

Good evening Chairman Hood and Members of the Commission. Thank you for the opportunity to explain our objections to this proposal. For the record, I am Sally Blumenthal, a condominium owner at 22 West.

The Commission has as part of the record our October 24 letter, which contains a number of specific comments in opposition. In my testimony, I will only be addressing those aspects which are the most dramatically different from the approved PUD and which result in the most egregious impacts. Our opposition to the building's architectural embellishments, loading dock and lay-by lane all arise because they cause the project to bleed literally and constructively into public space in order to sustain itself.

The applicant's site contains 15,590 square feet, barely above the minimum lot size criteria of 15,000 square feet. That is an area about 20 x 30 feet or roughly the size of this room. The proposed hotel has an increased GFA of about 2,300 square feet. While this increased GFA might be consistent with what is permitted by the zoning regulations, the practical result is because the site has now been over-programmed, the hotel's new functional requirements can only be achieved through various intrusions into the public realm. The 30% increase in the number of rooms from 170 to 238 coupled with a dramatically undersized loading dock and a half-hearted

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District of Columbia
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EXHIBIT NO. 40

attempt at a lay-by lane have transformed the project from a good neighbor into a neighborhood intrusion with unacceptable impacts to its immediate neighbors.

Both the M Street and 22nd Street facades are articulated with projections that significantly encroach into the public right-of-way. While the DC Building Code permits a wide variety of projections, they are generally viewed as architectural embellishments and not an integral means of augmenting the usable square footage of the structure. With a 30% increase in the number of rooms, each room necessarily becomes smaller. Therefore, the applicant has compensated for the reduced room size by manipulating the architecture of the hotel.

Roughly 92 feet of the 128-foot M Street façade from floors 2 to 10 is articulated with a continuous saw-tooth projection 3 feet into public space, enlarging 49 rooms beyond what could be achieved within the site alone. Additionally, 15 feet at the southeast corner of the M Street façade from floors 2 to 10 is articulated with a triangular projection 4 feet into public space, enlarging another 8 rooms beyond the property line. Finally, on the 129-foot wide 22nd Street façade, two separate bays, one 13 feet wide and another 50 feet wide, project 4 feet into public space from floors 3 to 9, enlarging another 35 rooms beyond the property line. Consequently,

50% of the rooms have been enlarged through use of the public right-of-way rather than on property owned by the applicant.

We believe that the extent and number of these projections violates Title 12, Chapter 32A of the DC Building Code. This appropriation of public space would not be necessary if the applicant were not seeking to maximize the square footage of, or sunlight into, the guest rooms of the hotel.

The previously approved hotel and its restaurant were to be serviced in a simple, straightforward manner and no zoning relief was requested for its loading dock. The kitchen was situated adjacent to the west party wall with a direct corridor connection to the rear loading dock accessed from the alley. This back-of-house corridor system also provided direct freight elevator access for goods and supplies moving to the upper floors of the hotel.

In the current proposal, 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 a result, restaurant deliveries must be transported from the loading dock via a freight elevator down to level B1, through a circuitous corridor system, and up via a second freight elevator

in order to reach the kitchen on the ground level. Deliveries for the hotel itself would occur in a similar manner to avoid the delivery of linens through the lobby.

The applicant has requested new zoning relief from the increased loading requirements that result from the increased size of the hotel. 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. As a result, the loading dock is so undersized and proposed delivery route so complicated that it is inevitable that deliveries, especially to the independently operated restaurant, will occur by truck drivers parking along M Street.

We are skeptical that the proposed hotel Transportation Coordinator can ensure deliveries will be made only to the loading dock or can require vendors to use only smaller delivery trucks during off-peak hours and not idle in the alley. With each failure of the transportation coordinator to manage deliveries, the public realm will be the failsafe means of making deliveries and the neighborhood will bear the burden.

We oppose granting the loading relief requested 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.

From curb to curb, 22nd Street is basically configured as three 10-foot wide travel lanes. The applicant proposes a 3-foot wide lay-by lane to fulfill changes requested by the DDoT during the original PUD process. The 3-foot width is now further justified to provide sufficient sidewalk space for seasonal outdoor dining.

By comparison, the West End Bistro at the Ritz-Carlton Hotel has seasonal outdoor dining in public space but it has no impact on vehicular use of 22nd Street. South of M Street a lay-by lane is unnecessary because the Ritz Carlton has a substantial porte cochere entrance.

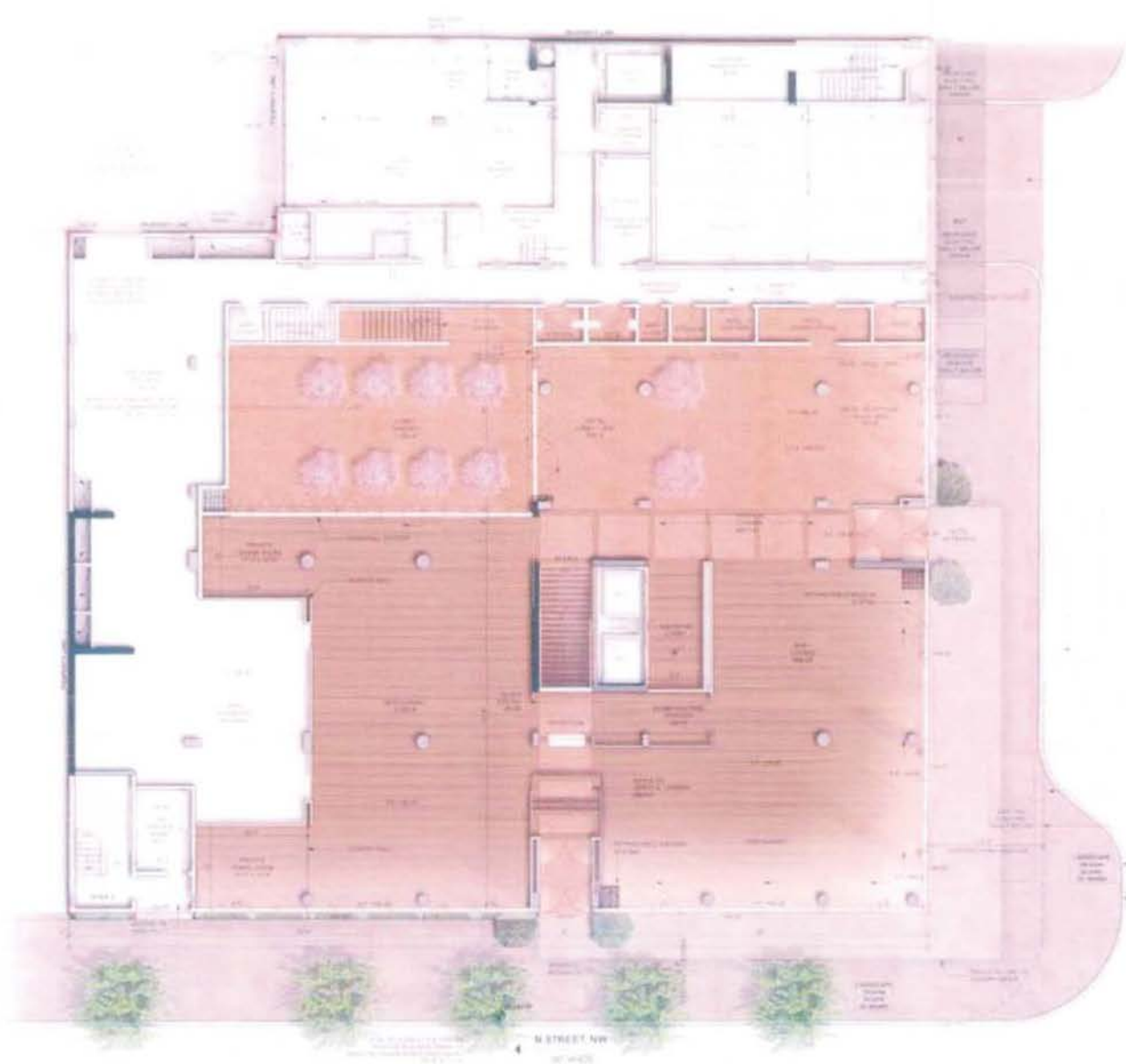
In the original hotel proposal, the lay-by lane was at least 10 feet wide, albeit in several different configurations. The sidewalk extended from the property line to the curb at the corner of 22nd and M Streets and created an island to ensure a fully functional lay-by isolated from the adjacent travel lane. This configuration was possible because the restaurant in the approved PUD did not include seasonal outdoor dining. Just prior to final action by the Commission in 2008, the width of the lay-by lane was apparently reduced at the request of DDoT.

DDoT's rationale -- that a 3-foot lay-by would function as a buffer between vehicles in the lay-by and the adjacent travel lane while eliminating possible attempts to park in it -- is inexplicable. While the 2008 Zoning Order did include this modified configuration, a 3-foot wide lay-by lane is completely unworkable because it intrudes into the adjacent travel lane by 7 feet. The resultant backup on 22nd Street into the intersection as through traffic squeezes around cars queuing in the lay-by can only add to the congestion at an already burdened intersection. I should point out that the Ritz Residences have recently enlarged both of its lay-bys on 23rd Street from 3 feet to 12-15 feet ~~at the request of the city~~ because they caused such a significant impediment to traffic on 23rd Street.

We oppose this half-hearted lay-by because it cannot be mitigated without elimination of the outdoor dining and a return to the 10-foot wide configuration. I would like to submit for the record, copies of Page A06 of the February 2008 Oppenheim + Leo Daly architectural submission, which depicts the kind of mitigation necessary eliminate the impacts of both the loading dock and the lay-by in the current proposal.

In summary, we believe that the radical incursions into public space through the enlargement of 50% of the hotel rooms beyond the property line into the public right-of-way, the unworkable 3-foot wide lay-by lane now only required to permit outdoor dining and the way the undersized loading dock and convoluted delivery system would function, or not function, in the real world, are totally inconsistent with the approved PUD.

We urge the Commission to disapprove this major modification.



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