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

Re: Application for Modifications to PUD ZC Order/Case No. 07-21

Dear Chairman Hood and Members of the Zoning Commission:

Thank you for the opportunity to submit this letter testimony on behalf of the 22 West Condominium (1177 22nd Street, NW, Washington, DC 20037), which sits directly across the street from the proposed Square 50 development project currently under consideration before the Zoning Commission. Completed in 2008, 22 West won the 2009 Residential Architecture Design Award Grand Award for the Best Multifamily Design in the USA. As the 22 West Board of Directors, we care deeply about our community of 80 families as well as our broader West End community.

When the Zoning Commission approved the Planned Unit Development ("PUD") in Square 50 in May 2008 in the above-referenced case, the applicant proposed to build a luxury, boutique hotel using high-quality architectural design and materials that incorporated environmentally progressive "green" building systems and features, as well as committed to providing significant public amenities to the neighborhood. The applicant now proposes to substitute a value-creating, complementary addition to the West End community built to last for generations with a Hilton Garden Inn of a limited life span that will burden its neighbors with a less innovative design, inadequate parking, an undersized loading dock, a nonfunctional lay-by lane and significantly reduced public amenities—none of which is focused on the immediate neighborhood which would bear the brunt of this project. Unfortunately, now that the real estate market has changed since the 2008 PUD approval, the applicant has radically downscaled its plans from luxury flagship caliber to mid-range franchised accommodation. We are deeply disappointed in the substantial changes reflected in this PUD modification application that, as proposed, bears no resemblance to the 2008 project except that it is still a hotel.

We respectfully submit that the Zoning Commission should not burden our community with such an ill-conceived project. We oppose such a major modification to the approved PUD because it is inconsistent with a generation of thoughtful West End development. That

development has focused on high-quality residential structures that are designed and built to last 50-100 years and that have dramatically increased West End property values even in a challenging residential market. Instead, the Commission should disapprove the PUD modification, which would permit the applicant to proceed with development of a project that adds to the long-term value of the West End.

In reviewing the current PUD modification request, it helps to consider the recent history of development in the West End. When the formerly industrial West End was rezoned in the 1974 to encourage mixed-use development, the CR Zone considered hotels as residential use for the purpose of calculating FAR. But as the neighborhood evolved, luxury residential development, both owner-occupied and rental, significantly increased in the immediate vicinity of this proposed project. Signature owner-occupied and rental developments during the last 15 years—including 22 West, the Ritz-Carlton Residences, The Columbia Residences, 2501 Pennsylvania Avenue, and The Avenue at Washington Circle (as well as the forthcoming EastBanc residential projects at the West End Library and West End Fire Station sites) have dramatically improved the West End's long-term housing stock and increased our property values. In light of these successful long-term developments, it simply makes no sense to approve major modifications to a PUD to erect a more transient, mid-level chain hotel that adds no near or long-term value to the neighborhood but instead is likely to have detrimental environmental, economic, social and livability effects on the 80 families of 22 West and our fellow neighbors. With eight hotels already within a two-block radius of the Square 50 site, residential development at the corner of 22nd and M Streets would be far preferable, particularly in light of current and planned residential in the same area, which now has 53% more hotel space than residential space.

The approved PUD was for a 170-room luxury boutique hotel with a maximum density of 7.84 FAR and a gross floor area of no more than 122,235 square feet. The requested modification is for a proposed 230-room mid-level hotel with a density of 7.99 FAR and a gross floor area of 124,479 square feet, including 2,446 square feet of meeting space, and a smaller restaurant with outdoor dining. While this programmatic increase might be consistent with the allowable FAR for a PUD in the CR Zone, the practical result is that the proposed additional square footage of gross floor area is achieved through intrusions into the public realm and results in unacceptable impacts to its immediate neighborhood. As a result of over-programming uses for the site, the project has been transformed from a good neighbor into a neighborhood intrusion. Alarmingly, the current proposal increases the number of rooms by more than 30% while simultaneously *decreasing* the hotel's infrastructure, including 25% less underground parking, a dramatically smaller loading dock, and a half-hearted attempt at a lay-by lane.

Approval of the proposed modification will result in a total of almost 1,000 hotel rooms immediately adjacent to an owner-occupied condominium. There is no similar condition in the West End, where there are three hotels and one luxury condominium at one major intersection. While "hotel corner" at 24th and M Streets (which has existed for nearly 25 years) has three luxury hotels and a luxury rental apartment building, that is a radically different environment. First, 24th Street is not a major arterial street; rather it is a two-way

street that only extends seven blocks from Virginia Avenue to a dead-end at N Street. Second, all three hotels at that location have off-street entrances from 24th Street such as driveways, porte-cocheres or a fully functional lay-by lane. By comparison, there are three major luxury hotels at or near the intersection of 22nd and M Streets, in the immediate vicinity of 22 West. However, unlike the proposed modification, they all have sizable porte-cochere entrances with direct access to their garages and do not rely solely on District right-of-way to provide queuing or garage access. More significantly, 22nd Street is a one-way major arterial street, which connects Virginia Avenue to Massachusetts Avenue and is heavily travelled by through traffic and emergency and law enforcement vehicles. As this Commission may already be aware, 22nd Street serves as a regular thoroughfare for Presidential, Vice Presidential and other dignitary motorcades (including regular foreign heads-of-state, IMF and World Bank visits at the Ritz-Carlton), each of which already causes major congestion at the 22nd and M Street intersection without adding the bus, delivery and guest traffic from a large Hilton Garden Inn that lacks the infrastructure and design to handle it successfully.

As a consequence of those differing conditions, 22 West will be more significantly and uniquely affected than the general population of the West End if the Zoning Commission approves the proposed modification. Moreover, the addition of a lower-quality Hilton Garden Inn would represent a dramatic departure from higher-quality neighborhood residential development efforts in the last decade. Therefore, the Board of Directors of 22 West, A Condominium opposes the proposed modification.

The 22 West Board of Directors has the following specific comments in opposition to the proposed modification:

1. ARCHITECTURE

Façade Elements: Both the M Street and 22nd Street facades are articulated with projections beyond the property line that encroach into the public right of way. While the District of Columbia Building Code permits a wide variety of projections, they are generally viewed as embellishments and not an integral means of augmenting the usable square footage of the structure. In this case, the proposed modification increases the number of guest rooms from 170 rooms to 230 rooms, a more than 30% increase. With that 30% increase, each room necessarily becomes smaller. By articulating 92 feet of the 128-foot M Street façade with a continuous saw-tooth projection three feet into public space, 49 guest rooms have been enlarged beyond what could be achieved within the property line of the site alone. On the 129-foot wide 22nd Street façade, two separate bays, one 13 feet wide and another 50 feet wide, project four feet into the public right-of-way from floors 3 to 9 in order to enlarge 35 rooms. We believe that the extent and number of projections violates the Schedule of Limitations and Provisions Relative to Projections and Encroachments Beyond Building Lines as defined in DCMR, Title 12, Chapter 32A. We do not believe that this appropriation of public space would be necessary if the proposed modification were not seeking to maximize the square footage of, or

sunlight into, the guest rooms of the hotel. This radical incursion into public space provides none of the public benefits contained in the original approval.

Signage:

The October 7, 2011 PUD Modification Submission prepared by Shalom Barones depicts at pages A1 and A2 a "Hilton Garden Inn" sign above the entrance on 22nd Street with a note that the "design, location and dimensions" of the signage is illustrative only and that final signage with comply with D.C. Construction Code requirements. While the illustrative sign may be acceptable, we oppose any signage that is at a different location, larger, vertical, or illuminated from within in the manner of the signs for the Marriott or Embassy Suites on 22nd Street and not made a condition of approval of any PUD.

2. PARKING

The 2008 PUD provided for 71 parking spaces for 170 hotel rooms, or about one space for every 2½ rooms. This parking arrangement occurred only after the developer sought and was granted relief under DCMR § 2101.1 for a minimum number of parking spaces and under DCMR § 2115.3 for a maximum number of compact spaces. The rationale at that time for granting the requested relief was that valet parking would be required for those guests arriving by private vehicles.

The current proposal requests far greater relief: to only provide 53 parking spaces for a hotel of 238 rooms, or about one space for every 4½ rooms. This is plainly insufficient parking for such a large hotel, which under DCMR § 2101.1 should include 68 parking spaces. The evidence for this is the Parking Evaluation prepared by Wells & Associates and contained in the October 7, 2011 Supplemental Prehearing Materials, which shows on page 5 that the hotels selected for comparison average about one parking space for every three hotel rooms. Therefore, we oppose the requested parking relief because we do not believe that the proposal for only 53 spaces is consistent with the approval of the original PUD despite the proposed parking management plan prepared by Propark America and submitted by the applicant on October 7, 2011.

3. LOADING DOCK AND DELIVERY MANAGEMENT

In the proposed PUD Modification, the applicant has requested new relief under DCMR § 2201.1 from the increased loading berth and platform requirements, as a direct result of the increase of the size of the hotel to more than 200 rooms. The currently proposed loading dock is actually smaller than what was approved in 2008 and considerably less than what would be required for a hotel of this size. According to the Office of Planning Setdown Report, the applicant is seeking relief from the additional required loading berth of 12' x 55' and 200 square feet of loading platform space. As a result, the proposed delivery route is so complicated

and the loading dock so undersized that we believe that it is inevitable that deliveries, especially to the restaurant, which will be independently operated, will occur by truckdrivers parking along M Street.

Under the approved PUD, the prior hotel was to be serviced in a straightforward manner. As shown on page A06 of the February 5, 2008 Supplemental PUD Pre-hearing Submission prepared by Oppenheim + Leo A. Daly, the kitchen was situated adjacent to the building's west party wall with a direct corridor connection to the rear loading dock accessed from the alley system of Square 50. The June 20, and October 7, 2011 PUD Modification Submissions prepared by Shalom Barones Associates show at page A5 that the kitchen has been relocated from the west party wall to a more central location adjacent to restaurant and the new meeting rooms and, most critically, without a direct connection to the loading dock. As depicted on page A8 of the PUD Modification Submissions, it appears that food and restaurant supply deliveries must be transported from the loading dock via freight elevator down to level B1, through a circuitous corridor system, and up to a second freight elevator in order to reach the kitchen. Deliveries of supplies for the hotel itself would occur in the same manner.

We are skeptical of the proposal in the October 7, 2011 supplemental prehearing materials to establish a Transportation Coordinator who will: ensure deliveries will be made only to the loading dock; contractually require vendors to utilize 30-foot, single-unit trucks or smaller to make deliveries; ensure deliveries will be made during off-peak hours and ensure that drivers are not idling in the alley while waiting to make deliveries. As a result of the proposed reconfiguration of the relationship of the loading dock to the kitchen/restaurant space, we oppose granting the loading relief in the PUD Modification Applicant because the potential adverse effects on the surrounding area cannot be mitigated without elimination of the meeting rooms, relocation of the kitchen and a return to the direct connection to the loading dock on level 1. We believe this aspect of the proposal is not consistent with the approval of the original PUD.

4. BUS MANAGEMENT PLAN

We are also troubled by the applicant's proposed Bus Management Plan. The Wells + Associates Transportation Management Plan includes a brief section on bus management on page 2, which states that bus groups are not anticipated to account for a significant percentage of the hotel's business and will generally only be accommodated during periods of reduced hotel occupancy at a rate of 3-5 bus groups monthly and only one group at a time. This begs the question: If bus groups will not account for a significant percentage of hotel business and there are only 53 parking spaces for this large hotel, then how will guests get to and from the Hilton Garden Inn? The only logical answer to this question is that the applicant has not contemplated providing adequate infrastructure for the operation of the proposed Hilton Garden Inn. Moreover, bus groups will be advised that the bus drop-off/pick-up will be on M Street, as depicted in figure 3 of the Transportation Management

Plan. Booking bus group tours is a function of hotel marketing and management and has the potential to change dramatically from one hotel manager or marketer to the next. Were bus groups to become regular customers of the hotel, the congestion on M Street caused by their arrival and departure or on 22nd Street, as buses queue to deliver or pick up their passengers is an unacceptable additional impact to this neighborhood. We believe this aspect of hotel operations is beyond the control of the Zoning Commission and is not consistent with the approved PUD.

5. 22nd STREET LAY-BY LANE

Figure 4, Proposed Lay-by Lane Detail, contained in the Wells + Associates letter which is included in the October 7, 2011 Supplemental Prehearing Materials, depicts a 3-foot wide lay-by lane with capacity for approximately three cars and is described as fulfilling changes requested by the District of Columbia Department of Transportation (DDoT) during the original PUD process. One rationale given for the reduced width of the lay-by lane is to provide sufficient sidewalk space for outdoor dining associated with the restaurant. On the contrary, in the approved PUD the lay-by lane as required by DDoT was the equivalent of a full 10-foot wide travel lane and was located substantially north on 22nd Street with an island extending to the curb at the intersection as depicted on Page A-06 of the Oppenheim + Leo A. Daly architectural submission. This configuration was achievable only because the restaurant in the approved PUD did not include any outdoor seasonal dining but had French doors that could be opened during good weather. As a result, the sidewalk extended to its full width from the property line to the curb at the corner of 22nd and M Streets. By comparison, the West End Bistro at the Ritz-Carlton does have seasonal outdoor dining. However, 22nd Street south of M Street is configured as three 10-foot wide travel lanes with full sidewalks on both sides and no lay-by lane because the Ritz Carlton has a substantial port cochere entrance. Thus, outdoor seasonal dining at the West End Bistro has no impact on vehicular use of 22nd Street.

In its modified configuration, this proposed lay-by is completely unworkable because it intrudes into the adjacent 10-foot travel lane by seven feet. The resultant congestion on 22nd Street as through traffic has to squeeze around cars queuing to await hotel valet service will only add to the cumulative congestion on 22nd Street, already burdened at this intersection. Thus, the proposed lay-by is not consistent with the approved PUD.

6. PUBLIC AMENITIES

The approved PUD contemplated a significant and commendable number and quality of public amenities and benefits, including Enhanced Urban Design, Architecture, Landscaping, Environmental Benefits, and Community Benefits valued at approximately \$300,000. Additionally, the operator of the hotel in the approved PUD was to donate 1% of operating profits to local environmental organizations as guided by representatives of the Natural Resources Defense Council. This proposed

PUD modification would significantly reduce positive contributions to the West End in general, and especially to its immediate neighbors because of its lesser architectural quality, detrimental environmental and livability impacts caused by insufficient infrastructure, and the elimination the environmental education amenity. Further, it is unclear from the applicant's Updated List of Proffered Amenities submitted to the Zoning Commission on October 7, 2011, whether the value of the Public Space and Community Benefits remains at \$300,000 or has been reduced to \$150,000. We do not believe that the public amenities proposed under this amended PUD are consistent with those approved by the Zoning Commission in 2008.

Finally, the Board of Directors of 22 West, A Condominium is disappointed that the applicant never provided us with formal notice as DCMR § 3015 requires, despite our being a major property owner located just 180 feet across the street from the proposed development site. In its October 7, 2011 letter of transmission of Supplemental Prehearing Materials, the applicant states that it has worked with the parties and organizational participants to the original PUD hearing to update the proposed amenities in this case. However, the applicant made no attempt to meet with the 22 West Board of Directors or other official 22 West homeowner representatives until last week, more than a month after its representatives became aware of our opposition to the project at the September 21, 2011 meeting of ANC 2A. Therefore, the applicant denied us an opportunity to share our concerns or provide suggestions on potential modifications to the project that might mitigate its harmful impact on the quality of life and economic investment of more than 80 families at 22 West.

For each of the above reasons, the 22 West Board of Directors urges the Zoning Commission to disapprove this proposed major modification, which would permit the Approved Planned Unit Development under ZC Order/case No. 07-21 to proceed. In the alternative, the applicant should consider residential development for the site, which would be more consistent with more than a decade of highly successful West End residential developments, as well as the forthcoming planned residential developments at the West End Library and West End Fire Station.

Again, thank you for the opportunity to express our concerns about this important matter before the District of Columbia Zoning Commission.

Sincerely,


Patrick Chauvin
Vice-President, Board of Directors
22 West, A Condominium


Sally Blumenthal
Owner
22 West, A Condominium