

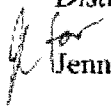
GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING

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**MEMORANDUM –**

**TO:** District of Columbia Zoning Commission  
**FROM:**  Jennifer Steingasser, Deputy Director  
**DATE:** October 5, 2007  
**SUBJECT:** Setdown Report for Z.C. 07-21  
2213 M Street, N.W.  
Consolidated Planned Unit Development

DC OFFICE OF ZONING  
2007 OCT -5 PM 2:04

**I. SUMMARY RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission set down for a Public Hearing Case #07-21, 2213 M Street, N.W. as a consolidated PUD application. Additional information and clarification needed before or at a public hearing is noted *in italics* in this report.

**II. APPLICATION-IN-BRIEF**

**Location:** Square 50, Lots 82, 84, 813, 816  
Ward 2, ANC 2A

**Applicant:** Per Star M Street Partners, LLC; 2213 M Street Limited Partners

**Current Zoning:** CR

**Proposed Project:** The applicant has applied for a PUD under Chapter 24 of 11 DCMR. The proposed project would be a new hotel with approximately 182 rooms, restaurant and other retail space and below-grade parking. The building would rise 110 feet; include approximately 124,196 square feet of gross floor area, 70 underground parking spaces and have an 8.0 FAR. The applicant has revised the design of the façade above the roof level since the original submission.

**Zoning Relief:** The applicant is seeking relief from the following sections of 11 DCMR:

- §633.1, in order to devote less than 10% of the ground floor area to public space.
- §636.1, in order to not have a rear yard on a corner lot,
- §639, in order to have two to three roof structures, with less than a 1:1 setback;
- §2117.4 in order to permit elevators rather than ramps for parking accessibility

CASE NO.

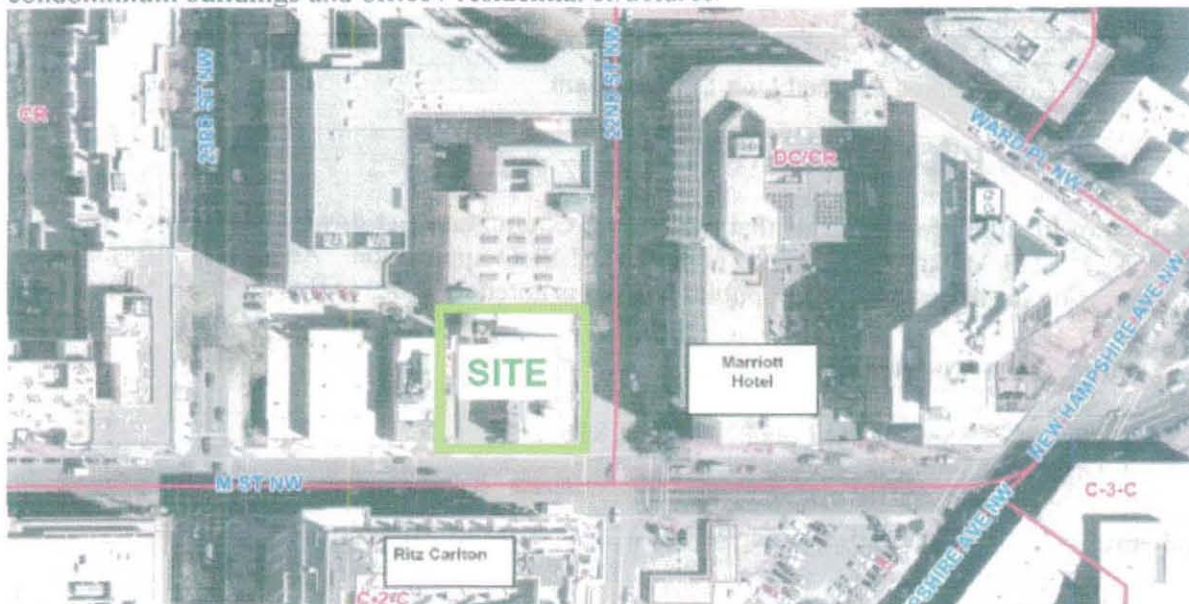
07-21

EXHIBIT NO.

14

### III. SITE AND AREA DESCRIPTION

The property is on the northwest corner of the intersection of M and 22<sup>nd</sup> Streets in the West End area of Northwest Washington. The site is currently occupied by the vacant former Nigerian Embassy and Chancery. It is part of Square 50, which is bounded by M, N, 22<sup>nd</sup> and 23<sup>rd</sup> Streets. The West End is a formerly industrial area that was rezoned in the 1970's to encourage mixed use development. The neighborhood has a high concentration of hotel uses. Although the zone requires that non-residential uses comprise no more than 3.0 FAR for each development, hotels are considered as residential uses for the purposes of calculating FAR in the CR zone. There are eight hotels within two blocks of the proposed hotel's site. Other buildings include apartment/condominium buildings and office / residential structures.



Metrorail's Dupont and Farragut North Red Line stations are located approximately six blocks to the east; the Blue/Orange Line's Foggy Bottom station is four blocks to the south. Georgetown begins seven blocks to the west.

### III. PROJECT DESCRIPTION

The applicant wishes to secure approval to build a new 110-foot high, 182-room luxury-branded hotel, with a restaurant and spa open to the public. It would have approximately 124,196 square feet of gfa, 70 elevator-accessed parking spaces and have an 8.0 FAR.

The design of the building is modernist, as modified by environmentally progressive elements.

At the ground level the building is, in plan, essentially a large square with a small square cut-out of the northwest corner to allow for loading. The remainder of the first floor contains the 22<sup>nd</sup> Street parking entrance for 70 underground spaces (off of 22<sup>nd</sup> Street) lobby, restaurants and other publicly-accessible spaces. The less-formal restaurant and bar open directly onto the street.

via French-type doors. At the second level the shape becomes an L, with an open air garden and cafe in a larger portion of the northwest corner. Guest rooms comprise the rest of the second level. From the third floor up, the buildings is a simple L containing guest rooms.

When the application was submitted the façade's design included a row of 18'6" tall transparent panels that risen above the roof and that shielded the flowering trees shown in the landscape plan.. This façade was re-designed very quickly after OP expressed concern about the height. *The design of the upper portion of the façade, and the survivability of the illustrated roof-top trees, warrant additional study.*

One of the principle objectives driving the building's design is environmental stewardship. Accordingly, the developer proposes to incorporate several environmentally progressive design elements and to secure LEED certification. These include: extensive use of daylight for lighting the building interior, and automatic controls for artificial lighting; a ventilated double-skin façade; extensive solar panels for hot water; harvesting of rainwater for internal re-use, and use of roof-top pool water for fire sprinklers; dual-flush toilets; grey-water re-use, and an atrium that will promote vertical air circulation and, through use of vegetated walls, air filtration. There is a double layer curtain wall system that has been employed elsewhere for several years that, through air circulation, helps to moderate temperatures and reduce needs for heating and cooling. The floor plan is organized around large atria intended to be vertical botanical gardens that will filter air and bring light and greenery to the first floor and the corridors on other floors. The building will employ dual fresh and grey water systems. The edge of the 12th floor on the 22<sup>nd</sup> Street and M Street sides will have an intensive green roof. The remainder of that level will have a significant amount of landscaped recreational area. At level 13, almost all of the roofing for the mechanical penthouses will be covered with solar devices collecting water and heating it for use in the building. These features are illustrated and described in greater detail on sheets A.21 through A.26 of the application. This will be the first hotel in the District striving for LEED certification.

#### **IV. COMPREHENSIVE PLAN**

##### **A. Future Land Use Map**

The applicant's property is designated for mixed-use High Density Residential/Medium Density Commercial. Hotels are considered residential uses in the CR zone. Therefore, the project's 7.96 FAR is consistent with the Future Land Use Map designation.

##### **B. Written Elements**

The Comprehensive Plan (the Plan) has sections covering city-wide policies and actions, as well as sections covering particular geographic areas of the District.

The PUD would be consistent with several of the Plan's guiding principles:

- Guiding and Managing Growth The hotel would be built along major corridors in a densely built area of the city intended for additional high-density uses. It would not require significant new public infrastructure or services.

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##### **B. Written Elements**

The Comprehensive Plan (the Plan) has sections covering city-wide policies and actions, as well as sections covering particular geographic areas of the District.

The PUD would be consistent with several of the Plan's guiding principles:

- Guiding and Managing Growth. The hotel would be built along major corridors in a densely built area of the city intended for additional high-density uses. It would not require significant new public infrastructure or services.

- Creating Successful Neighborhoods. The West End neighborhood is in need of uses that activate its streets and that are welcoming to the public. The proposed hotel would have its principal corner wrapped by a café intended to be open to the street during temperate weather. If operated as described by the applicant, the lobby lounges, café and 2<sup>nd</sup> level gardens would be amenities for the neighborhood.
- Building Green and Healthy Communities. This would be one of the building's strongest elements. As described above, the many "green" elements of the design would promote environmental sustainability.

Among the several policies of the Land Use Element the proposal would further are 2.2.3, which encourages the removal of vacant and abandoned buildings, and 2.2.4, which encourages neighborhood beautification, which would be furthered by the building's landscaping and public space improvements.

With respect to the Transportation Element, the hotel would incorporate bicycle racks and showers for hotel employees and guests; preferred parking for hybrid/alternative-fuel vehicles and the purchase of alternative-fuel cars for rental by hotel guests, and for hotel business use.

As noted above, the PUD would significantly promote the policies contained in the Environmental Protection Element most notably 2.2.1, Energy Efficiency; 2.2.4, Alternative Energy Sources; 3.1.2, Using Landscaping and Green Roofs to Reduce Runoff; and, 3.1.3, Green Engineering.

The new construction and long-term jobs, taxes, expansion of the hospitality, tourism and convention industry, spending by guests in new hotel rooms, and out-of-town interest that the very environmentally progressive building would draw will all contribute to the furtherance of the policies of the Economic Development Plan.

## **V. ZONING**

The site is zoned CR, which encourages mixed use structures on the periphery of the Central Employment Area, at up to high density levels. A PUD is permitted 8.0 FAR and 110 feet of height in the CR district. At least 4.0 FAR must be residential, which includes hotel uses in this zone district. This application complies with these regulations. Table 1, on the next page, outlines the application's degree of compliance with other zoning regulations.

**Table 1: 2213 M St., NW --Comparison of Matter of Right and PUD Requirements with Proposed Development and Relief Requested or Required**

Item	11DCMR Sec.	CR MOR	CR PUD	Proposed PUD	Relief
Lot Area	2401.1	n/a	15,000	15,590	Conforms
Building Height	630 2405.1	90'	110'	110'	Conforms
FAR	631 2405.2	6.0 ≤ 3.0 FAR commercial	8.0 ≤ 4.0 FAR commercial	7.96 Hotels (counts as res FAR in this CR area)	Conforms
Lot Occupancy	634	100%	100%	90%	Conforms
Public Space	633	10% @ grid level	10% @ ground level	0.0%	Requested
Rear Yard	634	3 in./ft. of height; ≥ 12'	Same i.e. 27'5"	0.0 feet	Requested
Side Yard	405	none required, but if provided, 3"/ft. ≥ 8'	Same	None	Conform
Open Court Width	638.1	IF provided, 2.5"/ft. of height; ≥ 6'	Same 22'11"	45'	Conforms
Closed Court Width & Area	638.1	IF provided, Width: 2.5"/ft. of height but ≥ 12'. Area=2 x (req W <sup>2</sup> )	Width same. i.e. 22.9 feet Area: 2 (req W <sup>2</sup> ) i.e. 1,048.82 square feet	Width: 45 feet Area: 1,350 sf	Conforms
Roof Structure Height	411	18'6"	18'6"	18'6"	Conforms
# of Roof Struc Enclosures	411	1	1	2 or 3	Requested
Roof Struc Setback		1:1	1:1	1:1 in front 1/3:1 in ewe	Requested
# Parking Spaces	2101.1	1 space/ 4 hotel rooms	46 spaces	70 spaces	Conforms
Parking Access	2117.4 .6	Drive aisles	required	Uses elevators, not ramps and aisles	Requested
Loading	2201.1	1 12'x30' berth 1 12'x20' loading space; 1 220 sf loading platform	same	1 12'x30' berth; 1 12'x20' loading space; 1 220 sf loading platform	Conforms

The applicant has requested the relief from the following zoning regulations:

- **§636.1: Rear Yard Requirement.** Although the applicant will have a ground floor loading area and a 2,750 open court beginning at the second level, the proposed design does not contain a rear yard. This is a corner site, in an area where the continuity of the street wall and the development of as many active street- facing uses as possible are important. Providing a rear yard would results in a 27'6" gap between buildings on either M Street or 22<sup>nd</sup> Street. The 2<sup>nd</sup> level open court will reduce shadowing on the rear of nearby structures. The green elements of the building will more than compensate for the loss of what would otherwise most likely be an impervious rear yard. In OP's opinion, the urban



design contributions of this PUD justify the requested relief from the rear yard requirements, while the landscaped courtyard, and the stated degree of public access to that feature, meet the intent of the zoning regulation.

- §629: Roof Structure Requirements The applicant has asked for relief to construct what appear to be either two or three roof structures, rather than the one permitted by the zoning regulations. Each would be 18'6" and finished with the same materials. Relief would permit more light to reach the building's L-shaped atrium/vertical garden. The promotion of such an environmental element would mitigate the impact of having multiple roof structures. New roof plan drawings were submitted after the original application. *The number of roof structures will require clarifications.*

The applicant is also asking for relief from the 1:1 setback required for roof structures from the outside walls. The amount of regular mechanical and of solar hot water equipment requires the applicant to use the full 37% of the allowable roof area for the roof structures. The applicant states that it would not be possible to do this and achieve the 1:1 setback on both the principal facades and those in the rear. Therefore the applicant is asking for 12'6" of roof structure setback relief in the rear of the building.

- §2117.4 Parking Accessibility Requirement Parking spaces are required to be accessible at all times via unobstructed driveways or ramps. The applicant proposes using vehicle elevators and valets to access the otherwise zoning-compliant parking spaces.
- §633 Ground Level Public Space Requirement The ground level development in the CR zone is required to provide "the equivalent of ten percent" of the total lot area for public space. It is to be adjacent to the main entrance, open to the public on a continuous basis and open to the sky or have a minimum vertical clearance of 10 feet. The applicant has asked for complete relief from this. In lieu of the open space, the applicant is proposing to locate the principal café on the building's prime corner, design it to be open to the street when weather permits; encourage public use of the lobby, lounges, garden and other facilities on the ground floor and second levels; and, make the roof deck open to the public. OP has suggested additional measures to the applicant that would mitigate the absence of the required public space and promote public education about the building's environmentally sustainable elements. Such a program might include lobby brochures about the building's design and educational wall plaques at the location of the "green" features throughout the public areas. It may also help to mitigate the relief requested from this section of the zoning regulations. *The applicant will need to give these publicly-oriented measures additional consideration.*

## **VI. PROJECT IMPACTS, PUBLIC BENEFITS AND AMENITIES**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is "designed to encourage high quality developments that provide public benefits." Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

#### **A. Project Impacts**

The PUD standards state that the "impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project" (§2403.3). OP believes that the project will have an overall positive impact on the neighborhood and the District, but the additional information and/or evaluation will be needed for some matters. These include:

1. Review of Traffic Impact by DDOT. The applicant has submitted a transportation impact study for which, the applicant states, the District Department of Transportation (DDOT) was consulted. Nevertheless *OP will be looking to DDOT for its written evaluation of the acceptability of the proposed curb cuts and entry area, as well as turning movements and backup for the elevator-accessed garage parking garage during the evening peak hours on one-way northbound 22<sup>nd</sup> Street.*
2. Study of and Refinement of the Ground Floor Façade.
  - a. The applicant should *provide illustrations of the relationship between the ground floor façade design of the proposed hotel and adjacent building ground floors.* These should concentrate on how the solidity of the proposed ground floor, which will be at the property line for a significant part of its frontage, relates to any setbacks or arcade-like spaces of adjacent buildings
  - b. The applicant should give *additional study to the appearance of the opaque parts of the ground floor walls.* As proposed, some sections of the brick walls lack sufficient details to make for a pleasant pedestrian experience.

#### **B. Public Benefits and Amenities**

Sections 2403.5 - 2403.13 of the Zoning Regulations describe the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that "the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." To assist in the evaluation, the applicant is required to describe amenities and benefits, and to "show how the public benefits offered are superior in quality and quantity to typical development of the type proposed." (§2403.12).

The amenities proposed by this project are significant. The hotel would provide for a healthier, more environmentally responsible, and literally green environment than any other hotel now provides in the District.

The applicant has listed several areas which it feels contribute towards their amenities.

1. Enhanced Urban Design, Architecture, Landscaping and Open Spaces (§2403.9(a))  
Aspects of these qualities have been discussed above and constitute both amenities and public benefits. This project could be one of the most notable contemporary buildings in the city, not only because it would be "green" but also because of its exceptionally high quality of architectural design. The hotel's "green" elements and its exceptional design would have

positive benefits for those working in and staying at the hotel, and for the surrounding neighborhood.

2. Environmental Benefits (§2403.9 (b)) These have been described above. In addition to a healthier, more sustainable environment for hotel employees and guests, this project would have a smaller impact on water consumption and runoff, electricity usage, and possibly air pollution than a comparably-sized standard hotel. This benefits the environment, the health of the District's citizens, and, potentially, future tax and utility rates.

3. First Source Employment Agreement and Local, Small and Disadvantaged Business Enterprises (§2403.9(j))

4. Other Community Benefits and Amenities

The applicant sent a memorandum to OP on September 21 listing the following proposed community amenities/benefits that it is proposing as a result of input received at meetings with member of ANC 2A, the Foggy Bottom Association, and the West End Citizens Association. The total amount of the direct contributions for specific projects would be \$246,000,

\$146,000 to ANC 2A for:

- 3 segmented public benches;
- 10 replacement street trees;
- Three tree box fencing installations, and landscaping of additional tree boxes;
- New Washington Globe streetlights adjacent to the project, subject to DDOT approval

\$103,500 to the following groups for the specified projects or services:

- \$35,000 towards the renovation of St. Mary's Church on 23rd Street, NW;
- \$60,000 for the Foggy Bottom Association's "Arts in Foggy Bottom" program;
- \$8,500 to Iris Miller for contractual landscape architecture services in conjunction with some of the above projects.

The proposed amenities and public benefits are sufficient for setdown. However, *the applicant will need to supply additional information on a definitive amenity and public benefits package, and on procedures and agreements to ensure its execution.* OP will provide a more thorough analysis of the amenities and public benefits package at that time.

## VII. AGENCY REFERRALS

If this application is set down for a public hearing, the Office of Planning will refer it to the following District government agencies for review and comment:

- Department of Employment Services (DOES);
- Department of Public Works (DPW);
- Department of Transportation (DDOT);
- DC Water and Sewer Authority (WASA);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD); and
- Department of the Environment.

## **VIII. COMMUNITY COMMENTS**

The applicant has discussed the project with members of the ANC and other citizen groups. Neither the ANC nor other groups have yet taken a position on the application.

## **X. RECOMMENDATION**

The Office of Planning recommends that this application be set down for public hearing. The proposal is consistent with goals and objectives of the Comprehensive Plan. It would redevelop an under-utilized property in the West End, and set a high benchmark for environmentally progressive development in the District.

JLS/slc