

February 19, 2020

Via IZIS and Hand Delivery

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: **Zoning Commission Case No. 17-05B: Modification of Significance of Order No. 17-05 and 17-05A for 2121 First Street SW (Square 613, Lot 10) (“Property”) – Supplemental Submission**

Dear Chairperson Hood:

On October 4, 2019, 2100 2nd Street SW LLC (the “**Owner**” or “**Applicant**”) submitted the above-referenced application for a modification of significance of Order Nos. 17-05 and 17-05A (together, the “**Orders**”) for the addition of a temporary lodging use and a use variance to allow lodging in the 100-year flood plain (the “**Modification**”). On December 16, 2019, the Zoning Commission postponed the public hearing on the Modification and requested that the Office of Planning (“**OP**”) review the necessity of 11-C DCMR §1102.4(h), the provision prohibiting lodging use within the 100-year flood plain, as a zoning regulation. The Commission delayed action on the Modification until OP had time to review the provision.

On January 24, 2020, OP filed a text amendment application to amend the Zoning Regulations in Case 20-01 to allow lodging and other uses within the 100-year flood plain as a special exception. The Commission set down the text amendment for a public hearing, which is scheduled for March 16th. The Applicant would like to supplement the record to explain how the Modification meets the special exception standards proposed by OP.

Flood Proofing Background

As background, the Orders approved adaptive reuse of the existing building for a mixed-use project with ground floor retail and residential uses above at the Property (the “**Project**”). A critical component of the Project has been the floodproofing plan (the “**Plan**”). The Plan was developed in coordination with the Department of Energy and Environment (“**DOEE**”) both during the design review process and during the subsequent code modification. The Plan was approved by DOEE as part of the code modification for the mixed-use building within the 100-year flood plain.

The Plan consists of several structural components in the building, including the elevation of utilities and utilizing flood resistant construction materials. Additionally, the Plan includes deployable barrier that will be installed during a flood event. This AquaFence barrier is a dry floodproofing method designed to keep water away from the building. Additionally, the Plan includes building-wide warnings and evacuation procedures in a flood event to ensure all residents and staff leave the building.

As part of the Modification, the Applicant has updated the Plan to address the lodging use proposed by WhyHotel. Details of the Plan are included in Exhibit A, the Flood Protection Plan drawings, which includes the Evacuation Plan on page 3, and Exhibit B, the Emergency Action Plan (“**EAP**”) and Operations and Maintenance Plan (“**O&M Plan**”). The EAP details the protocols for evacuation of the building during a flood event.

Special Exception Standards

The Modification meets the special exception standards outlined in the proposed 11-C DCMR §1102.5, as set forth below.

- (a) *The application shall include an analysis that provides the following:*
- (1) *A site plan showing floodplain boundaries and base flood elevations for the property that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;*
 - (2) *A description of how the project has been designed to meet applicable flood resistant design and construction standards that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;*
 - (3) *An evacuation plan that describes the manner in which the property would be safely evacuated before or during the course of a one hundred (100)-year flood event; and*
 - (4) *A description of how of the proposed use would not result in any adverse impacts to the health or safety for the project’s occupants or users due to the proposed use’s location in the floodplain; and*

Included with this letter are the approved floodproofing plans for the project, attached as Exhibit A. These plans include a site plan showing the floodplain boundaries and a description of the flood resistant design and construction. The evacuation plan for the Project is included on Page 3 of Exhibit A. Additionally, attached as Exhibit B are the EAP and O&M Plan. The EAP also details the evacuation protocols in the event of a flood. These two plans were originally prepared as part of the floodproofing plans that were approved as part of the Code Modification for the Project and have been updated to address the lodging use.

The Plan, as detailed above, is designed so that the Project will not result in any adverse impact to the health or safety of the Project’s occupants or users. The lodging use has been

integrated into the Plan and the same protections for residents and staff will apply to lodging guests. These protections include advanced warnings and inclusion in the evacuation plan. Further, the lodging units are all located well above the 500-year floodplain, on the 4th and 5th floors. Therefore, the Applicant has provided all of the required information for a special exception to allow lodging at the Project and demonstrated that the proposed lodging use will not adversely impact the Project's occupants due to the detailed Plan.

(b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211:

(1) District Department of Energy and Environment (DOEE);

(2) District of Columbia Fire and Emergency Medical Service Department (FEMS);

(3) Metropolitan Police Department (MPD); and

(4) The District of Columbia Homeland Security and Emergency Management Agency (HSEMA).

The Applicant met with DOEE prior to submitting the Modification and DOEE indicated, as noted in OP's report in the record at Exhibit 10, that DOEE has already approved the Plan and had no comment on the intended use. By virtue of this letter, the Applicant requests that the Office of Zoning officially refer this application to all of the agencies required under this section for their review.

General Special Exception Standards

In addition to the specific requirements noted above, there are two general special exception standards an applicant must meet. The Applicant's original Modification filing addressed how the Modification meets these standards. To reiterate, to obtain a special exception, an applicant must demonstrate that the project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and that it will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. As noted above, the Modification is consistent with the Zoning Regulations and Zoning Map applicable to the Property as it will help ensure the success of the Project approved by the Commission. Further, the Modification meets the special exception standards outlined in the proposed text amendment. The Modification's purpose is to support and encourage the success of the Project rather than redefine the Project.

Additionally, the Modification will not adversely affect the use of neighboring properties. First, the properties nearby that are being developed are used for similar mixed-use retail and residential projects. In fact, the Modification will bring people to this growing, but yet underdeveloped, neighborhood and support new projects as they come online in this area, including Peninsula 88 and 1900 Half Street. WhyHotel guests will help establish the critical

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mass necessary for successful retail and residential uses not only this Project, but other nearby projects. Therefore, the Modification satisfies the general special exception requirements.

The Applicant looks forward to presenting the Modification to the Commission at the upcoming public hearing on April 6, 2020.

Respectfully Submitted,

_____/s/_____
Christine Roddy

_____/s/_____
Meghan Hottel-Cox

Certificate of Service

I hereby certify that I sent the foregoing document to the addresses below on February 19, 2020, by first class mail and hand delivery.

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/s/
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