



MEMORANDUM –

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TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JS} Deputy Director, Development Review and Historic Preservation

DATE: July 15, 2011

SUBJECT: Setdown Report for Z.C. 07-21 B
Major Modification to an Approved Consolidated Planned Unit Development
2201 M Street, N.W. (formerly known as 2213 M Street, NW)

I. SUMMARY RECOMMENDATION

PerStar M Street Partners LLC has applied for approval of major modifications to the design of a hotel, with restaurant, approved for construction as a Consolidated PUD at 2213 M Street, NW. The PUD approval became effective June 27, 2008 and was extended another two years effective June 27, 2010. The proposed modifications are generally consistent with the approved PUD.

OP recommends that the Zoning Commission **set down** Application 07-21B for a public hearing.



II. APPLICATION-IN-BRIEF

Location: The Applicant now refers to the address as 2201, M Street, NW, rather than 2213 M Street.
Legal Address: Square 50, Lots 82, 84, 813, 816; **Ward 2, ANC 2A** **Zoning:** CR

Proposed Project and Requested Modifications: The applicant desires to build a hotel of approximately the same square footage and height as the approved PUD, but requests the following modifications:



- Increase the number of hotel rooms from the approved 170 to a maximum of 238;
- Decrease the approved height by three feet;
- Substantially change the façade design, within the same modernist idiom
- Substitute a marginally different design for the approved ground floor lobby, bar and restaurant and second level terrace that are intended to compensate for not meeting the CR's publicly accessible open space requirement;
- Eliminate the publicly accessible roof garden and substitute a private open-air pool.
- Increase the FAR from the approved 7.84 to 7.99;
- § 2101.1 relief - Increase the required relief from the mandatory parking minimum;
- §§ 411 and 609 relief - Increase the relief needed for roof structure setbacks at the rear of the building;
- §§ 411 and 609 relief - Eliminate the need for relief from the single roof structure enclosure requirement;

The requested modifications are within the range of changes the Zoning Commission has accepted as major modifications in previous cases, such as Capper-Carrollsbury PUD Order 03-12F/03-13F, Washington Gateway Order 06-14C, and the recent 1444 Irving Street PUD for Highland Park, ZC 07-02B.

III. SITE AND AREA DESCRIPTION

The property is at the northwest corner of the intersection of M and 22nd Streets in the West End area of Northwest Washington. It is part of Square 50, which is bounded by M, N, 22nd and 23rd Streets. Formerly the location of the Nigerian Embassy and Chancery, the site was cleared after PUD approval.

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 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. MODIFIED PROJECT DESCRIPTION

The approved PUD gives the applicant permission to build a new 110-foot high, 182-room luxury-branded hotel, with a restaurant and second level terrace open to the public. It was to have had approximately 124,196 square feet of gfa, 42 elevator-accessed parking spaces and an FAR of 7.84

The modified project would be a 107-foot high, 230-room business-branded hotel with a publicly accessible ground level restaurant and second level terrace. It would have 124,479 square feet of gfa, 37 ramp-accessible valet-parked parking spaces and an FAR of 7.99.

The façade design has changed significantly, while maintaining a modernist idiom. This is illustrated in the drawings attached to this report that compare the approved and proposed designs from similar viewpoints.

IV. COMPREHENSIVE PLAN

The Commission found the approved PUD to be not inconsistent with the Comprehensive Plan, in particular the Future Land Use Map's designation of the site for mixed-use High Density Residential/Medium Density Commercial and several policies in the Comprehensive Plan's Citywide and Area Elements. Hotels are considered residential uses in the CR zone.

The requested modifications would not affect the PUD's previously determined relationship to the Comprehensive 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. The proposed modification application complies with these regulations.

The applicant requests the following modified or new changes to the PUD's zoning relief.

- §636.1: Rear Yard Requirement: No change from approved relief:
- §629: Roof Structure Requirements: The applicant received relief to construct three roof structures, rather than the one permitted by the zoning regulations. The modification proposes the construction of a roof structure with one enclosure. The previously approved relief would no longer be required.

The applicant had also received 12'6" of relief from the 1:1 setback required for roof structures from the outside walls. The applicant is now seeking an increase in that relief to 17' 6", proposing to provide one foot of setback from the side and rear lot lines, which do not face streets.

- §633 Ground Level Public Space Requirements: 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 have a minimum vertical clearance of 10 feet. The applicant received complete relief from this. In lieu of the open space, the approved PUD was to locate a restaurant 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, make the roof deck open to the public and promote public education about the building's environmentally sustainable elements.

The proposed modification would contain all of the alternate features, albeit without a publicly accessible roof deck - which would be replaced by an outdoor rooftop pool reserved for hotel guests -- and with the approved 3855 square foot restaurant being resized to 3662 square feet.

- §2117.4 Parking Accessibility Requirement: Regulations require parking spaces to be accessible at all times via unobstructed driveways or ramps. The Commission had granted relief for the applicant to use vehicle elevators and valets to access the otherwise zoning-compliant parking spaces. The modified application would re-instate the traditional ramps and would no longer require this relief.

- § 2115.3 Maximum Number of Compact Spaces: Regulations permit no more than 40% of the required number of parking spaces to be compact spaces. The applicant had previously received relief to provide 52% compact parking and is now requesting expanded relief to provide 66% of the required spaces as compact spaces. *OP will look to DDOT's opinion on the requested relief if the modification is set down.*
- §2201.1 Loading: Because the proposed number of hotel rooms would exceed 200, the modified proposal would require greater loading facilities than had been required in the approved under-200-room PUD. The applicant had not requested loading relief for the approved PUD, but is requesting relief from the additional 55-foot long berth and 200 square foot platform required for an over-200 room hotel. *OP will look to DDOT's opinion on the requested relief if the modification is set down*

Table 1 indicates in more detail the application's degree of compliance with zoning regulations and compares the approved proposal with the requested modification. *Italicized items* had been given relief in the approved PUD but would not require relief under the revised application. **Bolded items** would still require relief, the degree of which may have changed.

Table 1: Matter of Right & PUD Requirements for MOR, Approved & Requested Modified PUD

Item	11 DCMR Sec.	CR MOR	CR PUD	Approved PUD	Modified Requirement, if Different	Modified PUD Request	Relief Required for Modified PUD Request
Lot Area	2401.1	n/a	15,000	15,590	--	15,590	Conforms
Building Height	630 2405.1	90'	110'	110'	--	107'	Conforms
FAR	631 2405.2	6.0 ≤ 3.0 FAR commercial	8.0 ≤ 4.0 FAR commercial	7.84 approved by ZC 1.6% increase to 7.97 approved by ZA (Hotel rooms count as res. FAR in CR)...	--	7.99	Conforms
Lot Occupancy	634	100%	100%	90%	--	100%	Conforms
Public Space	633	10% @ grnd. Level (1559 SF)	10% @ ground level	Relief for 0.0%	--	0.0%	100% Requested (previously approved)
Rear Yard	634	3 in./ft. of height; ≥ 12'	Same i.e., 27'5"	Relief for 0.0 feet	26'0"	0.0 feet	100% Requested (previously approved)
Side Yard	405	none required, but if provided, 3"/ft., ≥ 8'	Same	None		none	Conforms
Open Court Width	638.1	IF provided, 2.5"/per/ft. of height; ≥ 6'	Same 22'11"	45'	22'6"	40'6"	Conforms
Roof Structure Height.	411, 629	18'6"	18'6"	18'6"		18' 6"	Conforms
Number of Roof Structure Enclosures.	"	1	1	<i>Relief for 3</i>	<i>1</i>		<i>Relief No Longer Needed</i>

Item	11 DCMR Sec.	CR MOR	CR PUD	Approved PUD	Modified Requirement, if Different	Modified PUD Request	Relief Required for Modified PUD Request
Roof Struc. Setback	“	1:1	1:1	1:1 from 22 nd and M Streets, in front; Relief for 1/3:1 from court		1:1 from 22 nd & M Sts.; 1/18:1 from northwest, non-street-facing corner of building	Greater relief requested than previously approved
Roof Structure FAR	“	≤ 37% of gross lot	≤ 37% of gross lot	≤ 37%		36.5%	Conforms
Min. # Parking Spaces	2101.1	1 space/ 4 hotel rooms’	37-43 spaces	Relief for 42 max.zoning compliant spaces. 29 other spaces 71 total	68	37 compliant 16 stacked 53 total	Greater Relief Requested
Max. # Compact Spaces	2115.3	≤ 40% of required spaces	≤ 40% of required spaces	Relief for 52%		66 %	Greater Relief Requested
<i>Parking Access</i>	2117.4 - .6	Drive aisles	required	<i>Relief to Use elevators, not ramps and aisles</i>	<i>Has ramps</i>	<i>None requested</i>	<i>Complies</i>
Bicycle Parking	2119.1	0	0	0		15	Complies
Loading	2201.1	Berth:1 @12’x30’ Space: 1 @ 12’x20’ Platform 1 @ 220 sf	same	Berth: 1 @ 12’ x 30’ Space: 1 @ 12’ x 25’ Platform: 1 @ 305 sf	<u>Berths:</u> 1@ 12’x30’; 1@ 12’x55’; <u>Spaces:</u> 1 @ 10’x20’; <u>Platforms:</u> 1 @ 100 sf, 1 @ 200 sf	Provide Berth: 1 @ 12’ x 30’ Space: 1 @ 12’ x 20’ Platform: 1 @ 100 sf Relief from 1 berth @ 12’x55’ 1platform @200 sf	New Relief Requested Requirements changed with increase to more than 200 rooms. Applicant requests relief from increased requirements.

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). In approving the

original PUD the Commission agreed that the project would have an overall positive impact on the neighborhood and the District.

The modified project of the same general uses, size, and parking would have a similarly beneficial impact. The only recently completed construction in the area, the apartment building at the southeast corner of 22nd and M Streets had already been approved for construction when this PUD was previously approved.

For a public hearing, the following additional information will be needed about potential impacts:

- Review of Revised Traffic Impact by DDOT. The applicant has submitted an updated transportation impact study accounting for the proposed increase in the number of hotel rooms and for queuing changes on 22nd Street stemming from the elimination of the vehicular elevator. Curb cuts, parking and loading access would be in the same location as was in the approved PUD.

OP will be looking to DDOT for its written evaluation of the acceptability of the new transportation study and traffic management plan.

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 Commission previously determined that the benefits, amenities and proffers were appropriate for the zoning relief and density increases of the approved PUD.

Community Benefits (§2403.6) The applicant has not proposed any changes to the community benefits and amenities proffers, although it does note that it would be necessary to reprogram funds for the 26th Street dog park if that project does not move ahead. The total amount of the agreed-to direct contributions for specific projects would be \$299,500.

\$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.

\$153,500 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 to the Foggy Bottom Association’s biennial FBA Sculpture Project;
- \$50,000 to a contractor, landscape architect or professional company toward the renovation of the 26th Street dog park;
- \$8,500 to Iris Miller towards development of street landscape standards and street landscaping for the West End neighborhood.

Urban Design, Architecture and Landscape Architecture (§2403.9 (a)): The Commission had previously noted the high quality of the architectural and landscape design as a project benefit.

Environmental Benefits (§2403.9 (h)) The approved project had environmental features that were advanced for the time of its submission in 2007. Technology has advanced in the last four years. Although the building envisioned in the requested modifications does not make the large environmental gestures (e.g., “green” lungs, solar panels) that had been proposed for the earlier version, its iterative environmental features would qualify it for 52 LEED points, making it eligible for LEED Silver if it were to seek certification, which the applicant does not propose, and which the Commission did not require for the approved project.

The modified project would include 6,102 square feet of green roof and 1,594 square feet of landscaping on the second floor terrace that would contribute to stormwater retention; would employ plumbing fixtures that exceed performance standards by 30%; and would use air conditioning condensation for 100% of the project’s landscape irrigation. As detailed on pages 16 and 17 of the applicant’s June 20, 2011 statement, the project’s heating, cooling and lighting are designed to be 16% more efficient than minimum standards; and the applicant anticipates a high percentage of recycling during construction and operations.

New green building requirements will come into effect in 2012, and the District Department of the Environment (DDOE) is likely to propose new stormwater regulations in late 2011 or early 2012. *After setdown the applicant should work with DDOE to address the environmental benefits of the requested modified PUD in relation to the sustainability requirements that will and/or are likely to be in effect at the time a building permit would be sought for a modified project.*

First Source Employment Agreement and Local, Small and Disadvantaged Business Enterprises (§2403.9(j)): The applicant has already executed a First Source Employment Agreement with the Department of Employment Services (DOES) for the anticipated 100 new jobs and has executed a Certified Business Enterprise Utilization Agreement with the Office of Small and Local business Development. These would remain essentially the same, but would be modified to reflect the scope of the modified project.

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. PRELIMINARY COMMUNITY COMMENTS

Notice of the application filing has been circulated by the Office of Zoning. OP has received no comments on the requested modifications at this pre-setdown stage.

X. RECOMMENDATION

The Office of Planning recommends that this application be set down for public hearing. The project, with the requested modifications, is not inconsistent with goals and objectives of the Comprehensive Plan. It would redevelop an under-utilized property in the West End with an attractive and progressive development that has already begun to deliver significant benefits to the neighborhood.

If the request is set down, the applicant should consult with:

- *DDOT about implications of the proposed changes in room counts and parking arrangements;*
- *DDOE about upcoming changes in environmental regulations and consider the benefits and costs of incorporating anticipatory design and building systems changes now.*

Attachments: Comparisons of approved and proposed designs from similar viewpoints

JLS/slc
Stephen Cochran, project manager

ATTACHMENTS: COMPARISON OF APPROVED AND PROPOSED DESIGNS OF 2201 M STREET, NW



APPROVED SCHEME



PROPOSED SCHEME

1. From SE corner of 22nd and M Streets



APPROVED SCHEME



PROPOSED SCHEME

2. 22nd Street Elevation



APPROVED SCHEME



PROPOSED SCHEME

3. M Street Elevation



APPROVED SCHEME



PROPOSED SCHEME

4. Detail of Ground Level at Corner



APPROVED SCHEME



PROPOSED SCHEME

5. Looking East on M Street



APPROVED SCHEME



PROPOSED SCHEME

6. Ground Level Plan

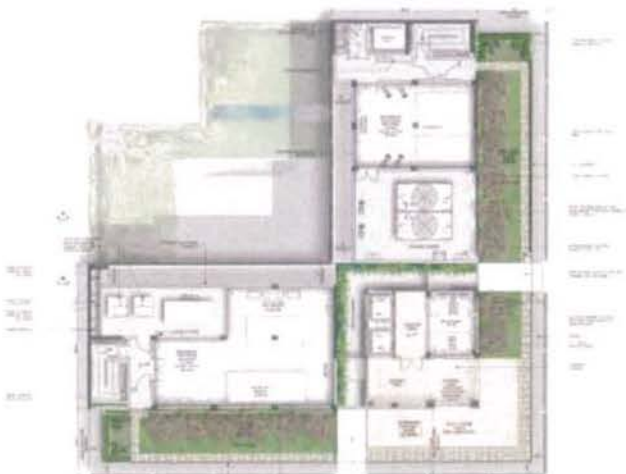


APPROVED SCHEME

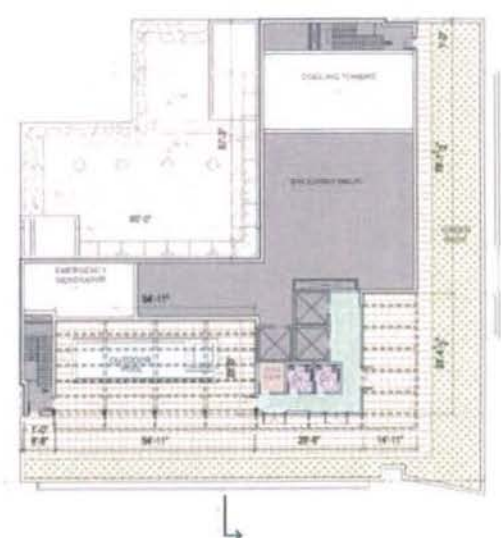


PROPOSED SCHEME

7. Terrace Level Plan



APPROVED SCHEME



PROPOSED SCHEME

8. Roof Level Plan