

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



March 28, 2016

David Avitabile
Goulston & Storrs
1999 K Street NW, 5th Floor
Washington, DC 20006

Re: The Yards, Parcel O: Revised Penthouse Design

Dear Mr. Avitabile:

This letter serves to confirm the conformance of the revised penthouse design for the proposed development of Parcel O in The Yards with the recently-adopted penthouse regulations adopted by the Zoning Commission in Z.C. Case No. 14-13.

Parcel O is located in the SEFC/R-5-E Zone District. Briefly, your clients proposed to develop Parcel O with a single building comprised of (1) a for-sale residential component ("Parcel O-1") and (2) a rental residential component ("Parcel O-2") (together, "Project"). Parcel O-2 is further developed into a west tower ("Parcel O-2 West") and an east tower ("Parcel O-2 East"). The entire development will also contain ground-floor retail and underground parking, and will otherwise conform to the Zoning Regulations as outlined in my prior letter dated April 2, 2015.

As we discussed at our meeting on December 3, 2015, the revised roof structure design, as shown on the plans attached as Exhibit A, conforms to the recently-adopted penthouse regulations as well as the 1910 Height Act as follows below.

General Provisions

Use: The proposed penthouses include a combination of mechanical equipment, storage, communal recreation space and, in the case of Parcel O-1, residential units. All such uses are permitted under Section 411.4.

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Single Enclosure: Pursuant to Section 411.6, all penthouses are ordinarily required to be placed in a single enclosure; Section 411.8, however, permits separate enclosures when separate elevator penthouses are required. Here, separate elevators are required for the separate residential types in Parcel O-1 and Parcel O-2 as well as for the separate wings within Parcel O-2. Therefore, three penthouses are permitted as shown on the plans; one for each component.

Setback Requirements: The Parcel O-1 and Parcel O-2 portions of the project are considered to be a single building for zoning purposes, and they will have a roof height that varies by less than 4 feet. Therefore, I conclude that the wall between the Parcel O-1 and Parcel O-2 portions of the project does not constitute a “side building wall” under Section 411.18 and that no setback is required between the Parcel O-1 and Parcel O-2 portions of the project.

Parcel O-1

The Parcel O-1 penthouse consists of a single penthouse structure containing habitable space with residential units and communal recreation space as well as mechanical space, all at a single, uniform height. In addition, mechanical space open to the sky is located on top of the habitable space and within enclosure walls of a separate, uniform height. The total height of the penthouse structure is 20 feet, and the penthouse and guardrails are all set back at least 1:1 from the roof upon which they sit.

Penthouse height: The penthouse height is within the maximum permitted penthouse height of 20 feet in the R-5-E Zone, as set forth in Section 400.5.

Penthouse enclosure: The enclosing walls for the penthouse habitable space for Parcel O-1 are proposed to one uniform height, and the enclosing walls for the penthouse mechanical space for Parcel O-1 are proposed to a second, taller uniform height, which is permitted under Section 411.9(a).

Penthouse Setbacks: The proposed penthouse and guardrails have been revised so that they are set back at least 1:1 from the edge of the front building wall, rear building wall, and side building wall of the roof upon which they are located, in accordance with Section 411.18. For purposes of this provision, I conclude that the edge of the roof is the edge of the proposed sunshade element located at the rear of Parcel O-1. The sunshade element is located at the same level of the roof, and consists of a trellis with slats that are less than 24” on center. Accordingly, the area below the trellis counts as building area that is chargeable toward FAR, and the trellis constitutes an extension of the roof.

Number of stories: As I previously determined, the project is permitted to be constructed to a height of 110 feet, and is proposed to be constructed to a height of 110 feet. The 1910 Height Act permits a one-story penthouse above the height limit. Here, the mechanical space located

above the habitable penthouse story is open to the sky, and therefore does not constitute a second “story.” (See, for example, the revised definition of “story” under the Zoning Regulations, which defines a story as “the space between the surface of two successive floors in a building or between the top floor and the ceiling or underside of the roof framing.”) Therefore, for purposes of compliance with the 1910 Height Act, I conclude that the proposed penthouse conforms to the single-story limitation.

Parcel O-2 West

The Parcel O-2 West penthouse consists of a single mechanical penthouse structure. The total height of the penthouse structure is less than 20 feet, and the penthouse and guardrails are all set back at least 1:1 from the roof upon which they sit.

Penthouse height: The penthouse height is within the maximum permitted penthouse height of 20 feet in the R-5-E Zone, as set forth in Section 400.5.

Penthouse enclosure: The enclosing walls for the penthouse mechanical space are proposed to one uniform height, and the screening walls around the uncovered mechanical equipment are proposed for a second, shorter uniform height, which is permitted under Section 411.9(c).

Penthouse Setbacks: The proposed penthouse and guardrails have been revised so that they are set back at least 1:1 from the edge of the front building wall, rear building wall, and side building wall of the roof upon which it is located, in accordance with Section 411.18. For purposes of this provision, I conclude that the edge of the roof is the edge of the proposed sunshade element located at the rear of Parcel O-2 West. Again, the sunshade element is located at the same level of the roof, and consists of a trellis with slats that are less than 24” on center. The area below the trellis counts as building area that is chargeable toward FAR, and the trellis constitutes an extension of the roof.

Parcel O-2 East

The Parcel O-2 East portion of the Project is constructed to a height of 90 feet, as measured to the top of the main roof. An additional enclosed habitable area containing access to communal recreation space, elevator and stairway core elements, and building engineer room as well as an adjacent enclosed area containing mechanical equipment is located above the main roof.

The enclosed habitable area otherwise meets the definition of “story” under the Zoning Regulations. Therefore, I conclude that the enclosed habitable area constitutes a partial story that is not subject to the requirements of Section 411, and no setback is required from the front, side, or rear building walls. (Note, however, that the partial story is set back from all walls facing streets.) The height of the partial story is less than 20 feet, which, when added to the 90-foot

height of the main roof, results in a total building height within the 110-foot height limit in the SEFC/R-5-E Zone District. The area of the partial story counts as gross floor area and is chargeable against the permitted FAR for the Project as a whole.

The remainder of the enclosed area consists of mechanical equipment and a stairway penthouse. This area constitutes a penthouse, and is subject to the requirements of Section 411.

Penthouse height: The penthouse height is within the maximum permitted penthouse height of 20 feet in the R-5-E Zone, as set forth in Section 400.5.

Penthouse enclosure: The enclosing walls for the penthouse mechanical space are proposed to one uniform height, as set forth in Section 411.9.

Penthouse Setbacks: The proposed penthouse and guardrails are set back at least 1:1 from the edge of the front building wall, rear building wall, and side building wall of the roof upon which they are located, in accordance with Section 411.18.

Conclusion

Based on the foregoing, I conclude that the revised drawings are consistent with the penthouse regulations recently adopted by the Zoning Commission in Z.C. Case No. 14-13. Please note that the inclusion of habitable space devoted to for-sale residential units will trigger a requirement for affordable housing as set forth in the Regulations.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Exhibits: Plan Set dated 2-8-16



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PARCEL O-2
 AT THE YARDS
 1346 4TH STREET SE WASHINGTON,
 DC 20003

FOREST CITY
 301 WATER STREET SE SUITE 201
 WASHINGTON, DC 20003
 JOHNSON FAIN
 1201 NORTH BRADDOCKWAY
 LOS ANGELES, CA 90012

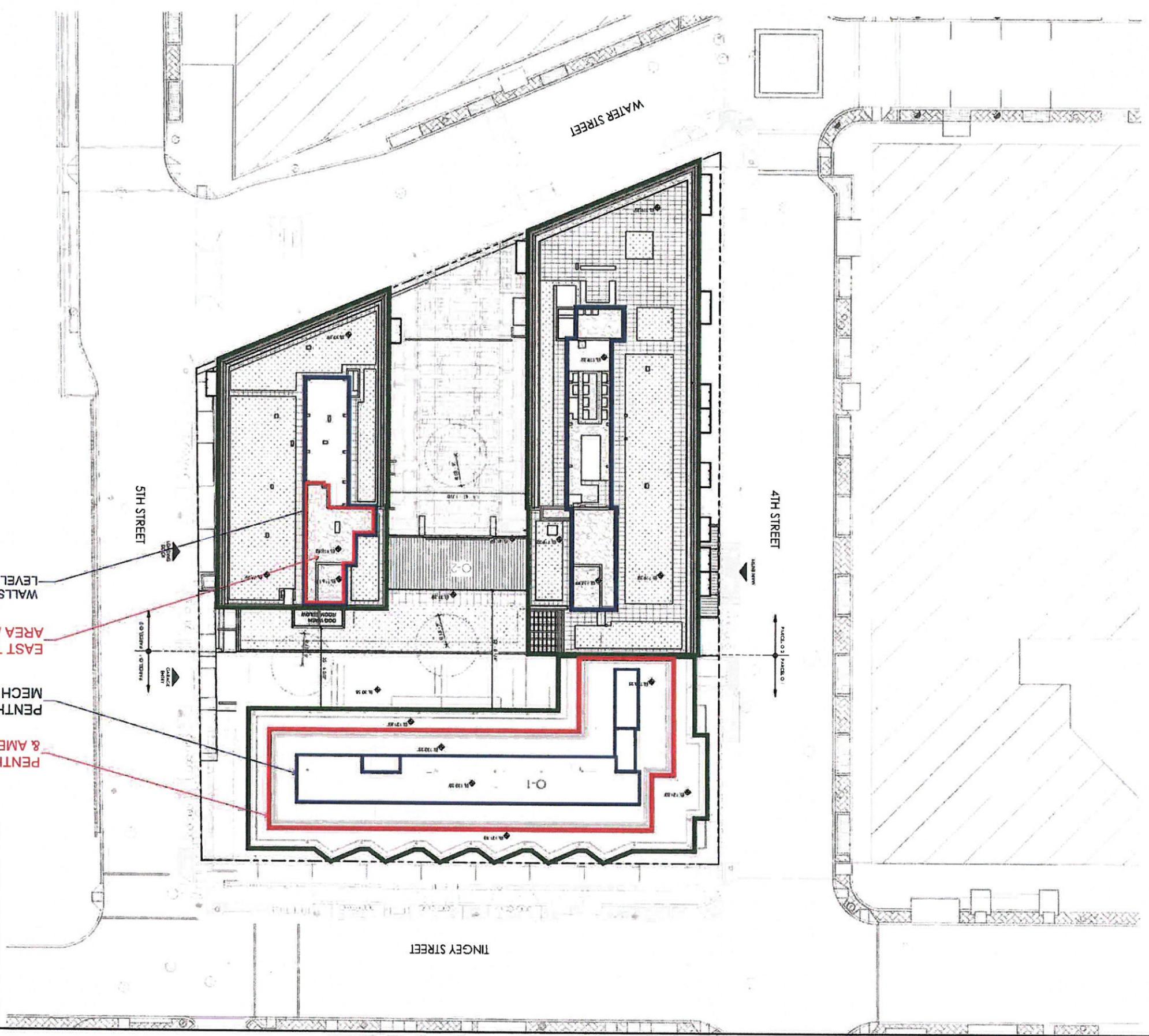
PROFESSIONAL SEAL
 FEB 08, 2016

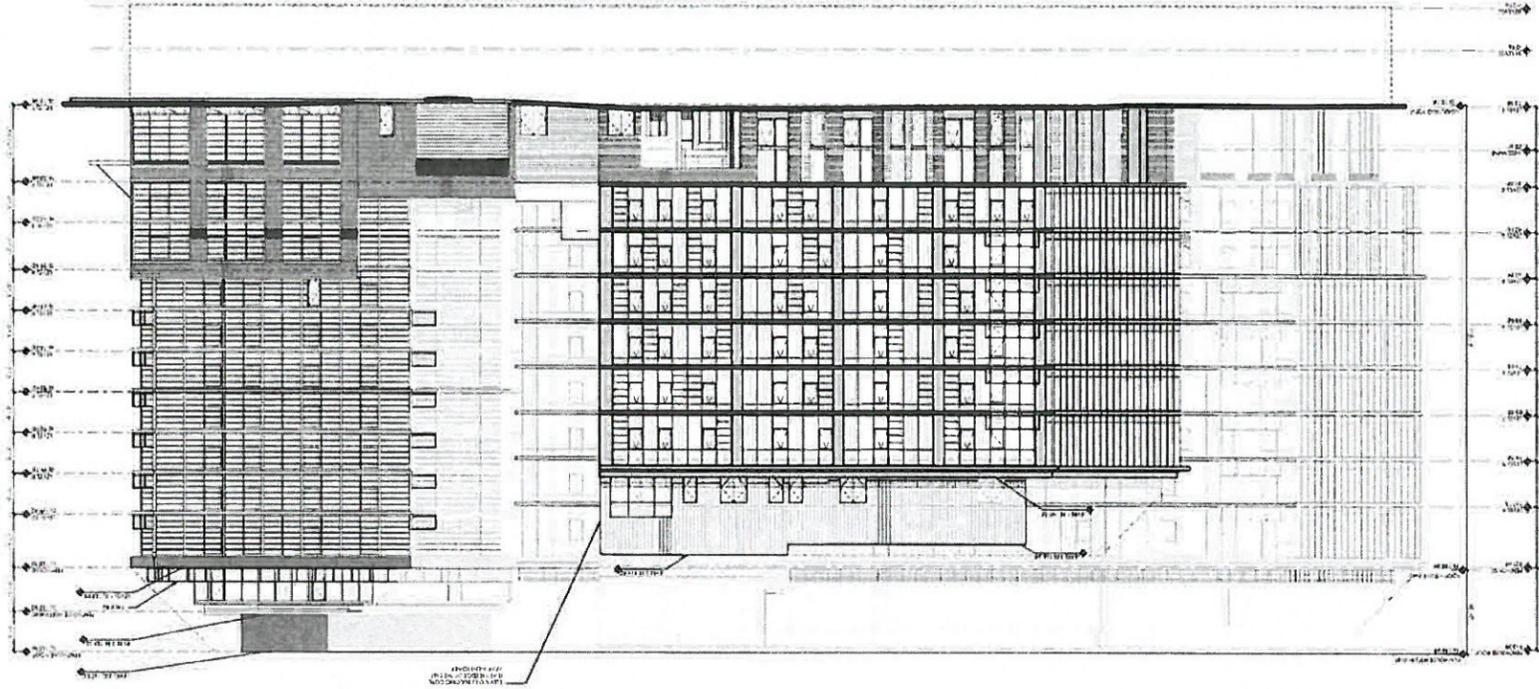
ILLUSTRATIVE SITE
 PLAN - PARCEL O

SCALE: 1/16" = 1'-0"
 A0110

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PENTHOUSE UNITS
 & AMENITY AREA
 MECH ENCLOSURE
 EAST TOWER HABITABLE
 AREA / STORY
 WALLS AT ROOF
 LEVEL

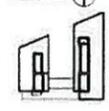




1 EAST ELEVATION

A5

EAST ELEVATION



PROFESSIONAL SEAL

FOR ARCHITECTURAL RECORDS

FOR ARCHITECTURAL RECORDS

PARCEL O-2
AT THE YARDS
1348 4TH STREET SE, WASHINGTON
DC 20003

1330 AVENUE A, ARLINGTON, VA 22202
1110 CONNECTICUT AVENUE NW, WASHINGTON, DC 20004
1110 CONNECTICUT AVENUE NW, WASHINGTON, DC 20004

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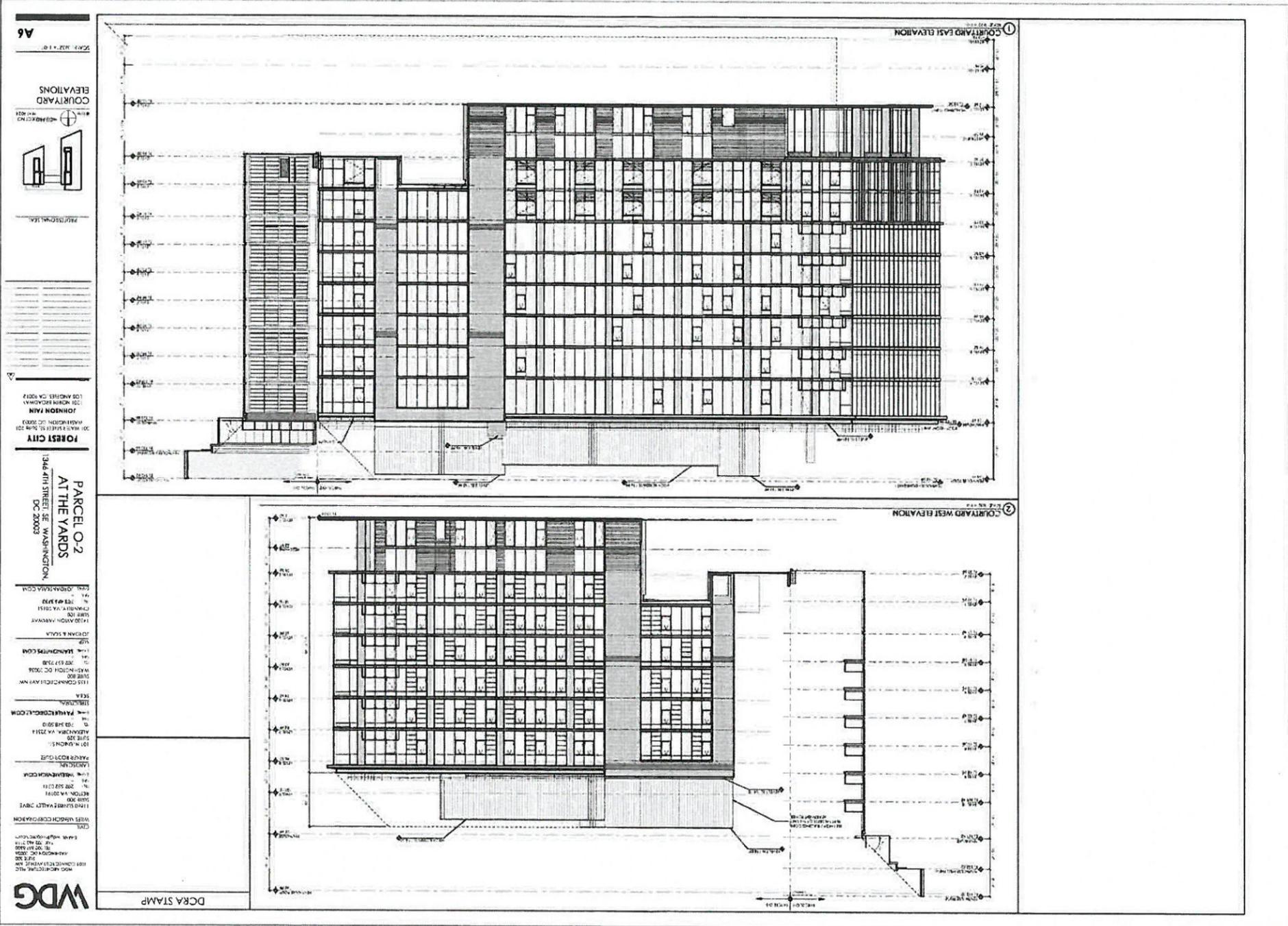
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WDG

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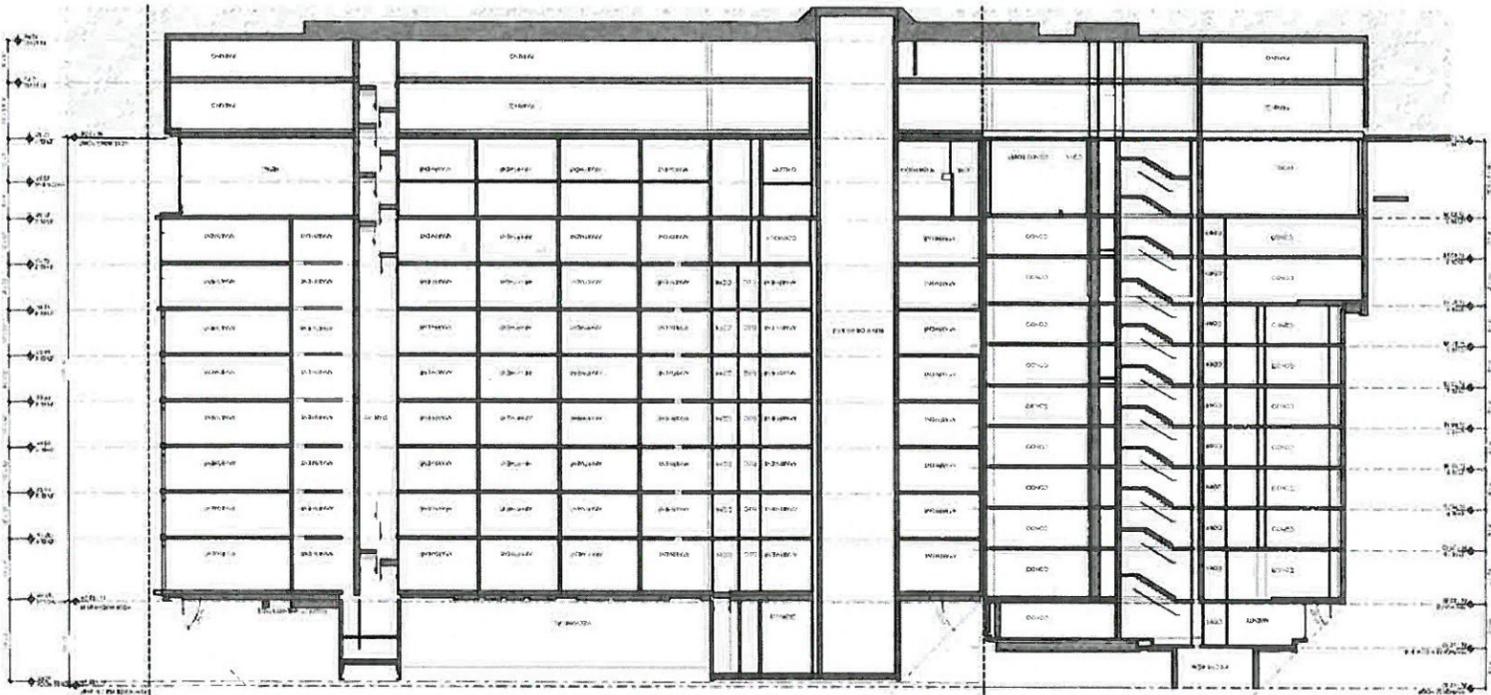
SCALE: 3/32" = 1'-0"

BUILDING SECTION

SECTION



SECTION



1. THE ARCHITECTURE

2. THE ARCHITECTURE

3. THE ARCHITECTURE

4. THE ARCHITECTURE

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