

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: September 26, 2024

SUBJECT: Modification Without Hearing – BZA Case 20291C (2100 M Street, NW) to permit the renovation and expansion of an existing office building into a 400-unit Apartment House with first floor retail.

I. RECOMMENDATION:

The Office of Planning (OP) recommends that the requested Modification without Hearing be **approved**, with the following previously approved but reduced area variance relief:

- 45° Setback Plane, Subtitle I § 201.6, pursuant to Subtitle X § 1000 (an addition to an existing building shall be set within a 45 degree plane starting at 90 feet abutting an MU-10 zone).

II. BACKGROUND / PREVIOUS APPROVALS

BZA Case 17696 (2007) – expansion of an existing office building with ground floor retail by adding three floors of office space to a height of 130 feet, and a penthouse. Relief granted under ZR-58 for the following:

- Variance – 45 degree height setback requirement (1709.20)
- Variance – van and compact car space requirements (2115.8 and 2115.4)
- Variance – Loading platform and space height requirements (2201.7, 2201.6)
- Special Exception – Roof structure setback (400.2)
- Parking space requirements (2108.2)

BZA Case 20291 (2020) - new application for the renovation and expansion of the existing office building, again by adding three stories of office space to a height of 130 feet plus a penthouse. Subject to traffic and loading management plans, the Board granted the following relief:

- Variance – 45 degree height setback requirement (I § 201.6)
- Variance – Court requirements (I § 201.6)
- Variance – Loading berth requirements (I § 201.6)
- Special Exception – Penthouse setback requirement (I § 201.6)

BZA Case 20291A (2022) - two year time extension approved.

BZA Case 20291B (current) - the applicant is requested a second time extension, for which OP will provide a recommendation and analysis in a separate report.

In BZA Case 20291C, the subject application, the applicant is requesting a Modification Without Hearing to convert the building from office to residential and ground floor retail (uses permitted by right), with 12 floors (permitted by right) and a height of 130 feet (permitted by right and consistent with previous approvals in 17696 and 20291). Vehicle parking would be reduced, but would remain in excess of the zoning parking requirement so no parking relief would be required. **Previously**

approved relief from courts, loading berth, and penthouse setback requirements would no longer be required as the proposed renovations would be consistent with the zoning requirements. The only form of relief that would be area variance relief from the 45 degree height setback requirement of I § 201.6, and the application states that the amount of relief required is significantly less than what has previously been approved.

As such, OP concurs that this proposal can be considered a Modification Without Hearing, as the modifications to the building are by-right and do not result in new or expanded relief from the zoning regulations beyond what was originally approved.

III. DESCRIPTION OF APPROVED BZA CASE AND MODIFICATION

| | |
|-------------------------------|---|
| Applicant | Goulston & Storrs on behalf of 2100 M Street Property Owner LLC |
| Address | 2100 M Street, NW |
| Legal Description | Square 72, Lot 75 |
| Ward, ANC | Ward 2, ANC 2A |
| Zone | D-5, high density mixed use downtown zone. |
| Lot Characteristics | Irregularly shaped lot consisting of 41,196 sq. ft. of land area with New Hampshire Avenue NW and M Street NW to the north with 21 st Street NW to the east. |
| Case 17696 | To construct a three story and penthouse addition to an existing 8 story office building which required relief under ZR58. Approved relief included Special Exceptions for Penthouse setbacks and parking space requirements.; and Area Variances to loading berth and height, van and compact parking requirements, and the 45-degree setback from neighboring property. |
| Case 20291 | To construct a three story and penthouse addition to the existing 8 story office building which required relief under ZR16. Approved relief included Special Exceptions for Penthouse setbacks; and Area Variance relief from court, loading berth, and the 45-degree height setback requirements. |
| Case 20291A | First two-year time extension granted until October 21, 2024. |
| Case 20291B | A requested Second two-year time extension until October 21, 2026, was submitted in tandem with this application. OP review of this request is provided in a separate report for that case. |
| Case 20291C - Current Request | Modification of a BZA case to permit the renovation and expansion of an existing office building as a 400-unit Apartment House with first floor retail. |

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

| D-5 Zone | Regulation | Existing | Proposed ¹ | Relief |
|---|---|--|---|-----------------------------|
| Lot Width | No requirement | Not provided | No change | None required |
| Lot Area | No requirement | 41,196 sq. ft. | No change | None required |
| Height I § 540.1 | 130 ft. max. for right-of-way greater than or equal to 110 ft. in | 90 ft.; previous proposals included additions to 130 ft. in height | 130 ft. | None required |
| 45° Setback Plane I § 201.6(b) | No vertical expansion shall project beyond a 45-degree setback plane starting at 90 ft. abutting an MU-10 zone | Relief from this provision approved in original case | Relief altered but reduced in scale² | Area Variance Relief |
| <i>Penthouse Side Setbacks</i> C § 1502.1(c) | <i>11th Floor Mechanical equipment and screen wall shall be set back 1:1 or 16 ft. 4 in.</i> | <i>Approved penthouse would not provide the 1:1 setback</i> | 1:1 Setback | <i>No Longer Requested</i> |
| | <i>Penthouse Elevator Core shall be set back 1:1 or 35 ft. 1 in.</i> | | | |
| Floor Area Ratio I § 539.1(b) | 6.5 max. for non-residential FAR | 6.5 | 0.68 non-residential FAR | None required |
| Lot Occupancy I § 202.1 | 100% max. | 88.9% | 100% | None required |
| Rear Yard B § 318.8 & I § 205.4 | For a corner lot, a court may be provided in lieu of a rear yard. | 45 ft. measured from center line of 21 st Street, NW | Not provided | None required |
| Open Court I § 207.1 | Res. OC Min. Width: 4 in. per ft. in height; or 10 ft. min. Res. OC Min Area: No requirement | <i>Previous approval included court relief</i> | <u>OC3</u> Height: 20 ft. 8 in. Width: 29 ft. 10 in. <u>OC4</u> Height: 21 ft. 8 in. Width: 36 ft. | <i>No Longer Requested</i> |

¹ Provided by the applicant.

² As shown in Exhibit #2E, pg. A-17, the total amount of cubic area in need of relief has been reduced.

| D-5 Zone | Regulation | Existing | Proposed¹ | Relief |
|---|--|---|--|--------------------------------|
| Closed Court I § 207.1 | Res. CC Min. Width: 4 in. per ft. in height; or 15 ft. min. Res. CC Min. Area: Twice the width squared; or 350 sq. ft. min. | <u>Existing CC1</u> Height: 73 ft. Width: 21 ft. 3 in. Area: 1,382 sq. ft. | <u>New CC1</u> Height: 91 ft. 2 in. Width: 21 ft. Area: 1,794 sq. ft. <u>CC2</u> Height: 70 ft. 6 in. Width: 29 ft. 10 in. Area: 2947 sq. ft. | <i>No Longer Requested</i> |
| Loading Berth Vertical Clearance C § 905.2 | 14 ft. min vertical clearance | Two berths each 12 ft. 5 in. – 18 ft. 5 in. | One berth with 14 ft. vertical clearance | <i>No Longer Requested</i> |
| Parking C § 701.5 | 1 per 3 dwelling units in excess of 4 units (132 spaces); and 1.33 per 1000 sq. ft. of retail in excess of 3000 sq. ft. (23 spaces) | 271 spaces | 178 spaces | None required |
| Bicycle Parking C § 802.1 | Short Term: 1 per 20 dwelling units (20 spaces); and 1 per 3500 sq. ft. of retail (6 spaces). Long Term: 1 per 3 dwelling units (133 spaces); and 1 per 10,000 sq. ft. retail (2 spaces). | N/A | Short Term: 26 spaces Long Term: 135 spaces | None required |

V. EVALUATION OF THE MODIFICATION WITHOUT HEARING REQUEST

703.7 For the purposes of this section, “a modification without hearing” is a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. Determination that a modification can be approved without witness testimony is within the Board’s discretion.

In this case, the requested modification would allow the previously approved expansion of an existing office building to instead move forward as an Apartment House with first floor retail, uses permitted within this zone. Originally approved under ZC58 (Case 17696) this proposal maintained its intent to expand the existing building when evaluated under the Zoning Regulations of 2016 (Case 20291).

Since then, the applicant has struggled to obtain funding for the project due to the culmination of factors which have led to the downturn in the market for Office Uses. To accommodate the redevelopment instead as a largely residential use, the applicant has revised the approved architectural and site plans. In doing so, three of the four previously approved areas of relief have been removed. The remaining area of relief, I § 201.6, would

now only result in an approximately 60% reduction from the amount of relief previously approved - 63,225 cubic feet of building beyond the MU-10 zoning setback, compared to 154,883 cubic feet approved in 20291.

Although the application's proposed use has changed, this modification does not result in new or expanded relief from the zoning regulations beyond what was originally approved, would require fewer areas of relief, and the remaining relief has been significantly reduced. As such, OP is not opposed.

VI. OTHER DISTRICT AGENCIES

As of the date of this report, no other agency comments had been filed to the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, there are no comments from ANC 2A filed to the record.

VIII. COMMUNITY COMMENTS TO DATE

As of the date of this report, no community comments had been filed to the record.