

# STAFF RECOMMENDATION

NCPC File No. Z.C. 94-01A

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## AMENDMENT TO APPROVED PLANNED UNIT DEVELOPMENT 1331 L Street NW, Square 247 Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

June 29, 2006

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### Abstract

The Zoning Commission has taken a proposed action to approve a modification to an approved planned unit development (PUD) at 1331 L Street NW, Square 247. The planned unit development was originally approved in 1991 as for a mix of office, hotel, high-density residential and retail use, with a maximum height of 110 feet. The original Zoning Commission case number was 89-234C. The PUD was extended in 1997 by order 684-C for an additional ten years with a noted expiration of December 30, 2010. The original extension was requested due to “unfavorable economic conditions.” A new owner is now requesting approval of a substantial modification of the original design. The original design featured a building height of 110 feet with two towers serving as architectural embellishments. The revised design features a building height of 110 feet with one tower at a height of approximately 133 feet and a metal canopy extending across the entire façade at a height of approximately 121 feet.

### Federal Interest

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

### Commission Action Requested by Applicant

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

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### Executive Director’s Recommendation

The Commission:

**Advises** that according to NCPC’s interpretation of the Height of Building Act of 1910, the horizontal metal canopy element is in conflict with Section 5 of the Act, which authorizes vertical elements such as “spires, towers, domes, minarets, pinnacles” in excess of the allowable

building height; and that the glass guardrail at the edge of the roof is the functional equivalent of a parapet for the purposes of Section 7 of the Act, which states that “no parapet walls shall extend above the limit of height,”

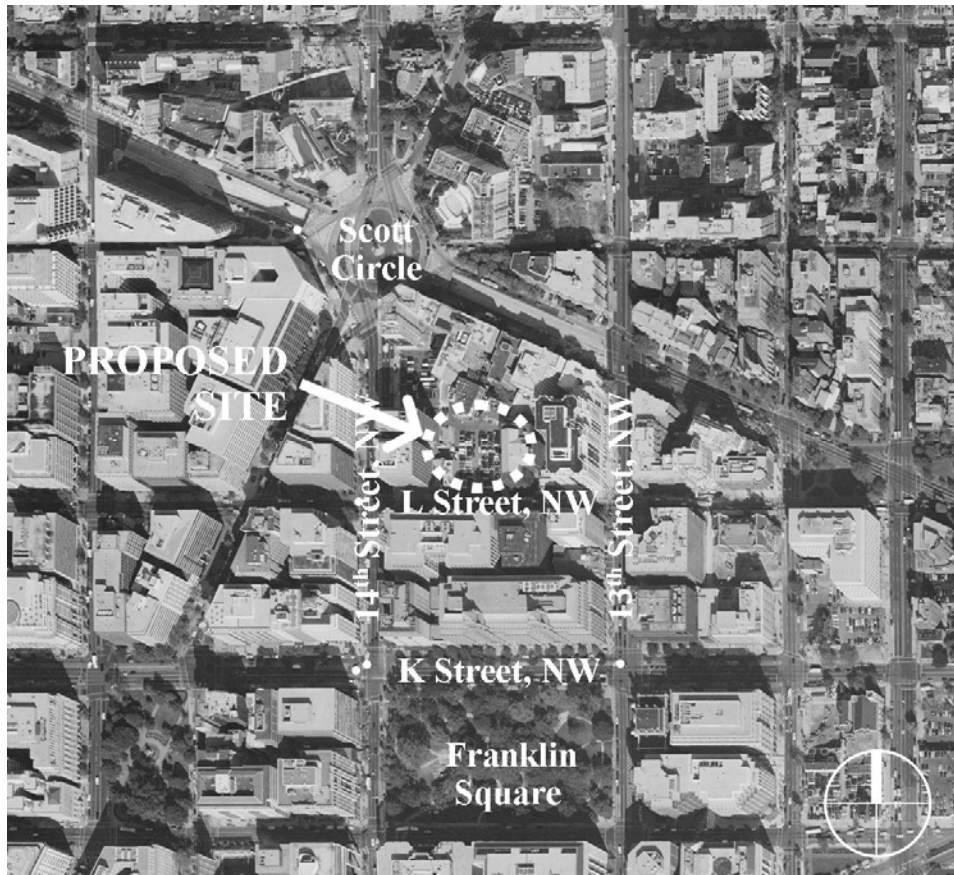
**Recommends** that the Zoning Commission exercise its discretion to require the applicant to modify the design to eliminate the canopy and guardrail, or set back these elements from the exterior walls to distances equal to their respective heights above the adjacent roof.

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## PROJECT DESCRIPTION

### Site

The proposed Planned Unit Development (PUD) is on Lot 96, Square 247. The site is currently used for surface parking and is located mid-block on the north side of L Street, between 13<sup>th</sup> and 14<sup>th</sup> Streets and one block north of Franklin Square.



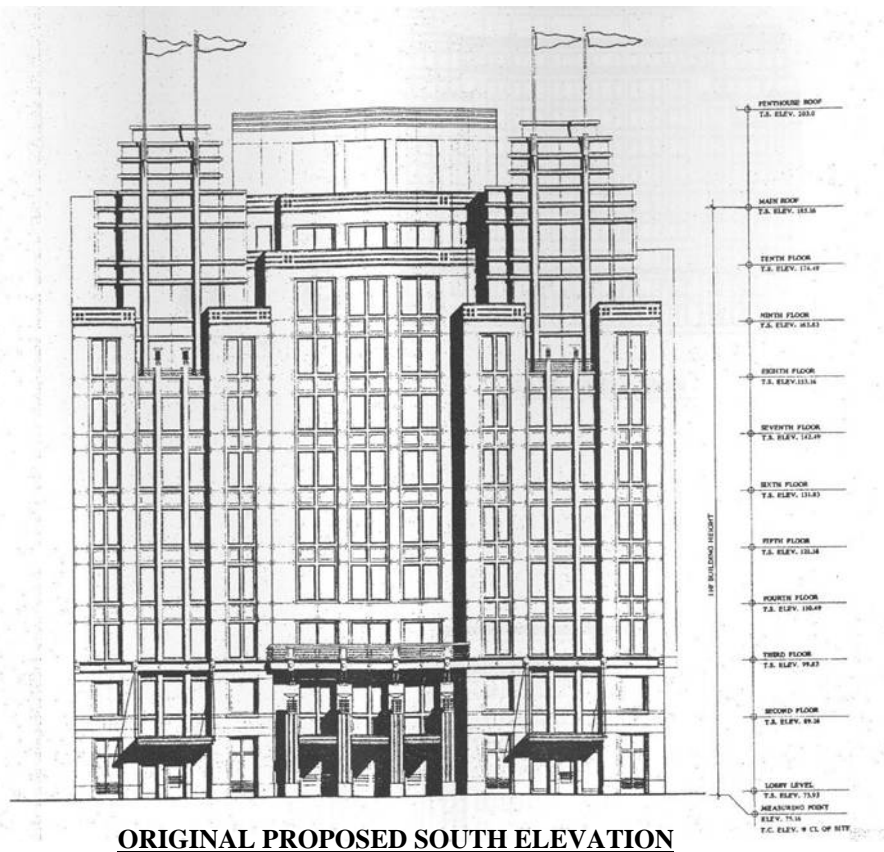
AERIAL

### Background

A PUD and related map amendment for this site was approved by the Zoning Commission in 1991 for a mix of office, hotel, high-density residential and retail use, with a maximum height of 110 feet. The original Zoning Commission case number was 89-234C. The PUD was extended in 1997 by order 684-C for an additional ten years with a noted expiration of December 30, 2010. The original extension was requested due to “unfavorable economic conditions.” The original design featured a building height of 110 feet with two towers serving as architectural embellishments. The façade design was symmetrical, with the predominant façade material being architectural precast concrete with granite accents. The final zoning order stated that “no building permit shall be issued until the applicant submits exterior material samples for final approval by the Zoning Commission.” A new owner is now requesting approval of a modification of the original design.

### Previous Commission Action

In a Commission Action dated February 7, 1991, and in a delegated action of the Executive Director dated October 24, 1994, the National Capital Planning Commission determined that the previous PUD proposal would not adversely affect federal interests nor be inconsistent with the Comprehensive Plan.

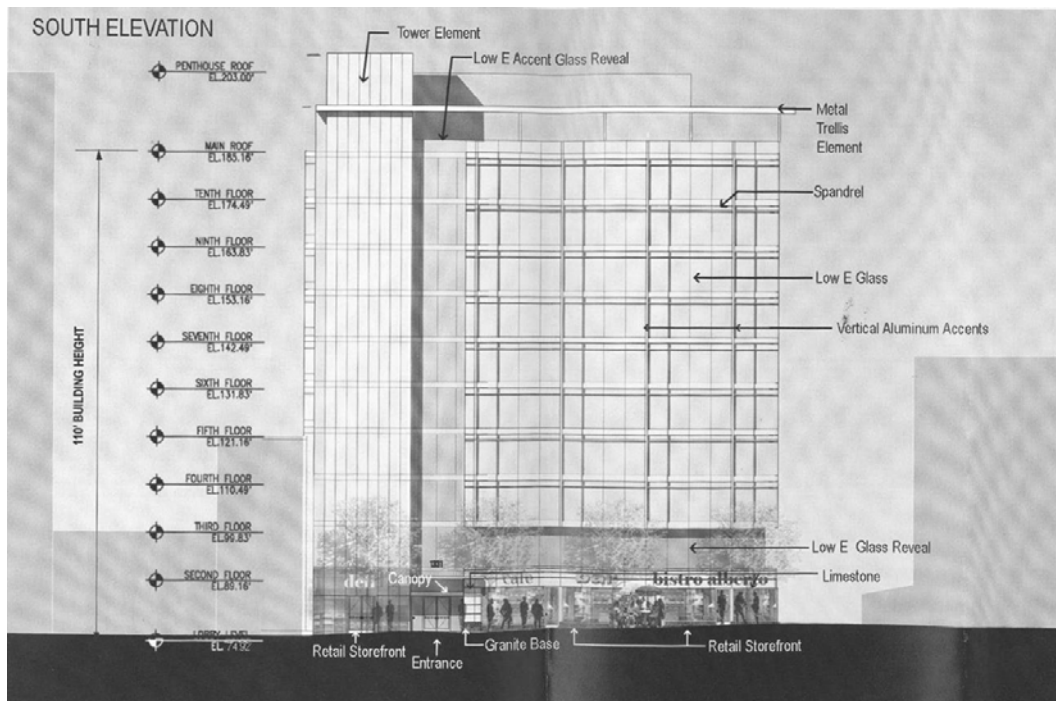


### Proposal

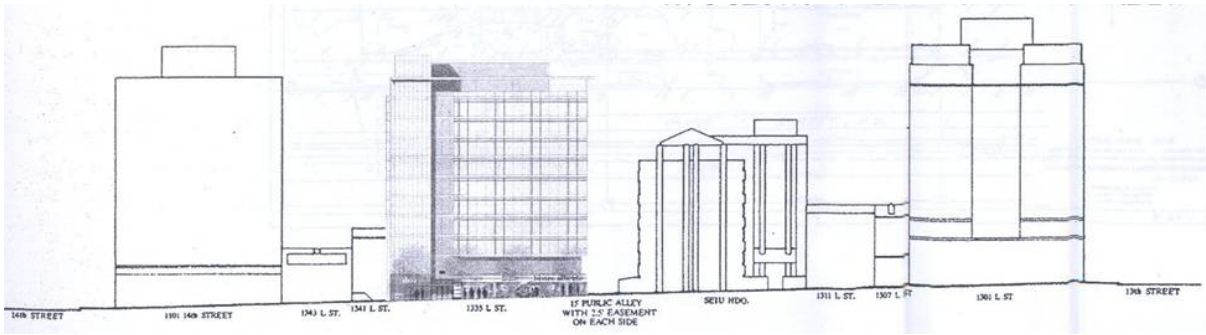
In February, 2006 the applicant submitted exterior material samples, consistent with the direction of the Zoning Commission in its original order. The applicant also requested approval of a revised façade design described as “minor modification to the PUD in order to update the architectural design of the building for the 21<sup>st</sup> Century,” “with no increase in height or density.”

The revised façade design features a single western “tower” element clad in floor to ceiling glass from the second floor to the top of the tower. At the rooftop level, the tower will be experienced as an open two-story, unconditioned glass and steel structure. The illumination shown in the night-time illustration on page 5 has been eliminated.

Adjacent to the tower to the east is a 12-foot wide glass reveal of a slightly contrasting accent glass that sets off the tower and marks the building entrance below. The remainder of the façade features a more horizontal expression through thin accent spandrels accented by vertical aluminum mullions. This façade along L Street is topped by an aluminum canopy element which intersects the tower, and a transparent glass guardrail to protect rooftop visitors.



**REVISED PROPOSED SOUTH ELEVATION**



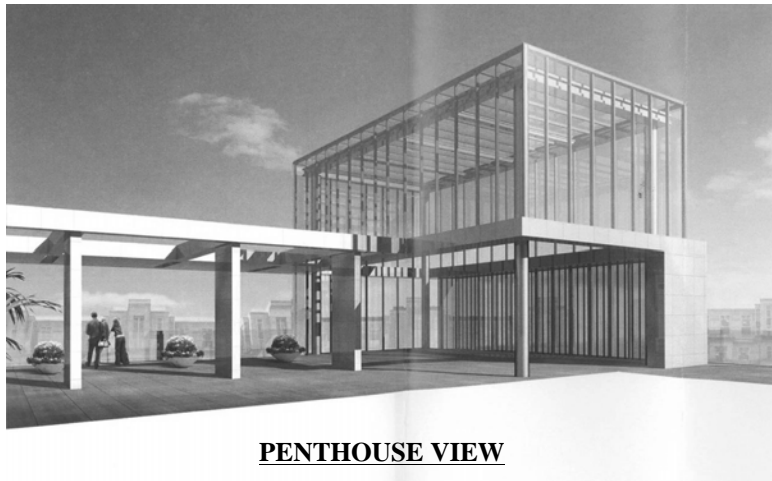
**L STREET MASSING**



**VIEW FROM SOUTHEAST**



**VIEW FROM SOUTHWEST**

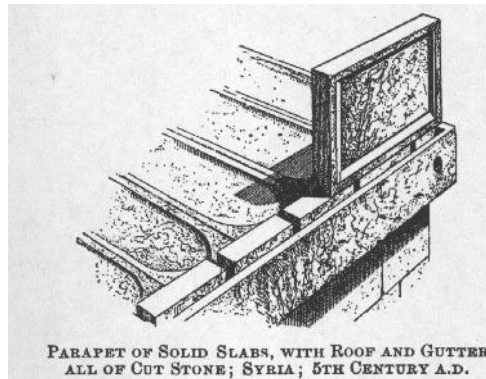


**PENTHOUSE VIEW**

## PROJECT ANALYSIS

While they may be permitted under District interpretation of its own Zoning Regulations, staff finds that the glass railing and canopy element are in conflict with the federal Height of Buildings Act of 1910.

Section 7 of the Height Act states that no parapet walls shall extend above the limit of height. As defined in Sturgis' *Dictionary of Architecture and Building*, a parapet is "a dwarf wall or barrier built on the edge of a terrace, platform, bridge, balcony, or other elevated place, as a protection against falling." By this definition, the guardrail is clearly functioning as a parapet and is therefore prohibited under the Height Act. If the guardrail were set back from the edge or the roof, however, it would not meet this definition of a parapet and would be allowable.



**ILLUSTRATION OF PARAPET FROM STURGIS**

Section 5 of the Height Act states that spires, towers, domes, minarets and pinnacles may be erected to a greater height than any limit prescribed in the Act. These terms all describe vertical elements that project above the roof. The canopy element is horizontal, not vertical, and is therefore not included among the elements allowed by the Height Act. It also repeats the rhythm established by the horizontal spandrels on the façade, thereby creating the visual effect of another floor.

Staff therefore recommends that the Zoning Commission exercise its discretion to 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.