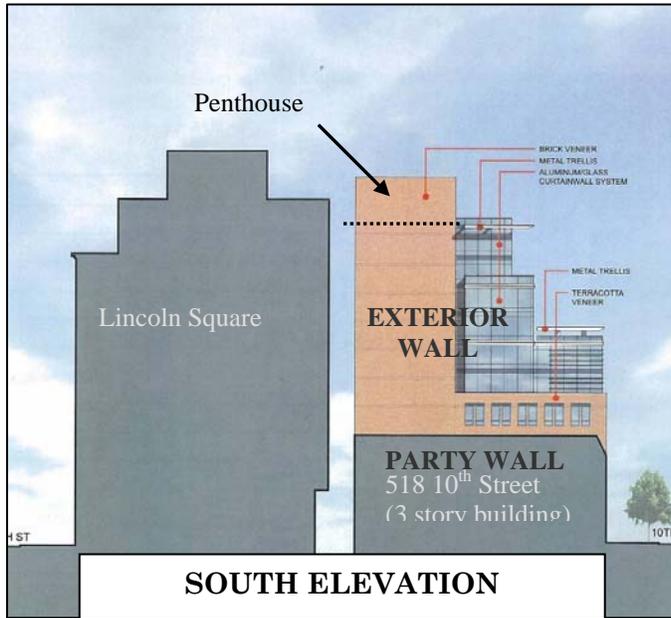
While the Commission voted 7 to 5 that the project “would not adversely affect the Federal establishment or other Federal interests and would not be inconsistent with Comprehensive Plan for the National Capital”, it noted a conflict between the NCPC Staff and the DC Zoning’s interpretation of the definition of an exterior wall. NCPC did not provide a definitive resolution to this issue and struck language from the EDR addressing the height act.

² Dictionary of Architecture and Construction, Cyril M. Harris, 1993, McGraw-Hill, p. 366.

NCPC staff is currently working cooperatively with DCOP to clarify this and other height act interpretation issues as part of the DC Zoning Code update. This coordination is ongoing and is expected to be concluded later this year.

While the above discussion described the main issues of overall height and penthouse back several contextual concerns, nearby penthouses and an historic district, are important to considering the penthouse setback issue as well.

Directly west of this site is the Lincoln Square building, shown in the Site Plan on the previous page as shaded and in the South Elevation included on this page. By

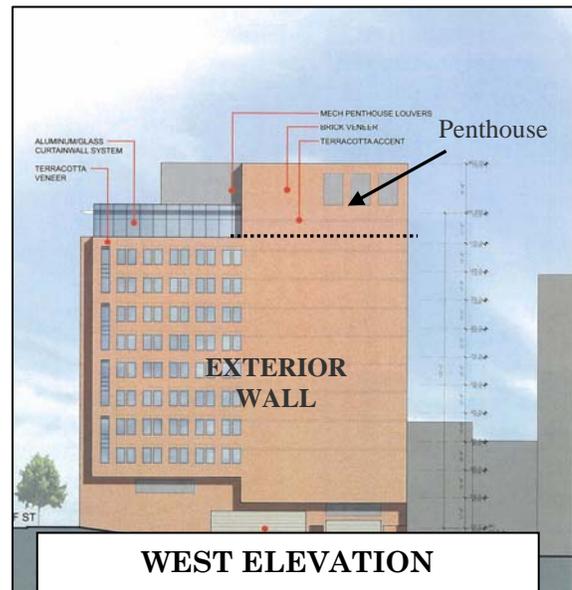


looking at the penthouse on the Lincoln Square building, it is clear that the entire penthouse is set back in a manner that conforms to the Height of Buildings Act.

The historic district is an important component of this site for two reasons: (1) visibility of this proposal from the historic buildings and (2) the limitations on redevelopment of the adjacent building to the south of the site.

The Historic Preservation Review Board (HPRB) voted to approve conceptual plans for this building at their July 27, 2006 meeting. Although the HPRB did not make this recommendation formally, the staff report dated June 29, 2006 noted that “Another primary consideration on 10th Street is that the new building adds to the sheer amount of tall building mass around the Peterson House...The south elevation should be studied carefully in this respect. At a minimum the staff recommends stepping the penthouse away from this elevation.” The HPRB staff noted the impact of the massing on the southern elevation and recommended that changes to the design be considered to address this concern. This design change was not part of the formal staff recommendation before the HPRB and the developer did not set back the penthouse.

The adjacent building, 518 10th Street, located directly south of the proposed development site is a three-story, historic structure that staff believes likely will not redevelop given its location between the historic Peterson House and the new development. Therefore, staff believes this will remain a three-story building and the large masonry wall, shown in the South Elevation, will continue to be an exterior wall. Furthering the argument that this is an exterior wall is the developer’s South Elevation showing windows along most of this



elevation. As such, the Height Act's requirement to set back the penthouse should be enforced along this elevation as well.

Furthermore, the penthouse should be set back from the wall along the alley (West Elevation) because it is considered an exterior wall. As shown on the drawing on the previous page, the West Elevation includes windows along half of the elevation. As an exterior wall, the West Elevation is exposed to the weather, but the penthouse is not set back from the adjacent roof as required by the Height of Buildings Act. This set back should be enforced along this elevation.

Finally, the proposed planned unit development is inconsistent with the Comprehensive Plan for the National Capital with respect to the Preservation of Historic Features Element, which includes the following policy under the National Capital Image Policies:

3. Preserve the horizontal character of the National Capital through enforcement of the 1910 Height of Buildings Act.

For all of the above reasons, the staff finds that the Commission should **advise** the Zoning Commission that the proposal would be adverse to the federal interest because it does not conform to the requirements of the Height of Buildings Act in two ways: (1) the parapet wall exceeds the maximum allowable height and (2) the rooftop penthouse is not set back from the southern and western exterior walls.

Staff also finds that the Commission should **recommend** that the Zoning Commission require the applicant to modify the project design to setback both the parapet wall and the penthouse distances from the exterior walls of the building equal to their height.