

July 12, 2016

VIA IZIS

Ms. Marnique Heath
Chairman
Board of Zoning Adjustment
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: **BZA Application No. 19297 – Post-Hearing Submission of the Applicant for the Property Located at 3000 M Street, NW (Square 1197, Lot 70)**

Dear Chairman Heath and Members of the Board of Zoning Adjustment:

At the conclusion of the public hearing on June 21, 2016, Thor 3000 M Street LLC (the “**Applicant**”) was provided the opportunity to provide additional information regarding the necessity for a mechanical penthouse height of greater than 15 feet on the south tower of the existing building on the property. The Applicant’s architects and vertical transportation consultant (Vertran Enterprises) have thoroughly reviewed and analyzed this issue, and have significantly reduced the overall size and mass of the proposed roof structure on the south tower. However, the results of this analysis are that the project will require the portion of the existing mechanical penthouse structure which includes the elevator override to exceed 15 feet in height, while the remainder of the habitable penthouse will only be 12 feet tall and will satisfy all relevant setback requirements.

As noted above, the Applicant’s design team has reduced the overall size of the penthouse structure compared to what was presented to the BZA on June 21, 2016. Attached as Exhibit A are materials which depict those revisions. Except for the portion of the existing mechanical penthouse structure that contains the elevator override, the proposed penthouse structure on the south tower satisfies all of the height and set-back requirements of the Zoning Regulations.

Page A1 of Exhibit A shows the existing penthouse structure¹ and the penthouse structure that is now proposed. As discussed at the public hearing, the existing penthouse structure is a

¹ Upon further analysis, it was determined that the height of the existing mechanical penthouse structure is 17 feet, 7.5 inches tall, previous information presented to the BZA noted that this height was 18 feet, 2 inches.

non-conforming aspect of the existing building due to its height in excess of 15 feet. The proposed revisions to the mechanical penthouse will not increase the amount of existing mechanical penthouse space that is taller than 15 feet, in fact, the amount of mechanical penthouse space that is taller than 15 feet is reduced by 73.7%, compared to the plans presented to the BZA on June 21, 2016 (see p. A3). Therefore, the Applicant is not exacerbating an existing non-conforming situation and variance relief should not be required.

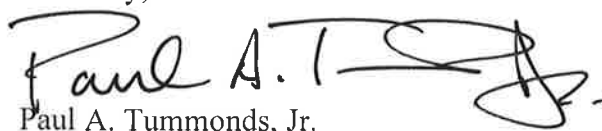
Attached as Exhibit B is a memorandum prepared by R. Graydon Ripley, of Vertran Enterprises – the project’s vertical transportation consultant, which addresses the ability of machine room less (MRL) traction elevators to be housed in a penthouse structure that is only 15 feet tall. Mr. Ripley notes that: “The elevators for this project have been designed at a speed of 350 feet per minute and elevator capacity of 3,500 pounds to meet the traffic handling needs for this building to meet industry standards for a hotel of this size and type in both performance and finishes.” The memorandum notes that: “The minimum clear overhead in the hoistway that is required for this project is at least 16’-2” in order to provide the Applicant with the ability to choose from at least three different elevator manufacturers and to provide the opportunity for the elevators to include custom finishes and elevator cabs which are consistent with this type of hotel.” A hoistway with a minimum clearance of 16’ 2” results in a total penthouse height of 17’ 7 ½”.

If the BZA determines that the proposed mechanical penthouse space does require variance relief, the Applicant believes that the information provided in this post-hearing submission addresses the variance relief standards. The information provided in the attached Exhibit B satisfies the practical difficulty standard. Given the industry elevator demand requirements for a hotel of this size and quality, and the dimension requirements for MRL traction elevators, the Applicant is faced with a practical difficulty in providing a mechanical penthouse that will meet the 15 foot height limitation.

The proposed mechanical penthouse also satisfies the third prong of the variance test, as the relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. The overall visual impact of the penthouse on the south tower has been significantly reduced with the modifications proposed in this filing. The massing of the existing mechanical penthouse that is taller than 15 feet is reduced, and the amount of mechanical penthouse space that is taller than 15 feet is limited to the elevator override. The proposed penthouse will not create any adverse impacts on neighboring properties. For these reasons, granting the variance relief will not result in substantial detriment to the public good and will not impair the intent, purpose, and integrity of the zone plan.

Thank you for your attention to these issues. The Applicant looks forward to the BZA’s final determination on these issues at the July 19, 2016 Public Meeting.

Sincerely,


Paul A. Tummonds, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of the foregoing document to the following addresses on July 12, 2016 by E-Mail:

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Commissioner William Starrels
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A handwritten signature in dark ink, appearing to read "Paul Tummonds", written over a horizontal line.

Paul Tummonds