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**VIA IZIS**

D.C. Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W.  
Suite 200-S  
Washington, D.C. 20001

Re: **BZA Case No. 20303 – Government Properties Income Trust LLC (the “Applicant”) Application to the Board of Zoning Adjustment for Special Exception Relief at 20 Massachusetts Avenue NW (Square 626, Lot 78) (the “Property”) – Applicant’s Pre-Hearing Submission**

Dear Chairperson Hill and Members of the Board:

On May 7, 2020, the Applicant submitted an application for (i) a special exception pursuant to the Capitol Security Sub-Area requirements of Subtitle I, Section 605.6 to expand the existing building on the Property to a height in excess of 90 feet, and (ii) a special exception pursuant to the penthouse use requirements of Subtitle C, Section 1500.3(c) to authorize rooftop eating and drinking uses (collectively, the “**Requested Relief**”).

In connection with the Requested Relief, the Applicant intends to redevelop the existing office building on the Property. The redevelopment will result in a 110-foot building containing a mix of office, hotel, and ground floor retail/restaurant uses, with below-grade parking and a rooftop event space (the “**Project**”). The Applicant will also enhance the surrounding public space.

The District of Columbia Board of Zoning Adjustment (the “**Board**”) is scheduled to hold a public hearing to consider the Requested Relief on November 4, 2020. In advance of the upcoming public hearing, the Applicant submits this pre-hearing statement to provide the Board with additional and updated materials regarding the application and to apprise the Board of the Applicant’s community engagement since filing the application.

In summary, the Applicant proposes minor design revisions, all of which ensure that the Requested Relief satisfies the applicable standard of review. Notably, the habitable portions of the Project’s penthouse, which serve the Project’s hotel and office functions as a conference and event space, are expected to contribute approximately \$890,000 to the affordable housing production trust fund. In addition, ANCs 6C and 6E both voted to support the Requested Relief, subject to one condition on rooftop use, described below. Finally, the Applicant understands that the Architect of the Capitol (“**AOC**”) will provide written comments to the Board before the hearing.

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20303  
EXHIBIT NO.32

## **I. Design Revisions and Updated Plans**

Attached as **Exhibit A** are a revised set of plans (“**Revised Plans**”) depicting the Project. These Revised Plans are partially in response to comments from the Office of Planning (“**OP**”) and Advisory Neighborhood Commission (“**ANC**”) 6C and partially the result of the Project’s evolution. The Revised Plans provide more information about the Project’s exterior materials in order to differentiate the hotel, office, and retail uses of the Project.

The Applicant calls the Board’s attention to the following sets of relatively minor design revisions pertaining to the Requested Relief:

- A. **Revised Embellishments**: A shading structure previously shown on the Project’s east façade has been revised relative to the features shown in the original submission. Consistent with comments from representatives of ANC 6C, the trellis embellishment above the top of the building at the Project’s hotel entrance has been removed.
- B. **Penthouse Façade Color**: The color of the cladding on the mechanical penthouse is now depicted as a darker grey relative to the originally proposed off-white color. See sheets 18-19 of the Revised Plans.
- C. **Penthouse Level Plan**: As shown on sheets 12-13 of the Revised Plans, the terrace on the penthouse-level has changed slightly. The terrace extends further to the west on the north side of the building and has been reduced on the south side of the building. The penthouse level trellis on the south side of the penthouse has also been shortened to correspond to the respective reduction in terrace area.
- D. **Penthouse Roof Plan**: The extent of the green roof area on the penthouse roof has been adjusted slightly and a concrete curb has been added to satisfy wind uplift requirements. A building skylight now includes a modest slope. See the Revised Plans, sheets 12-14.

In addition to the above design revisions, OP and ANC 6C requested additional study of and explanation for certain design decisions. The Applicant provides the following responses:

- E. **Façade Materials**: OP requested additional “conceptual clarity” in terms of cladding and use of materials to differentiate the uses within the Project.

The Project’s exterior expression balances two conditions. First, the Project’s cladding and materials respond to and are compatible with the Property’s signature location along Massachusetts Avenue, NW, an important L’Enfant Plan urban diagonal. Second, the exterior responds to the Project’s unique programmatic requirements.

The Project’s proportional delineation of its façades blends a contemporary interpretation of traditional, classical architectural layering principles. More specifically, the Project offers a tri-partite horizontal delineation, with a base, middle

and top to create an integral composition befitting the Property's location along an important L'Enfant Plan diagonal.

The Project's exterior delineation into three components reflects the three sets of uses within the building and provides program-specific wayfinding. The entrances to the Project's hotel, office, and retail/restaurant functions are each separately identified with specific urban-scale appropriate elements and by contrasts in material colors.

*Hotel:* The Project's exterior specially marks the hotel entry point. The north façade of the Project features a cascading ornamental element from the top of the building to a fold at the building base that terminates as the porte-cochere over the hotel entry. The scale of this proposed feature and its warm, contrasting color serve as a strong visual marker for visitors and hotel guests, guiding them to their destination from afar.

*Office:* The office entry points are visually tied with a wrap-around canopy-ornamental projection feature. The office entry feature is intended to be more visually significant at a much closer viewpoint than the element signifying the hotel entry. In this way, the office entry is more typical of its programmatic function as a signifier to office workers familiar with the building's overall location but who rely on the office entry visual elements to distinguish the Project's other uses.

*Retail:* Finally, the retail/restaurant uses reflect the Property's important location in the District's fabric. Along the primary Massachusetts Avenue, NW frontage, the two-story, retail base features a high degree of transparency. The retail level transitions to a single-story expression along F Street, NW. The Project's sequence of curated experiences along the entire building perimeter offers opportunities for visually seamless indoor-outdoor interaction and creates connectivity between the entries.

Returning to the tri-partite concept, the Project's middle section includes terracotta framing and metal fin bays, an approach that provides contextually nuanced and scale-appropriate articulation of the building massing. The Project's overall massing is crowned with a much lighter, more streamlined and sculptural building top that offers a fitting view corridor termination both at daylight and during the evening hours.

- F. *Atrium:* The Project includes a large atrium at the west end of the building with a glass sky light at the top. The Project also includes a smaller internal atrium with no skylight in its eastern core. OP asked for additional information regarding the function and purpose of the eastern atrium, which has no skylight. See sheet 15 of the Revised Plans.

At the mezzanine level above the ground floor retail, the east atrium is a lounge space for hotel guests. The ceiling finish features back lit panels that provide a unique experience emulating daylight.

- G. Environmental Performance: ANC 6C and OP each asked about design decisions related to environmental conditions. In sum, the Project does not create any adverse exterior environmental conditions and optimizes environmental performance.

*Exterior Conditions*: ANC 6C questioned whether the Project would cause sun glare back onto F Street, NW. The Applicant studied this condition and determined that the Project is unlikely to create any adverse solar glare for two reasons. First, existing high-rise buildings share the Property's frontages to the south along F Street, NW and to the west along an alley. As a result, the Project does not receive direct solar radiation on west and south-west facades for any extended period of time in a way that would adversely affect the street level. Second, the Project avoids the use of any highly reflective glazing such as mirrored glass or tinted glass. Instead, the Project employs high performance, low-e, clear to almost clear glazing. The Project also avoids an all-glass façade. Instead, the Project is articulated with the use of earthy, textured terracotta panels, neutral tones of opaque glazing, and textured to matte finished metal panels all of which minimize and mute solar glare back into the street.

*Interior Conditions*: The Applicant's design team also performed solar and daylight analyses to study how light enters through the Project. Potential interior solar hotspot areas were identified at the south-east and east facades, and at levels 9 and 10 on south facade. Interior window shading is provided at each floor level to provide occupant comfort. The design team also ran energy simulations for the Project with specialized software to optimize interior conditions.

- H. Mechanical Penthouse Height: Representatives from ANC 6C asked the Applicant to study reducing the height of the mechanical penthouse. The Applicant studied the components within such penthouse along with the requirements for penthouse screening and height uniformity under Subtitle C, Chapter 15 and concluded that the height of the mechanical penthouse cannot reasonably be reduced.

## **II. The Requested Relief Satisfies the Relevant Standards of Review**

The Project requires two areas of relief: (i) a special exception for a vertical addition above 90 feet on a building within the Capitol Security Sub-Area, and (ii) a special exception for rooftop eating and drinking establishment use. As set forth in the Applicant's initial filing and summarized again here, the Project satisfies the relevant standards of review.

With respect to the Capitol Security Sub-Area special exception, the Applicant must show that the Project (a) is compatible with present and proposed development of the neighborhood, (b) is consistent with the goals and mandates of the Capitol Master Plan, (c) does not present a security risk to the grounds of the Capitol, (d) is in harmony with the general purpose and intent of the Zoning Regulations, and (e) is unlikely to tend to adversely affect the use of neighboring property. The latter two requirements also apply to any eating and drinking establishment uses in the Project's penthouse.

The Project readily satisfies these five elements: (a) the Project is compatible with the neighborhood's use and form given the other mixed-use, 100-foot plus tall buildings in the vicinity of the Property and the Property's designation as high-density commercial; (b)-(c) the Applicant does not foresee the AOC raising concerns about the Project's compatibility with the Capitol Master Plan or any security risks in light of the Applicant's outreach to the AOC, as discussed below; (d) the Project is in harmony with the purpose and substance of the Zoning Regulations, requiring no dimensional relief; and (e) the Project will not adversely affect any neighboring property, especially in light of ANC 6C's requested rooftop use condition, detailed below.

### **III. Penthouse Habitable Space and Affordable Housing Contribution**

OP also asked for additional information about the proposed uses in the Project's penthouse. The Applicant proposes to construct an approximately 14,554-square foot habitable penthouse. The habitable penthouse is currently intended primarily to serve hotel and office users within the building as event and/or conference space plus uses ordinarily accessory thereto. The Applicant expects there will be catered events and other events involving food and beverage service and potentially bar service. Although there is no plan for a separate restaurant in the penthouse, the Applicant would like to preserve that option for the future.

To control access to the rooftop space, the Applicant does not expect that the rooftop event space will be open generally to members of the public, and expects that access to the rooftop will be actively and securely controlled by the Project's property management team.

The Applicant estimates that the Project's habitable penthouse will generate a contribution to the Housing Trust Fund in the amount of approximately \$890,000.00, with the exact amount to be determined in accordance with the requirements set forth in the Zoning Regulations.

### **IV. Engagement with ANC 6C and 6E and Proposed Condition**

The Applicant also met with and received approval from both ANC 6C and ANC 6E.<sup>1</sup> Both ANCs voted to recommend approval of the application.

More specifically, at its September 2020 meeting ANC 6C asked questions addressed above regarding the Project's design. ANC 6C also requested that the Project be subject to the condition that amplified live music not be played or projected from the Project's rooftop terrace. As a result, the Applicant agrees that the following be a condition of any order approving the Requested Relief:

*“The Applicant shall not permit the use of any outdoor amplification device that plays or projects music from the Project's rooftop terrace.”*

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<sup>1</sup> 11 DCMR Subtitle Y § 101.8 defines “Affected Advisory Neighborhood Commission” to include an ANC that is directly across the street from the property that is the subject of an application. Massachusetts Avenue is the dividing line between ANC 6C and 6E. Thus, ANC 6E is an “affected ANC” in this application.

On October 6, 2020, ANC 6E also voted to recommend approval of the application. ANC 6E expressed general concerns about individuals experiencing homelessness and living in encampments within Ward 6. ANC 6E commissioners asked the Applicant what steps it would take to ensure that the Property's reconfigured public spaces do not create potential adverse effects with respect to individuals or groups of people experiencing homelessness. Although the Project's public space improvements are not part of the Requested Relief, the Applicant confirmed that it intended to have 24/7 property management at the Project and active management of the Project by valets and other employees at the ground level.

**V. Outreach to the Architect of the Capitol**

The Applicant has engaged in significant outreach to the AOC in order to obtain any comments from the AOC in accordance with Subtitle I, Section 605.8. The Applicant first contacted the AOC on March 3, 2020 and hosted a site visit on the Property with representatives of the AOC, the United States Capitol Police, and the Senate Sergeant at Arms on June 3, 2020 in connection with this application. In subsequent e-mail follow up with the AOC over the summer and into the early fall, the AOC declined to provide the Applicant with any specific comments on the Project. However, in a recent e-mail to the Applicant, the AOC indicated that it would submit a letter to the BZA before the public hearing for the Requested Relief.

**VI. Exhibits**

The following exhibits are attached:

**Exhibit A** – Revised Plans

**Exhibit B** – Resumes of Proposed Expert Witnesses: Irena Savakova and Tim Duffy of Leo A Daly Architects and Dan Van Pelt of Gorove/Slade and Outlines of Testimony

**VII. Conclusion**

If you have any questions or if you would like a hard copy of the enclosed materials, please contact the undersigned at (202) 721-1127. Thank you for your consideration of this application.

Respectfully Submitted,

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/s/  
John T. Epting

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/s/  
David A. Lewis

Enclosures

CC: Valerie L. Hasberry, Chief Security Officer, Architect of the Capitol (*via e-mail only*  
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## Certificate of Service

The undersigned hereby certifies that copies of the foregoing documents were delivered by electronic mail to the following addresses on October 14, 2020.

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/s/  
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