

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 14, 2016
SUBJECT: BZA 19297- 3000 M Street N.W.

I. BACKGROUND

The subject property was previously approved for redevelopment under BZA 18845 (2014) to permit the conversion of the hotel building (The Latham) with accessory retail into a mixed-use building with 140 residential units and 9,931 square feet of retail space along M Street. The Board's approval included variance relief from the rear yard (§933), parking (§ 2101), and loading (§ 2201) requirements, as well as special exception relief to locate 42 required parking spaces in an off-site location (§2116).

The applicant has now reconsidered the approved development scheme and submitted a new application for the Board's review, similar to the approved design but as a smaller hotel with 82 rooms and expanded accessible ground floor retail, up to 34,000 square feet, which would not be accessory to the hotel use.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

Variance relief from:

- § 770.6 Penthouse Height (15 ft. max. permitted; **18 ft. 2 inches proposed**)
- § 933 Rear Yard (27 feet required; **0 feet proposed**);
- § 2101.1 Parking (149 onsite parking spaces required; **24 spaces proposed**);
- § 2115.5 and 2117 (to provide 8 compact sized parking spaces and reduced drive aisle widths);
- § 2201.1 Loading (1, 55-ft and 30-ft. loading spaces and a 20-ft. delivery space required: **1, 30-ft. loading berth; 1 platform @ 100sf; delivery space not proposed**); and

Special exception relief pursuant to § 411.11 from:

- § 411.18 ((b) and § 777) - screen wall setback – 7 feet required, **0 feet proposed**;
- § 411.18 (b) – mechanical penthouse setback – 18 ft. 2 inches required; **14 feet 2 inches proposed**;
and

Special exception relief per § 411.4 (c) to permit penthouse habitable space (bar/lounge proposed above the 10th floor);

Subject to the conditions agreed to by the applicant in Exhibit 30C of the record.

III. LOCATION AND SITE DESCRIPTION

Address	3000 M Street NW
Legal Description	Square 1197, Lot 70
Ward	2
Lot Characteristics	The lot is rectangular in shape and is approximately 19,728 square feet (sf) in area. There are several grade changes from east to west and from north to south and reflects the steep grade change from the north at M Street to its rear, abutting the National Park Service's property.
Zoning	The lot is spilt-zoned C-2-A and W-1. The hotel building is primarily within the C-2-A zone with about 20 feet of its southern rear elevation projecting into the W-1 zone.
Existing Development	The lot is currently developed with a hotel building known as The Latham.
Historic District	The property is located within the Georgetown Historic District and is within the jurisdiction of the Commission of Fine Arts (CFA) and the Old Georgetown Board (OGB). The property is not an individually designated historic structure.
Adjacent Properties	The property abuts a retail establishment to the west and a seven-story hotel at Thomas Jefferson Street NW. The eastern property line runs along 30 th Street and the National Park Service property abuts the southern property line at the rear.
Surrounding Neighborhood Character	The immediate area consists of a mixture of commercial retail, office, hotel and residential uses. This mix of uses generally extends to the west, south, and east of the property.

IV. APPLICATION –IN- BRIEF

Proposal	The proposal includes renovation of the existing 143-room hotel with 9,931 sf of accessory retail to approximately 82 rooms and 34,050 square feet of retail. The renovation would involve the demolition and redesign of the two-story portion of the hotel, which fronts on M Street for a more contemporary retail frontage. The redesigned interior, as well as a small two-story rear addition for 12 hotel rooms would provide light and additional space to accommodate upgraded hotel amenities and expanded retail, as described in the applicant's submission (Exhibit 4). Twenty-four valet spaces would be provided on the first level below grade (accessed via an elevator off 30 th Street). Up to 8,533 sf of green roof would be provided where none previously existed.
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ZONING REQUIREMENTS and RELIEF REQUESTED

	Regulation		Existing		Proposed		Relief
	C-2-A	W-1	C-2-A	W-1	C-2-A	W-1	
Height § 400	50 ft.	40 ft.	56.5 ft.	14.85 ft	no	change	None required
Floor Area Ratio § 402	2.5 (res.) 1.5 (ret.) 2.5 (max)	2.5 (res.) 1.5 (ret.) 2.5 (max)	3.84	0.85	2.10 1.49 3.59	1.99 0 1.99	None required (existing nonconformity)
Lot Occupancy § 403	100 % (ret). 60% (res.)	100% (ret) 80% (res.)	Varies	Varies	Varies	Varies	See below *
Rear Yard §§ 404, 933	None req.	3”/ft. ht. 27 ft. req’d	27 ft.	27 ft	0 ft.	0 ft.	Relief Required
Penthouse § 411.4	Nightclub, bar, cocktail lounge, restaurant by SE	Nightclub, bar, cocktail lounge, restaurant by SE	-	-	Bar/ lounge	-	Relief Required
Penthouse § 411.11	1:1 setback – 7 ft. and 18 ft. 2 in min. required	1:1 setback	Varies	-	0 ft. 14 ft. 2in.	-	Relief Required
Penthouse § 770.6	15 ft. maximum	15 ft. max.	18ft 2in	-	18 ft.2in.	-	Relief Required
Parking § 2101	1 per 2 units (res.) - 70 1 per 300 sf in xs of 3,000 sf - 24	1 per 3 units – 0 spaces 1 per 750sf in xs. Of 3,000sf	52 spaces	-	24	None	Relief Required.
Parking § 2115,	9ft. x19ins	9 ft. x19ins.	Not provided	Not provided	18- standard 6 - compact	See C-2-A	Relief required
Parking § 2117	Drive aisle – 20 ft. min	same	Not provided	Not provided	Variable – see Section VI.	Variable – see Section VI.	Relief Required
Loading § 2202	Ret: 1 loading berth @ 30’; 1 platform @ 100sf Res: 1@ 55’; 1platform @ 200sf; 1 service delivery @ 20’	Ret: 1 berth @ 30’; 1 platform @ 100sf Res: 1@ 55’; 1platform @ 200sf; 1 service delivery @ 20’	1 berth @ 30’ 1 @ 85’ platform	1 berth @ 30’ 1 @ 85’ platform	1 berth @ 30’ 1 pl. @ 100sf No - 20’ delivery space	1 berth @30 ‘ 1 platform @ 100sf No – 20’ delivery space	Relief Required. (No 55-ft berth or 20-ft platform provided).

*Based on the perimeter wall method, the ZA confirmed that, per Section 771.3, the entire building maybe occupied for residential use.

V. OFFICE OF PLANNING ANALYSIS

A. Variance Relief- §§§ 770.6 (PH); 933 (Rear Yard); 2101.1 (Parking); 2115- Size of Parking Spaces, Access and Maintenance of Parking Spaces; 2201.1 (Loading).

Exceptional Situation Resulting in a Practical Difficulty

Exceptional situations which result in a practical difficulty include:

- The property is steeply sloped and is at grade at three elevations, including the fifth floor (on M Street), the fourth floor (on 30th Street), and the third floor (which faces the NPS land to the south).
- It is developed as a hotel structure with different requirements and the building would not be demolished in its entirety.

As described in the application, the total grade change is approximately 15 feet from the high point of the M Street elevation of 49 feet to the low point of 34 feet abutting the NPS land to the rear. As a result, the center of the 30th Street frontage is approximately one story below the M Street frontage, and the southern facade along the NPS property is an additional story below the center of the 30th Street frontage. The rear yard setback begins at the 5th floor. Below the rear yard plane, a portion of the lower four stories of the structure extend to the southern property line. The remainder of the rear yard is open to the sky and consists of the loading area and parking ramp. A pool is located above the roofing of the ramp and loading area.

Thus, the first through fourth floors were originally constructed to accommodate hotel uses that mainly do not require natural light and can be located underground, including function rooms, back-of-house spaces, the restaurant and parking, although some guestrooms are also located on the underground levels. The split zoning of the site aided the original design and configuration of the hotel, including location and design of the rear pool deck, loading and parking ramp for the hotel.

a) § 770.6 - Penthouse Height (Mechanical Space)

The mechanical penthouse would be located on the south tower facing the park area. As shown on Sheet A34 of the plans (Exhibit 7), the screen wall for the mechanical equipment to the west and the lounge area to the east would measure 12 feet in height and would satisfy the one-to-one setback from the roof's edge. The existing elevator penthouse, currently at 36 feet in length¹, and 18 feet 2 inches in height would be lengthened to 61 feet 5 inches, at the same height as the existing structure. The expansion is necessary to support additional penthouse mechanical equipment. The lower book-end additions would be only 12 feet in height, resulting in reduced volume and massing on the roof.

No Substantial Harm to the Zoning Regulations and Public Good

The Regulations would not be harmed as the intent – reducing the visibility of the roof's massing from public space – would be satisfied as originally approved by the Old

¹ The existing penthouse is 18 feet 2 inches and is nonconforming with respect to the setback from the roof's edge. See Sheet A34.

Georgetown Board and the BZA (#18845). The mass towards 30th Street is simplified and lower, as appropriate for the lounge area.

b) § 933 - Rear Yard

The existing parking area and ramp are proposed to be removed to open the below grade levels to accommodate different functions and to add a 4th and 5th floor above the third level at the rear. The proposed renovation and addition would allow light from the rear to the 3rd through 5th floors. Twelve hotel rooms would be added at the rear 4th and 5th floor levels. These floors would include shared guest laundry, bike storage, fitness facility, lounge, and storage room, as well as the hotel's lobby and reception at the 4th Floor. Access to the 24-space, below-grade parking garage would be via an elevator at 30th Street located from the 4th level. The 30-foot deep loading area would be repositioned as an enclosed area for the building's loading and service functions.

No Substantial Harm to the Zoning Regulations and Public Good

Substantial harm to the regulations and the public good are not anticipated in this instance, since the FAR on the site would not be exceeded and there is an open park area owned by the National Park Service (NPS). The proposed use of the rear yard would not be substantially altered from what currently exists today and OP has not been made aware of any complaints from the abutting property owner to date.

c) § 2101- Parking

Twenty-four valet parking spaces are proposed below-grade, which would be accessible via an elevator system operated by valet service, curbside at 30th Street. Due to the size limitations on the lower level, the required 149 parking spaces could not be reasonably accommodated on-site.

While on-site parking would be limited, the applicant has worked with DDOT to provide transportation demand management (TDM) measures that DDOT deemed satisfactory in mitigating impacts due to traffic and reduced on-site parking. Key items of the TDM plan include:

- Designated Employee Transportation Coordinator
- Rideshare assistance program, carshare programs
- Provision of a TransitScreen ®
- Parking management (Valet service)
- Transit promotion program
- On-site bicycle facilities
- Ongoing TDM performance monitoring and evaluation

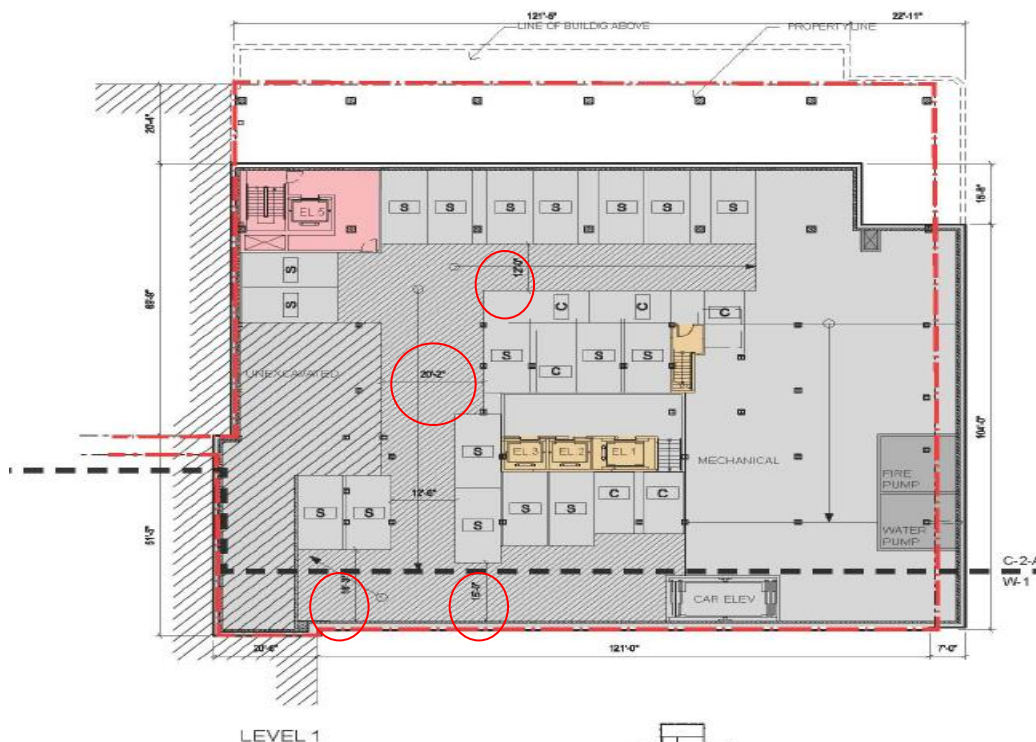
The area is well served by transportation options, including buses, bike-share, and technology-enabled taxi services, which would be encouraged by the incentives provided through the applicant's TDM plan. The provision of a secured bike parking facility would also encourage alternative transportation options by guests and employees. Ten DDOT-standard bike racks would also be installed, as well as 2, car share spaces along 30th Street in front of the property.

No Substantial Harm to the Zoning Regulations and Public Good

The use of alternative modes of transportation to the retail and hotel uses along with the inclusion of a transportation coordinator identified in the DDOT approved TDM Plan would mitigate the impacts on the surrounding commercial district.

d) § 2115 - Size of Parking Spaces; § 2117- Access, Maintenance and Operation of Parking Spaces

Eighteen (18) standard size spaces and six (6) compact spaces would be provided. A standard size requires a minimum of 9 feet in width and 19 feet in length and a compact car parking space shall be a minimum of 8 feet in width and 16 feet in length (exclusive of drive aisles ramps and columns) (§§ 2115.1, 2115.3).



§§ 2117.5 and 2117.6 requires aisle widths of twenty (20) feet for ninety (90) degree angle parking for both standard and compact parking spaces. The submitted plan (Exhibit 7, Page A18, reproduced above) shows variable aisle widths of 12 feet, 15 feet, 18 feet 3 inches and 20 feet 2 inches. Similar space constraints noted prior would only permit the most efficient number of spaces that could be reasonably accommodated within the given area, in a measured combination among drive aisle widths, standard and compact-sized spaces.

No Substantial Harm to the Zoning Regulations and Public Good

Section 2115.11 provides for a waiver from §§2115.1, 2115.3, 2117.5 and 2117.6 provided that the parking is managed during a specified 12-hour peak period, to be determined by DDOT, by employed attendants who park the vehicles using the parking facility.

Vehicles would only be valet parked on this site during a 24-hour period. Therefore there should be no harm to the Regulations due to the reduced sizes of the parking spaces and the drive aisle widths.

e) § 2201 - Loading

The loading area would be retrofitted and would be primarily used for the building's loading and trash removal functions. Up to 5 daily truck deliveries for the hotel's use are anticipated, with trash pick-ups, twice per week. Retail deliveries would be dependent upon the retail tenant mix. However, according to the applicant's transportation study...*"the proposed leasable square footage is expected to generate 8-10 daily truck deliveries."* Since the hotel units would be furnished, a 55-foot berth should not be necessary.

No Substantial Harm to the Zoning Regulations and Public Good

A loading dock management plan, including a loading manager has been included with the applicant's transportation study and is incorporated as a condition of approval (Exhibit 30C). Based on DDOT's approval, an adverse impact to the traffic network in this commercial neighborhood would be mitigated through the application of the management plan. The provided loading area should be adequate to support the building's delivery and service requirements. The District Department of Transportation is expected to provide additional comments on the proposed loading measures and the redesigned loading facilities.

Overall, the proposed renovation of the building would remain compliant with the height, FAR, and lot occupancy requirements of the Regulations for the respective zones. The proposed addition would be minimal but would allow the building to be retrofitted to provide functional space for contemporary hotel rooms and functions, with areas on six floors dedicated to retail and restaurant uses on the site.

B. Special Exception Relief pursuant to § 411.4 (c) - **Penthouse Habitable Space** – to permit a bar/lounge use up to 990 square feet, on the roof of the southern tower. At this size, the habitable penthouse would be just under the size that would trigger an affordable housing contribution (1,000 sq.ft.).

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The 990 square-foot penthouse would be used as a bar/lounge for hotel guests, which would be consistent with the permitted penthouse uses intended by the Regulations.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The use of neighboring property should not be adversely affected since the property is within a commercial district, and the lounge area would be well setback from the edge of the roof and from adjacent property to the north. In addition, the surrounding properties are well below the proposed penthouse level, which is above the 10th floor. Therefore, the penthouse is not

anticipated to pose an adverse impact on the light and air to other properties, and noise should not affect the surrounding neighborhood due to its location well above the level of adjacent properties. However, to ensure that noise from the roof would be mitigated, the ANC 2E proposed limits on the outdoor activities on the roof, including no music and late hour restrictions, which would be included in the terms of any future liquor license issued for the lounge. The applicant agreed to the conditions of approval as outlined in the applicant's June 1, 2016 submission.

C. Special Exception Relief pursuant to § 411.11 – Roof Structure Setback per § 411.18 (b)

- To permit a screen wall, not meeting the 1:1 setback from the rear wall of the roof upon which it is located (in the location of the open court, separating two portions of the building); and
- To permit a penthouse on the south tower not meeting the 1:1 setback from the rear wall of the roof upon which it is located

411.11 The Board of Zoning Adjustment may grant special exceptions under § 3104 from §§ 411.6 through 411.10 and 400.18 upon a showing that:

(a) Operating difficulties such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly, or unreasonable;

The 7-foot tall screen wall would be setback 10 feet 8 inches from the roof's edge along M Street to minimize its visibility from public space. However, there would be no setback from the open court, which would be between the north and south towers of the mixed-use building. The screen wall would be designed to be materially consistent with the rear wall along the south elevation of the court area, as requested by the Old Georgetown Board's review (OGB). The views of the screen wall would also be imperceptible from public space along 30th Street.

In addition, the existing non-conforming 18 foot 2 inches, mechanical penthouse on the south tower does not satisfy the one-to-one setback from the roof's edge as it would be setback 14 feet 2 inches from the rear and less than 18 feet 2 inches from the court area between the two towers. Further, its proposed extension at the same height would not satisfy the setback as required.

It would be impractical to lower the existing elevator penthouse to 15 feet. The addition at the same height would be more practical and would visually reduce the roof's massing as proposed.

(b) The intent and purpose of this chapter would not be materially impaired by the structure;

The reduced visibility of the 7-foot screen wall is consistent with the intent of the Regulations to minimize views of rooftop structures from public space. The lack of a setback would not be perceptible from public space since it would face an interior court.

Similarly, providing the required 15-foot height for the expanded area of the mechanical penthouse would not be visually appealing on the roof as viewed from public space. The 18

feet-tall penthouse already exists on the site and would be expanded only for the additional mechanical equipment that would be needed.

(c) The light and air of adjacent buildings would not be affected;

The use of neighboring property should not be adversely impacted by the screen wall placed above the court, as there are no adjacent properties in the vicinity of the screen wall. Similarly, the expansion would not adversely affect the light and air to the neighboring park property, as there are no structures in the park, which abuts the subject property.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation would submit a separate report to the record.

VII. COMMUNITY COMMENTS

The ANC 2E voted unanimously to approve the applicant's proposal at its regularly held meeting May 31, 2016, subject to the conditions outlined in its submission (Exhibit 28).

Although the building is not a historic structure, it is within the jurisdiction of the Commission of Fine Arts (CFA). The applicant submitted CFA's recommendation (dated May 20, 2016) to OP indicating no objection to the concept design.

The applicant met with the National Park Service on June 8, 2016.

All relevant reports would be submitted separately to the record.



Location and Zoning Map (Existing)



Proposed