

September 16, 2020

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, D.C. 20001

Re: **BZA Application No. 20291 – 2100 M Street, N.W. (Square 72, Lot 75) (the “Property”) by 2100 M Street Property Owner LLC – Prehearing Submission**

Dear Members of the Board:

This letter and enclosed materials serve as the prehearing submission for the application of 2100 M Street Property Owner LLC (the “**Applicant**”) in the above-referenced case. As discussed in the initial submission, the Property is currently improved with an eight (8)-story office building dating from the 1960s. The Applicant proposes to renovate and expand the existing building to provide approximately 9.14 FAR across eleven (11) floors, plus a habitable penthouse (the “**Project**”). Attached as Exhibit A are updated architectural plans (“**Updated Plans**”) for the Project reflecting updates made since the initial filing and additional pages to detail the requested relief.

I. Background and Summary of Requested Relief

As discussed in the initial application, the Property is an usually shaped lot with three street frontages along New Hampshire Avenue, N.W. (which constitutes the building front for zoning purposes), 21st Street, N.W. (rear), and M Street, N.W. (street lot line), with the Property’s remaining west and south sides abutting commercial developments at 1143 New Hampshire Avenue, N.W. and 2101 L Street, N.W. (each constituting a side lot line), respectively. As a result, the Property and existing building have an exceedingly unusual shape and configuration, which presents significant challenges for any redevelopment of the Property. The Board previously granted zoning relief in 2007 for a similar redevelopment proposal at the Property in BZA Order No. 17696, including special exception relief from roof structure setback requirements; variance relief from the 45-degree setback required from the adjacent property to the west at 1143 New Hampshire Avenue, N.W.; and variance relief from loading height requirements. After several extensions were granted, that approval expired in 2014 without being vested.

By the current case, the Applicant requests similar zoning relief for the Project, summarized below and discussed in detail in the initial statement:

- Special Exception Relief for Penthouse Setbacks (Subtitle C § 1504.1). The Applicant requests relief from the penthouse setback requirements under Subtitle C § 1502.1(c) for the mechanical equipment and the adjacent mechanical screen wall located in the court on the 11th floor and a portion of the elevator core at the penthouse level. The area of such requested relief is shown in tan on Page A-6 of the Updated Plans and tan-hatch on Pages A-13, A-16, and A-24 of the Updated Plans. The 11th floor mechanical screen wall has a height of sixteen (16) feet, four (4) inches and does not provide any setback from the adjacent west edge of the roof upon which it sits. Therefore, such component requires relief for the entirety of its height. The mechanical unit the screen wall encloses also has a height of sixteen (16) feet, four (4) inches and is set back a distance of seven (7) feet, one-half (½) of an inch. Therefore, such component requires relief of nine (9) feet, three and one-half (3 ½) inches. The penthouse elevator core has a height of 35 feet, one-fourth (¼) of an inch¹ and provides a setback of 30 feet from the adjacent west edge of the 11th floor roof. Therefore, such component requires relief of five (5) feet, one-fourth (¼) of an inch. Accordingly, these penthouse elements require setback relief. As discussed in the initial filing, the available space for the building's mechanical and HVAC systems is highly limited, due in part to the unusual configuration of the Property and building, which necessitates locating some mechanical equipment on the 11th floor court. Placing this equipment at the proposed 11th floor location is less visually intrusive than the alternative, which is to move it to a higher level. The proposed screen wall, which is required by Subtitle C § 1500.6, also requires relief to be located within the penthouse setback area. However, this screen wall will minimize noise generated by the equipment and eliminate visibility of the equipment behind. In fact, such screen wall will result in a better design of the building as it will harmonize with the building's façade and it will result in a roof structure that is less visually intrusive. Further, mechanical equipment is located on the ninth level of the building currently, in the same location. Due to the inherited configuration of the building, the new mechanical equipment must be located in the same vertical plane as the current equipment that serves the same purpose. The penthouse elevator core is also constrained in its ability to be relocated due to the fact that it is a vertical extension of the existing elevator core and cannot be moved without requiring an entirely new, separate elevator shaft to be installed, which would be unduly burdensome and unreasonable, as it would be highly adverse to the structure and impose enormous additional expense. For these reasons, strict adherence to the penthouse setback requirements is unduly restrictive with respect to the 11th floor mechanical equipment and screen wall and penthouse elevator core, and special exception relief is merited.

¹ This height is as measured, for penthouse setback purposes, from the 11th floor roof on the west side of the penthouse. As measured from its base on top of the 11th floor, the penthouse elevator core has a height of 20 feet, but this component fronts on a closed court.

- Variance Relief for 45-Degree MU-Zone Setback (Subtitle I § 201.6). As depicted in blue on Page A-6 and blue-hatch on Pages A-13 and A-16 of the Updated Plans, the Project requires relief for the portions of the building that encroach within the 45-degree setback that is required from the adjacent 1143 New Hampshire Avenue property (due to such property’s MU-10 zoning). As discussed in the initial filing, due to the highly unusual shape and configuration of the Property and existing building, designing the Project to fully comply with the setback requirement would have substantial negative impacts for the proposed 9th, 10th, and 11th floors and penthouse level. The uneven course of the Property’s west lot line creates irregular and challenging spaces for designing reasonably efficient and functional floor plans, and strict imposition of the 45-degree setback requirement would further cut into the already difficult spaces with which the Project design must grapple. Further, the additional floors – the 9th, 10th, and 11th floors and the new penthouse – inherit the column grid from the floors below. Such column grid further constrains the ability to carve the new floors away from the MU-10 setback as the new floors can only be constructed to the same pre-set column components below. Therefore, the Project would not just lose the ability to construct within the MU-10 setback without relief, but also to construct beyond the structural components of the building located even farther into the structure, further compromising the floor plates. Absent the requested relief, the Project would be even further limited in its ability to create usable layouts for the building on the affected levels, resulting in a practical difficulty.
- Variance Relief for Minimum Court Width and Area (Subtitle I § 207.1). The Project requires relief for two courts: the triangular closed court located along the western property line beginning at the 9th level, labeled “CC-3” on Sheets A-21 and A-23 of the Updated Plans (“**Closed Court 3**”); and the open court located at the northwest end of the building at the 3rd floor, labeled “OC-1” on Pages A-21 and A-22 of the Updated Plans (“**Open Court 1**”). Closed Court 3 has a height of approximately 41 feet along the west wall, resulting in a minimum width requirement of twelve (12) feet, whereas a width of approximately ten (10) feet is provided.² Further, a non-residential closed court’s area is required to be twice the square of the required width or a minimum of 250 square feet. Closed Court 3 has an area of approximately 156 square feet and therefore requires relief for both its width and area dimensions. Open Court 1 has a height of approximately 63 feet, six (6) inches, resulting in a minimum width requirement of approximately thirteen (13) feet, three (3) inches, whereas a width of approximately ten (10) feet, ten and 5/8 (10 5/8) inches is provided, as shown on Pages A-21 and A-22 of the Updated Plans. The requested court relief is also largely necessitated by the unusual configuration of the Property and building and the need to work within the confines of the legacy systems tied to the existing building.

Closed Court 3 is a result of the existing building’s structural grid, which does not include the column support necessary to infill Closed Court 3’s unusual and difficult

² Pursuant to Subtitle B § 322.4, for irregular courts such as Closed Court 3 and Open Court 1, the width of the court is measured as the diameter of the largest circle that can be inscribed within the court.

angular recess in the building mass. While closing this court would be preferable from the standpoint of maximizing the building square footage and efficiency, extending the building envelope to fill this unoccupied corner of the Property would require installing cost-prohibitive structural accommodations, including reinforcement of, and modification to, existing columns along with the addition of beams. We also note that a non-conforming closed court already exists in this location for the eight floors of the existing building.

For Open Court 1, which begins at the 3rd floor, the practical difficulty associated with meeting the minimum required width is also largely based on the structural challenges presented by the existing structure. Specifically, Open Court 1 is bound by the vertical plane of the existing facade and the property line. Complying with the court dimension standards would require relocating the existing building facade along the entirety of Open Court 1. In addition to the practical difficulty introduced by removing an existing portion of the building (i.e., pushing it back from the court), the relocation of the facade would be practically infeasible because the building's structural supports are located along the facade at this location. Though the building skin is being removed and replaced, the columns for the existing building located along the slab edge and are not being removed. As such, there is no way to pull the building facade back to create a compliant width to Open Court 1 while also retaining the existing structure. The only method of achieving the required open court dimensions would involve demolition of several full column bays of floors 1-8 in the existing building and the construction of new separately-supported structure in its place less than two (2) foot offset from the original facade location. Such an undertaking would be tremendously complicated, expensive, and disruptive (particularly for the 1143 New Hampshire neighbor). Further, as discussed in the initial statement, stepping the building back farther from the property line would create difficulties for the building design and for the activation of public space. All of these structural and design challenges constitute a practical difficulty justifying relief. We also note that a non-conforming open court already exists in this location for the eight floors of the existing building. In fact, as shown on Page A-21 of the Updated Set, Open Court 1 introduces a reduced degree of non-conformity versus the court that it is replacing.

- Variance Relief for Minimum Clearance for Loading (Subtitle C § 905.2). The Project requires relief from the minimum fourteen (14) foot vertical clearance requirement for loading berths in order to provide a minimum clearance of twelve (12) feet, five (5) inches for the two existing and new third proposed loading berths, as shown on Page A-19 of the Updated Plans. As discussed in the initial statement, the Project will bring the Property closer to full compliance with loading requirements by adding a third loading berth, as required by the office space requirements. It is not feasible to increase the height of the loading berths because such height results from a significant transfer beam that stretches for the entire approximately 56-foot span of the loading docks and the garage entrances. This transfer beam and the associated existing overhead slab cannot be lifted or removed, and thus the Project must work within this constraint. Accordingly, strict adherence to the minimum fourteen (14) foot clearance requirement for loading

berths is practically difficult. We also note that the loading facilities are being significantly enhanced through the Project by leveling the current severe slope of the existing loading berths within the building and by introducing a new, level loading platform to service such area.

As discussed in the initial statement, the requested relief may be granted without any detriment to the public good or zone plan, just as the Board previously concluded for the similar project approved in 2007 in BZA Order No. 17696. The requested relief will permit the proposed renovation and rehabilitation of the existing dated and aging structure. The Property is a highly prominent corner location at a three-way intersection and is zoned for the type of high-density development proposed by the Project. Accordingly, the Project will not impair the intent, purpose and integrity of the zone plan but rather create substantial positive benefits to the public good.

For all the reasons discussed in the initial application statement and further set forth above, the application meets the standards for the requested special exception and variance relief.

II. Updated Plans

As noted above, the Updated Plans attached as Exhibit A reflect modifications to the design since the initial application was filed. These revisions include, among other things, adjustments to the 11th floor footprint and, specifically, expansion of the southwest corner of this floor to bring the building wall westward (and further into the 45-degree MU-zone setback area) such that this wall is now flush with the adjacent 11th floor mechanical screen wall. This adjustment was made due to difficulties related to the support infrastructure due to the lack of existing structural columns underneath the previously proposed location of the wall. The Updated Plans also reflect more precisely the extent of other building areas previously shown that are within the MU-10 Zone setback area than were identified in the original application materials.

III. Government Agency and Community Outreach

The Applicant has conducted substantial outreach with government agency staff to review the Project and receive feedback, including meeting with the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Urban Forestry Administration (“UFA”), and Department of Consumer and Regulatory Affairs (“DCRA”) to review the Project. Many of these discussions have been particularly focused on the Project’s relationship with the adjacent public space and how to maximize the Project’s positive impact on the surrounding streetscape and neighborhood. The Applicant anticipates continuing these discussions and appreciates the time and ideas of the many agencies already involved.

In addition, the Applicant has continued its engagement with the community and surrounding property owners and will be presenting to Advisory Neighborhood Commission (“ANC”) 2A at its public meeting on the date of this filing, September 16, 2020.

