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MEMORANDUM –

TO: District of Columbia Zoning Commission

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

DATE: October 17, 2011

SUBJECT: Final 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. RECOMMENDATION

The Office of Planning (OP) **recommends** that the Zoning Commission **approve** Application 07-21B, **subject to** the applicant's specifying the product that is intended to result from the proposed reprogramming of \$4,000 of the community benefits package from Ms. Iris Miller to ANC 2A, and including the following applicant-requested adjustments to previously approved relief:

- §§ 411 and 629 (relief to provide multiple roof structure enclosures no longer needed)
- §§ 411 and 629 [to provide a 1/28th to 1, rather than the previously approved 1/3rd to 1, roof structure setback from an exterior wall not facing a street or alley (i.e., a setback of 8 inches rather than 18 feet 6 inches)]
- § 2101.1 (to provide 37 of the now-required 68 parking spaces rather than the previously approved 42 of 43 spaces)
- § 2115.3 (to provide 66% of the required parking spaces as compact spaces, rather than the previously approved 52%, when the matter of right limit is 40%);



Fig. 1. Site Location

ZONING COMMISSION
District of Columbia

CASE NO. 07-21B

EXHIBIT NO. 29



APPLICATION-IN-BRIEF

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 and were set down by the Commission on July 25, 2011.

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-Carrollsborg 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 gross floor area, 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.

As of October 7, 2011 the applicant has requested the following modifications or 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' 4", proposing to provide one foot of setback from the side and rear lot lines, which neither face nor are visible from streets, and 8" of setback from the of the western side property line adjacent also not facing, but visible from, a street and adjacent to a lower existing building.

- §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, except for a publicly accessible roof deck, which would be replaced by an outdoor rooftop pool reserved for hotel guests. The approved 3855 square foot restaurant would be 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. DDOT has indicated to OP that it has no concerns about the new relief request
- §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 providing the additional 55-foot long berth and 200 square foot platform required for an over-200 room hotel. DDOT has indicated no concerns with this relief, but it has indicated to OP that it has concerns that the indirect, multi-elevator internal route for getting goods from the loading dock to the kitchen may encourage trucks with kitchen deliveries to use the M Street for loading, rather than the designated loading dock. The applicant's October 7, 2011 filing includes provisions for a transportation and loading coordinator.

Table 1 indicates in more detail the application's degree of compliance with zoning regulations and compares the approved proposal with the requested modification. With the exception of a two inch reduction in the requested relief for a portion of the roof structure the relief is the same as was requested at set down. *Italicized items* had received 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	633	10% @ grnd.	10% @	Relief for 0.0%	--	0.0%	100%

Item	11 DCMR Sec.	CR MOR	CR PUD	Approved PUD	Modified Require- ment, if Different	Modified PUD Request	Relief Required for Modified PUD Request
Space		Level (1559 SF)	ground level				Requested (previously approved)
Rear Yard	634	3 in./ft. of height; $\geq 12'$	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., $\geq 8'$	Same	None		none	Conforms
Open Court Width	638.1	IF provided, 2.5"/ft. of height; $\geq 6'$	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 Enclo- sures.	"	1	1	Relief for 3	1		Complies. Relief No Longer Needed
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 1/16:1 (8"setback for 18'6"height) from northwest, non-street-facing corner of building	Greater relief requested than previously approved, but 2" less than at setdown
Roof Structure FAR	"	$\leq 37\%$ of gross lot	$\leq 37\%$ of gross lot	$\leq 37\%$		36.5%	Conforms
Min. # Parking Spaces	2101.1	1 space/ 4 hotel rooms'	37-43 spaces 59.52 8.17 17.67	Relief for 42 max.zoning compliant spaces. 29 other spaces 71 total	68 40 272	37 compliant 16 stacked 53 total	Greater Relief Requested
Compact Spaces	2115.3	$\leq 40\%$ of required spaces	$\leq 40\%$ of required spaces	Relief for 52%		66 %	Greater Relief Requested
Parking Access	2117.4 - .6	Drive aisles	required	Relief to Use elevators, not ramps and aisles	Has ramps	None requested	Complies. Relief No Longer Needed
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	Berths: 1 12'x30'; 1@12'x55' Spaces: 1 @ 10'x20'; Platforms: 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. APPLICANT RESPONSE TO MATTERS RAISED BY THE ZONING COMMISSION AND OP

- a. *Design and Setback of Roof Structure:* The applicant has addressed the Commission's concern that design of the wall abutting the west adjacent M Street property exaggerated the impression of the building's height. A comparison of Exhibit A, Sheet A3 of the applicant's October 7, 2011 filing with the same sheet in the applicant's June 20, 2011 filing illustrates the new design changes. They show a clearer contrast between the building block and the roof structure while also distinguishing the service elements of the building from the inhabited areas. The revised design increases the roof structure back from the wall by an additional two inches.
- b. *Relationship Between the Proposed Increase in Hotel Rooms and Decrease in Parking Spaces:* DDOT has indicated to OP that the new ratio would be acceptable.
- c. *Transportation Management and Demand Management Plans, Traffic Signal Relocation and Other Transportation-Related Issues:* In Exhibit E of its June 20, 2011 filing, the applicant provided a preliminary report on these subjects. The applicant supplied DDOT with additional information on September 12, 2011 and in its October 7, 2011 filing with the Commission. DDOT will be filing a report prior to the public hearing and has indicated to OP that the signal relocation can be accomplished through regular public space procedures; that it has concerns about food deliveries potentially occurring from M Street rather than through the loading dock; and that it is continuing to analyze the appropriate location for bus loadings/ unloading.
- d. *Stormwater Impacts:* OP had recommended that the applicant confer with the District Department of the Environment about the potential advantages of increasing the area of the green roof rather in light of the upcoming 2012 increases to stormwater impact fees. The applicant has decided to keep the previously proposed extent of green roof and to work with the new fee structure in place at the time the building begins operation.
- e. *Façade Design and Materials:* At the setdown meeting, the Zoning Commission had asked the applicant to present more information about its choice of façade materials. Since the setdown OP also asked the applicant to clarify the materials choices it showed on Sheets A-14 and A-15 of its June 20, 2011 drawings and encouraged it to choose the higher quality, most durable of the options shown. Sheets A-14 and A-15 of the October 7, 2011 filing indicates that the applicant has chosen the materials that would usually be considered of higher quality and greater durability.
- f. *Job Creation:* In response to the Commission's inquiry, the applicant estimated that the proposed project would generate at least 100 new jobs: 40-45 in hotel operations; 55-65 in restaurant operations; and 6 – 10 in valet operations.
- g. *Ground Floor Retail Use and Design and Integration with Adjacent Public Space:* The Commission requested additional information about the ground floor uses that have been required because of the relief granted from the § 633's requirements for publicly accessible space in the CR zone. The applicant will be following the program originally approved by the Commission for the ground floor, with a public restaurant and lobby bar along M Street, and the southern half of the 22nd street, façade that will have glass doors walls opening to sidewalk cafes if permitted by the Public Space Committee. To further understand the public space concept, it would be beneficial for the applicant to submit a more detailed presentation at the public hearing, including an indication of whether any utility vaults are proposed within the public space.

VII. 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 proposed modification would result in a project of the same general uses, size, and parking. Therefore OP concludes it would have a similar impact.

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.

The applicant has informed OP that members of the community have approached the applicant with proposals for modifying some of the approved benefits. The applicant has stated that it will be asking for permission to redirect its contribution for a dog park from the approved 26th Street, NW location, to an alternative location, and that it will be prepared to discuss this proposed change and possible other change at the public hearing.

Community Benefits (§2403.6) In its original modification application the applicant had not proposed any changes to the community benefits and amenities proffers, although it noted that it would be necessary to reprogram funds for the 26th Street dog park if that project does not move ahead. Tab F of the applicant’s October 7, 2011 filing shows proposed changes to the approved benefits and amenities project, made at the request of members of the community

The original application the Commission approved \$299,400 of direct contributions for specific public benefits and amenities projects. The October 7 changes are shown with strikethrough and italics.

~~\$146,000~~ *\$150,000* 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~~ \$53,500 to a contractor, landscape architect or professional company toward the ~~renovation of the 26th Street~~ construction of a dog park *at the Francis Field on 25th Street, NW between M and N Streets;*
- ~~\$8,500~~ \$1,000 to Iris Miller for her professional services in connection with ~~development of street landscape standards and street landscaping for the West End neighborhood~~ *the original PUD plan.*

The applicant states that Ms. Miller has completed her services and they cost only \$1,000. The applicant proposes to redistribute the remaining \$ 7,500 for the new dog park and to ANC 2A.

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. OP is aware of some community concern that the revised design may not be of as high a quality as what the Commission had previously approved. As noted above, the applicant has revised its proposed materials to specify the higher quality materials previously listed as options on Sheets A 14 and 15.

Environmental Benefits (§2403.9 (h)): The approved project had environmental features that were advanced for the time of its submission in 2007. The applicant has noted that 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, the applicant states that its environmental features would qualify it for 52 LEED points, which would make it eligible for LEED Silver if it were to seek certification. The applicant does not propose to seek certification, and the Commission did not require it for the approved project. By the time this project applies for building permits, however, District regulations will mandate that the building be eligible for this level of certification.

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.

At setdown OP had recommended that the applicant work with the District Department of the Environment (DDOE) to address the environmental benefits of the requested modified PUD in relation to the sustainability requirements that will come into effect in 2012. The applicant has stated that it will be providing the amount of green roof proposed at setdown and will adhere to the regulations in effect at the time it files for its building permit,

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 COMMENTS

The applicant had previously executed a First Source and Certified Business Enterprise agreements with DOES.

DDOE has had contact with the applicant since setdown but will not be issuing a report.

DDOT has had several conversations with the applicant and will be filing a report before the public hearing.

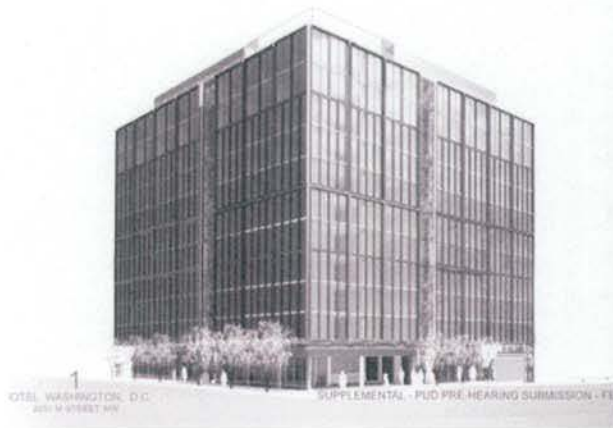
VIII. COMMUNITY COMMENTS

ON September 21, 2011 ANC 2A voted 3-0 with one recusal to provide a “non-objection” in the case “predicated on the applicant agreeing to” Transportation Management Plan, with specific times noted by the ANC for hotel deliveries, the designation of a transportation and loading manager; various design considerations relating to the setbacks from the public space at the corner, the lay-bye and materials and signage considerations; implementation of a construction management plan resolving issues of importance to the residents of 22 West and the Ritz Carlton condominiums; and modifications to the community benefits and amenities package.

JLS/slc
Stephen Cochran, project manager

Attachments: Comparisons of approved and proposed designs from similar viewpoints

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

At Setdown of Proposed Modifications



Revised Proposed Scheme

5. Looking East on M Street

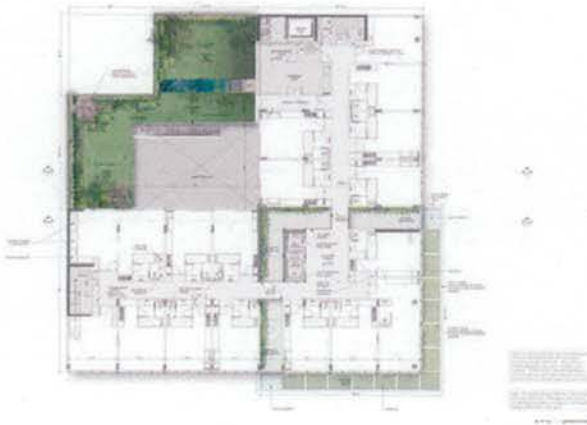


APPROVED SCHEME



PROPOSED SCHEME

6. Ground Level Plan

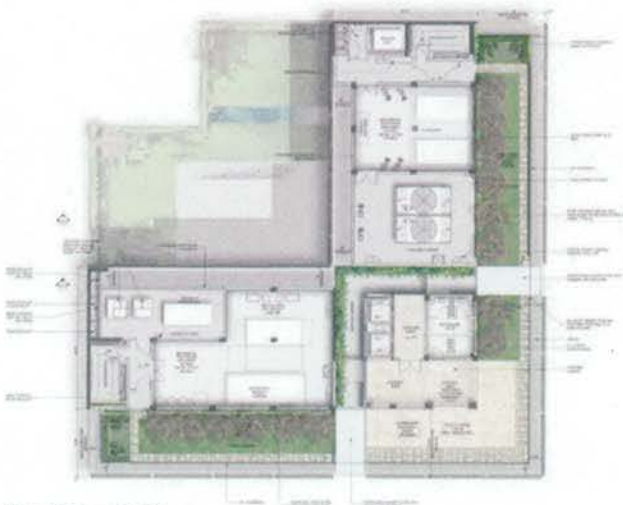


APPROVED SCHEME

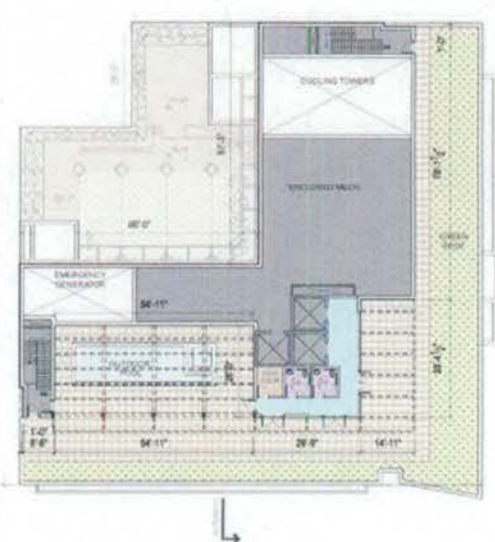


PROPOSED SCHEME

7. Terrace Level Plan



APPROVED SCHEME



PROPOSED SCHEME

8. Roof Level Plan