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May 21, 2013

VIA HAND DELIVERY

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2013 MAY 21 PM 1:20

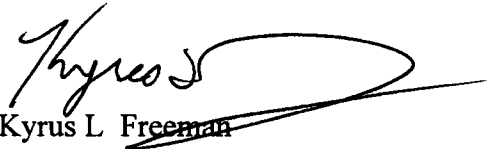
Re Application No. 18558 - PreHearing Statement

Honorable Members of the Board

On behalf of Jemal's Uline LLC, the owner of property located at 1130-1150 3rd Street, N E (Square 748, Lots 8-11, 30-34, 42, 43, 802, 808-812), enclosed please find one original and twenty copies of the Applicant's prehearing submission in support of its application to the Board of Zoning Adjustment (the "Board") filed pursuant to 11 DCMR Section 3129.7 for approval of modifications to the plans approved by the Board pursuant to Order Nos. 17809, as extended pursuant to Order Nos. 17809-A and 17809-B, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at the Site.

Thank you for your attention to this application.

Sincerely,


Kyrus L. Freeman

Enclosure

cc Karen Thomas, D C Office of Planning (Via Hand, with enclosure)
Advisory Neighborhood Commission 6C (Via U S Mail, with enclosure)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18558
EXHIBIT NO. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 18558
EXHIBIT NO. 27

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
JEMAL'S ULINE LLC**

**BZA APPLICATION NO. 18558
HEARING DATE: JUNE 4, 2013
ANC 6C**

PREHEARING STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This Prehearing Statement of the Applicant is submitted on behalf of Jemal's Uline LLC (the "Applicant"), the owner of property located at 1130-1150 3rd Street, N.E. (Square 748, Lots 8-11, 30-34, 42, 43, 802, 808-812) (the "Site"), in support of its application pursuant to 11 DCMR § 3129.7, for the approval of modifications to the plans approved by the Board of Zoning Adjustment (the "Board") pursuant to Order No. 17809, as extended pursuant to Order Nos. 17809-A and 17809-B, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at the Site.

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the requested modifications to the approved plans as requested herein pursuant to Sections 3129.7 and 3129.8 of the Zoning Regulations.

III.
EXHIBITS IN SUPPORT OF THE APPLICATION

- Exhibit A: Portion of the Zoning Map showing the Site.
- Exhibit B: Survey showing the Site.
- Exhibit C: BZA Order Nos. 17809, 17809-A, and 17809-B.
- Exhibit D: Architectural Plans & Elevations approved pursuant to BZA Order No. 17809.
- Exhibit E: Modified Architectural Plans & Elevations.
- Exhibit F: Outline of Testimony of Representative of Jemal's Uline LLC.
- Exhibit G: Outline of Testimony of Kevin F. Crosby, on behalf of Antunovich Associates.
- Exhibit H: Outline of Testimony of Erwin N Andres, on behalf of Gorove Slade Associates, Inc

IV.
BACKGROUND REGARDING THE SITE AND
DESCRIPTION OF PRIOR BOARD APPROVALS

The Site is split-zoned C-M-1 and C-M-3, and includes Lots 8-11, 30-34, 42, 43, 802, 808-812 in Square 748. Square 748 is bounded by M Street, N E on the north, 3rd Street, N.E. on the east, L Street, N.E. on the south, and Delaware Avenue, N.E. on the west. The Site occupies the northern portion of the square, with frontage on M Street, 3rd Street, and Delaware Avenue.

The Site is occupied by the former M.J. Uline Ice House and Arena Complex, a designated landmark in the *District of Columbia Inventory of Historic Sites*. The ice house was constructed first in 1931, with subsequent additions in 1935-36, to house an ice manufacturing and delivery business. The sports arena was constructed in 1939-40, primarily as an ice skating

and hockey rink, with the adjacent ice plant providing the necessarily refrigeration and freezing equipment.

The Applicant requests that the entire record in Application No. 17809 be incorporated by reference in this Application. In Application No. 17809, which was approved on September 16, 2008, the Board granted special exception relief from the off-street parking requirements for historic structures under § 2120 and a special exception from the roof structure requirements under § 411 to permit the expansion and renovation of the existing Uline arena and ice house for office use. A copy of Order Nos. 17809, 17809-A, 17809-B are included with this application.

V.

DESCRIPTION OF PROPOSED MODIFICATIONS

Section 3129.7 of the Zoning Regulations authorizes the BZA to modify any aspect of a BZA order -- including plans approved pursuant to such order -- at any time, subject to a hearing. In addition, Section 3129.8 provides that: "[t]he scope of a hearing conducted pursuant to § 3129.7 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision." 11 DCMR §3129.8. As described in more detail below, the Applicant's proposed modifications to the approved plans do not have any adverse impacts on the original application, but rather result in a more practical and buildable design given current market demand for office and retail uses.

Pursuant to Order No. 17809, the Board approved the development of a total of 280,765 square feet of gross floor area devoted to office uses, 182 off-street parking spaces, and loading facilities. However, since initial approval of the project, the owner has removed the below grade parking to reduce excavation beneath the Arena and to reduce modifications to the existing foundation structure. Also, a high water table and the location of existing utilities in the street provide additional complexities. The parking garage relocation has reduced the overall office

rentable square footage by removing the previously approved new icehouse addition on the southeast corner of the Site. Thus, the Applicant is seeking approval to modify the approved plans to make the building's design more practical and buildable given current market demand for office and retail uses. These modifications result in the following changes to the approved plans:

1. Revised Design and Introduction of Retail Uses – A retail component has been introduced to the base of the office portion creating a mixed use development, office space has been reduced and shifted, and parking has been relocated to a screened parking structure.

The design of the Arena continues to preserve the well-known brick base, flying concrete arches, and the original window areas. Three stories of offices above the ground level retail are maintained in the Arena. The skylight and the atrium have been removed from the original scheme to maintain more of the original structure. Loading has been located at the southwest corner, at the furthest location from 3rd Street residential uses, and faces the railroad overpass wall.

The Ice House also has two retail areas. The project will recapture space in the basement adjacent to the Arena at M Street. Retail will also be provided along 3rd Street. The existing “Ticket Entry” will serve as the Ice House office entry and connects to the central courtyard and Arena office access. The new Ice House office structure will be setback from the existing face of the building to emphasize the existing versus new and will remain three stories from the 3rd Street grade, which is the same as the previously-approved scheme.

The new parking garage is located to the south of the Ice House. The parking garage will be screened from the view of adjacent residential properties. The Applicant has taken the neighborhood's comments regarding the parking garage into consideration and has moved the

entrance from 3rd Street, N.E. to Congress Street, N.E. in order to minimize the impacts of vehicles on the immediate residents.

The Historic Preservation Review Board ("HPRB") has granted conceptual approval of the modified plans, subject to minor comments not impacting the applicable zoning requirements or development data for the project. However, similar to other cases approved by the BZA, the Applicant is seeking flexibility to modify the design and internal layout of the building to address any comments from the Historic Preservation Office and HPRB during final review of the project so long as the modifications do not require any areas of zoning relief.

2. Development Data - The revised project does not create any new areas of zoning relief. In Application No 17809, the Board granted special exception relief to reduce the off-street parking requirements (243 required; 162-182 provided), and granted relief from the roof structure requirements under § 411. In the current design, the project will continue to require relief to reduce the off-street parking requirements (202 required; 176 provided) and roof structure relief. However, the degree of parking relief has been reduced in that the current design is providing 87% of the required parking, whereas the approved design provided approximately 67%-75% of the required parking.

Moreover, as indicated in the following comparison chart, the revised design and uses have resulted in minor changes to the project's overall development data, and accordingly the application is within the scope of Section 3129.7 of the Zoning Regulations:

	APPROVED	PROPOSED
Uses	Office (With 65,753 sq. ft. of Below-Grade Parking)	Office & Retail (With Above-Grade Parking)
Gross Floor Area	Arena: 169,733 sq. ft. Icehouse: 111,032 sq. ft.	Arena: 174,165 sq. ft. IceHouse: 76,889 sq. ft.

	Total: 280,765 sq. ft.	Parking. 67,836 sq. ft Total. 323,890 sq. ft.
FAR	Arena: 2.9 Icehouse: 2.5	Arena: 2.98 Icehouse: 2.91
Penthouses	Relief from Section 411 from the number and setback requirements.	Relief from Section 411 from the number, setback, and enclosing wall height requirements.
Parking	243 required 182 provided	202 required 176 provided
Loading	None required b/c addition to historic structure pursuant to Section 2200.5 of the Zoning Regulations. However, provided. 3 berths @ 30 ft. 1 service space @ 20 ft.	None required b/c addition to historic structure pursuant to Section 2200.5 of the Zoning Regulations. However, provided: 3 berths @ 30 ft. 2 platforms @ 100 sq. ft. 1 service space @ 20 ft.

The Applicant submits that the proposed modifications to the approved plans can be approved by the Board pursuant to its authority under Section 3129 since they do not change any of the material facts upon which the Board based its original approval of the application

VI COMMUNITY SUPPORT

The Applicant has the support of the community for the requested modifications. Advisory Neighborhood Commission ("ANC") 6C, the ANC in which the site is located, voted to support the application and proposed modifications at its meeting of May 8, 2013. In addition, the Capitol Hill Restoration Society also voted to support the application and proposed modifications at its meeting on May 9, 2013

VII.
WITNESSES

- A. Representative of Jemal's Uline LLC
- B. Kevin F. Crosby, Antunovich Associates
- C. Erwin N. Andres, Gorove Slade Associates, Inc.

VIII.
CONCLUSION

For the reasons stated above, the application meets the applicable standards for modifications to approved plans under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board approve the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

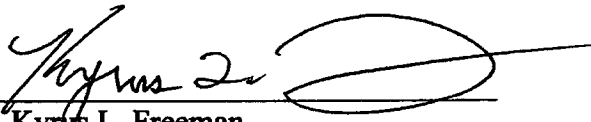
By: 
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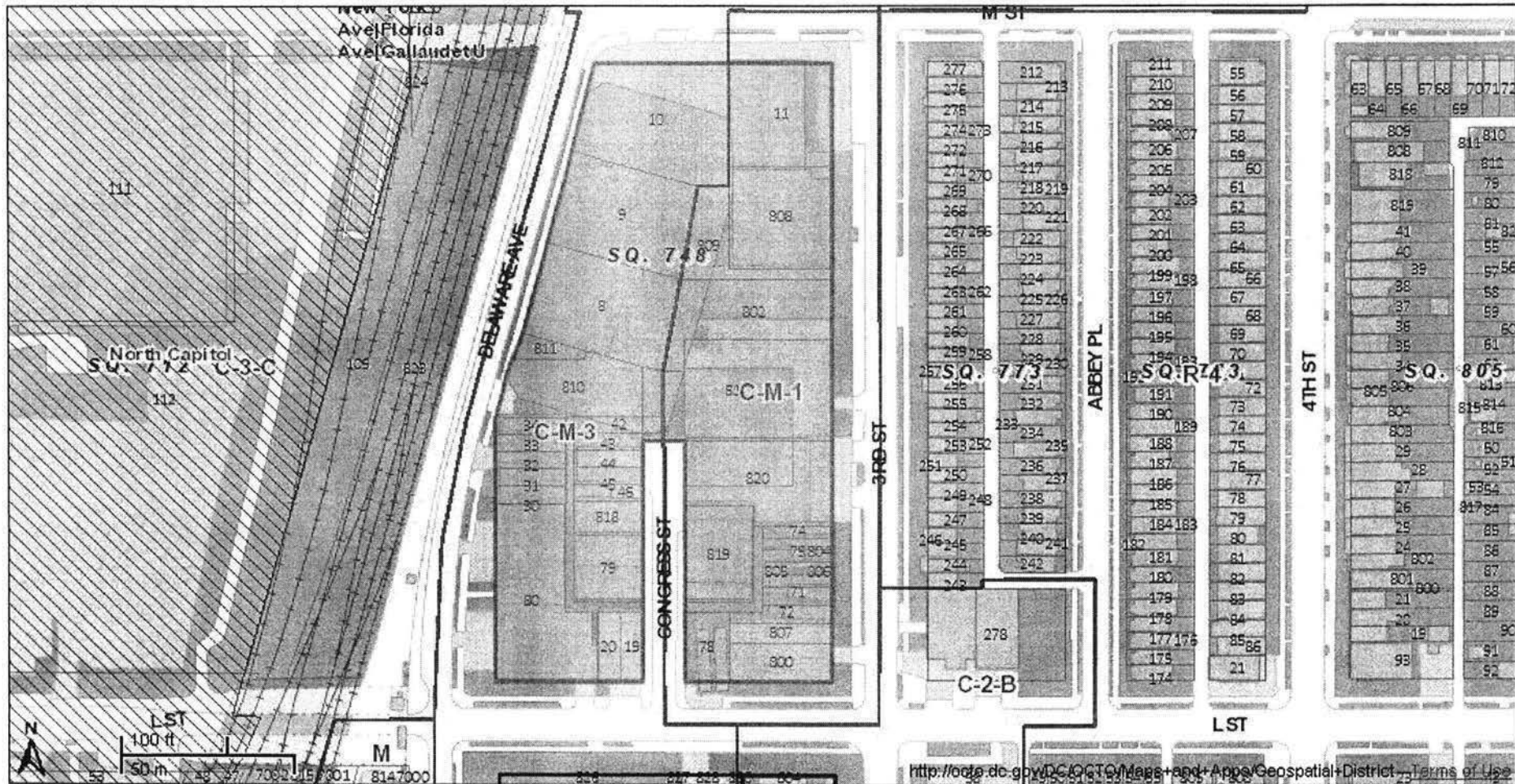
EXHIBIT A



District of Columbia Office of Zoning

EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

May 21, 2013

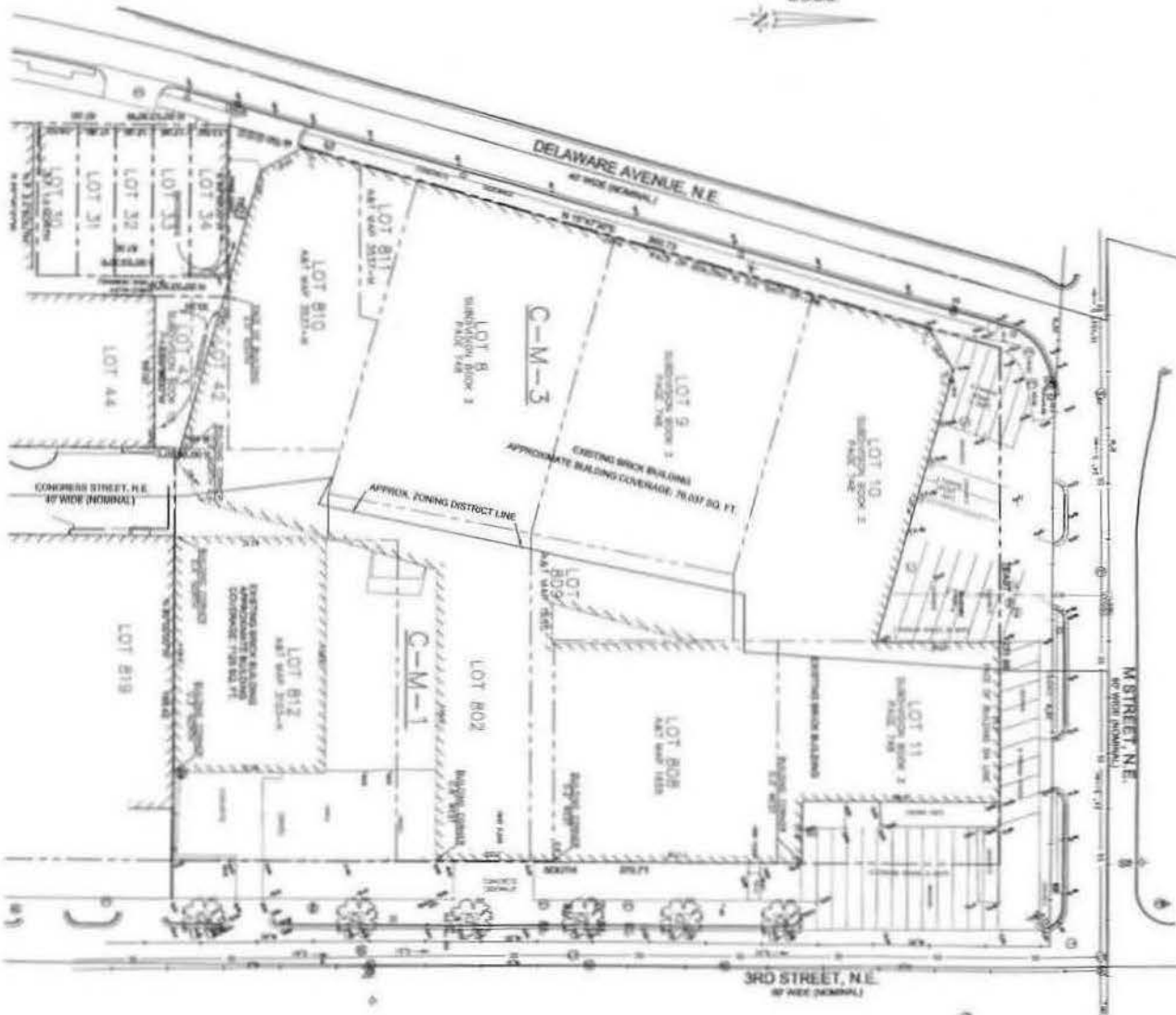


Zoning Layers

Zone Districts	Overlays Districts	TDRs	Air Rights Zone
Pending Zones	Pending Overlay Districts	Pending PUDs	Baist Index
Historic Districts	Campus Plans	Active PUDs	CEA

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at (202) 727-6311.

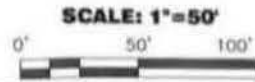
EXHIBIT B



LEGEND:

EXISTING

- Sanitary sewer
- Water line, meter, valve & hydrant
- Storm drain
- Utility boundary
- Lot line
- Tree line
- Fence
- Building
- Power pole
- Curve
- Edge of pavement
- Sidewalk
- Gas line
- Overhead utility
- Underground utility



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APPLICANT / DEVELOPER
 SHULMAN DEVELOPMENT
 1501 N. STREET, N.W.
 WASHINGTON, D.C. 20001

CONTACT
 MR. PAUL WILKINSON
 MR. BOB BROWN
 FR. BOB BROWN

THE COLISEUM
 WASHINGTON, DC
 LOT 8 & 15 & 11, LOTS 14 & 15
 LOT 8 & 15 & 11, LOTS 14 & 15
 LOT 8 & 15 & 11, LOTS 14 & 15



SCALE

No.	DATE	BY	Description

REVISIONS

DESIGNED BY: JAC

CHECKED BY: JAC

DATE: 10/1/2011

EXISTING CONDITIONS

EXHIBIT C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17809 of Jemal's Uline LLC, pursuant to 11 DCMR §3104.1 for special exception relief from parking requirements for historic structures under § 2120 and a special exception from the roof structure number and setback requirements under § 411 to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at premises 1130-1150 3rd Street, N.E. (Square 748, Lots 8-11, 42, 43, 802, 808-812).

Note: The applicant initially only sought variance relief from the parking requirements under § 2101 1. At the hearing and in its prehearing statement, the applicant requested to proceed as a special exception under § 2120 from the parking requirement for historic buildings. The request was supported by the Office of Planning and there was no opposition to the request.

HEARING DATE: September 16, 2008
DECISION DATE: September 16, 2008 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113 2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning (OP) submitted a report recommending approval of the application subject to conditions. The Capitol Hill Restoration Society also submitted a letter in support of the special exception application.

As directed by 11 DCMR § 3119 2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under §§ 2120 and 411. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

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BZA APPLICATION NO. 17809
PAGE NO. 2

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 2120 and 411, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map

The Board concludes that the Applicant shall have flexibility to provide between 162 and 182 parking spaces. Finally, the Board concludes that the Applicant shall have flexibility to revise the project based on review and comments by the Historic Preservation Review Board provided that the revisions do not affect the zoning relief granted.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit No. 24 (Plans) as modified by Exhibit No. 29 (Revised Parking Plan), is hereby **GRANTED, SUBJECT to the following CONDITIONS:**

1. The Applicant shall provide a \$25 SmarTrip® card to each of the initial occupants of the development, including at a minimum the first 900 persons employed in the building
2. The Applicant shall make available transit information in the lobby of the building for distribution to employees
3. The Applicant shall provide indoor bicycle parking spaces at least equal to the number required pursuant to § 2119 of the Zoning Regulations
4. The Applicant shall provide a car-sharing parking space in the development, should a car-sharing provider agree to the location of the space. However, if no car-share provider agrees to locate a car-share space in the development, then the Applicant shall provide written confirmation to that effect to the Zoning Administrator.
5. The Applicant shall have flexibility to (a) modify design features to comply with final HPRB approval so long as the modification does not affect the zoning relief granted in this Order, and (b) provide a range of between 162 (minimum) and 182 (maximum) parking spaces on-site, depending upon conditions determined at the time of construction

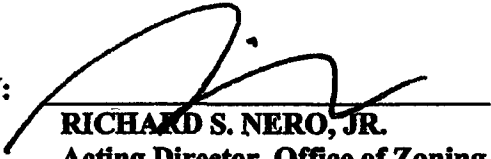
VOTE **5-0-0** (Ruthanne G. Miller, Anthony J. Hood, Marc D. Loud, Shane L. Dettman and Mary Oates Walker to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this summary order

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ATTESTED BY:


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

FINAL DATE OF ORDER: **OCT 02 2008**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. CODE 2-1401.01 *ET SEQ.* (THE "ACT"), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY

BZA APPLICATION NO. 17809
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THE ACT DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED
VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION THE FAILURE OR
REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE
DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES
OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17809

As Director of the Office of Zoning, I hereby certify and attest that on **OCTOBER 2, 2008**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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Mary Carolyn Brown, Esq
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Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D C., 20013-7787

Single Member District Commissioner 6C04
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D.C., 20013-7787

Tommy Wells, Councilmember
Ward 6
1350 Pennsylvania Ave., N.W., Suite 408
Washington, D.C. 20004

Matthew LeGrant
Zoning Administrator
Building and Land Regulation Administration
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BZA APPLICATION NO. 17809
PAGE NO. 2

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Jill Stern, Esquire
General Counsel
Department of Consumer and Regulatory Affairs
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ATTESTED BY:


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17809-A of Jemal's Uline LLC, pursuant to 11 DCMR § 3104.1 for special exception relief from parking requirements for historic structures under § 2120 and a special exception from the roof structure number and setback requirements under § 411, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at premises 1130-1150 3rd Street, N.E (Square 748, Lots 8-11, 42, 43, 802, 808-812)

HEARING DATE (Orig. Application):	September 16, 2008
DECISION DATE (Orig. Application):	September 16, 2008 (Bench Decision)
FINAL ORDER ISSUANCE DATE:	October 2, 2008 (Summary Order)
DECISION ON MOTION TO EXTEND ORDER	September 28, 2010

ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17809

The Underlying BZA Order

On September 16, 2008, the Board of Zoning Adjustment ("Board" or "BZA") approved the Applicant's request for special exception relief from parking requirements for historic structures under § 2120 and from the roof structure number and setback requirements under § 411, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts. Thus, pursuant to 11 DCMR § 3104.1, the Board granted a special exception from parking requirements for historic structures under 11 DCMR § 2120 and a special exception from the roof structure number and setback requirements under 11 DCMR § 411, in order to expand and renovate the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at premises 1130-1150 3rd Street, N.E. (Square 748, Lots 8-11, 42, 43, 802, 808-812). The Order was issued October 2, 2008. (BZA Order 17809). (Exhibit 32).

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until October 2, 2010.

BZA APPLICATION NO. 17809-A
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Section 3130.1¹ states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1)

Motion to Extend

On August 18, 2010, the Board received a letter, dated August 18, 2010, from the Applicant, which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was due to expire October 2, 2010. (Exhibit 34)

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because, due to the deterioration of the real estate market in Washington, D.C., the frozen credit markets, and the continuing economic crisis these have caused, the Applicant has been unable to obtain the necessary financing commitment to begin the project, despite attempts to obtain financing for the project ever since the Board originally approved it. To meet its burden of proof, the Applicant provided a signed and notarized affidavit which indicated that the Applicant has diligently sought financing and attempted to move forward with development of the site since the time of the BZA's original approval. The Applicant noted that while the latest reports suggest that the Washington commercial office market may begin to stabilize in the second half of 2010, its recovery will be slow and will not rebound before the time when the underlying BZA Order was due to expire. (Exhibit 34, Tab B)

There was no response to the Applicant's motion filed by the Office of Planning ("OP"). The project is within the boundaries of Advisory Neighborhood Commission ("ANC") 6C. ANC 6C filed a report, dated September 13, 2010, indicating that at a duly-noticed, regularly-scheduled, public meeting of the ANC at which a quorum was present, the ANC voted unanimously, 8:0:0, to support the two-year extension, with the caveat that the Applicant's representative ensure the maintenance of the property during the two-year period. (Exhibit 35).

According to the Applicant, the reasons for its request to the Board to extend the time of the Order are because of its inability to secure financing in an unstable economic market and market conditions in the District. The extension would allow the Applicant the additional time in which

¹ Section 3130.1 was amended by the addition of the phrase "except as permitted in § 3130.6" by the Zoning Commission in Z C Case No. 09-01. The amendment became effective on June 5, 2009.

² Section 3130.6 was adopted by the Zoning Commission in Z C. Case No. 09-01 and became effective on June 5, 2009.

BZA APPLICATION NO. 17809-A
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to secure financing. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

Criteria for Evaluating Motion to Extend

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Section became effective on June 5, 2009.

Section 3130.6 of the Zoning Regulations states in full:

- 3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met
- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
 - (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
 - (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control,
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control

(11 DCMR § 3130.6).

Furthermore, pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the

BZA APPLICATION NO. 17809-A
PAGE NO. 4

request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. The Applicant filed its request on August 18, 2010, which was more than the required 30-day period for tolling.

Also, the Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to secure the necessary permits and financing and the poor economic conditions in the District constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated October 2, 2008 (Exhibit No. 24 (Plans), as modified by Exhibit No. 29 (Revised Parking Plan) in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, pursuant to § 3130.6 of the Regulations, the Board hereby extends the validity of the underlying Order, as conditioned, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of October 2, 2012.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this request for extension of time be **GRANTED** until October 2, 2012.

VOTE: 3-0-2 (Meridith H. Moldenhauer, Jeffrey L. Hinkle, Anthony J. Hood, by absentee vote, to approve; Nicole C. Sorg and third Mayoral appointee (vacant) not participating, nor voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 01 2010.

BZA APPLICATION NO. 17809-A
PAGE NO. 5

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D C HUMAN RIGHTS ACT OF 1977, AS AMENDED, D C OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED. RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 17809-A

OCT 01 2010

As Director of the Office of Zoning, I hereby certify and attest that on _____, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Mary Carolyn Brown, Esq. and Norman M. Glasgow, Jr., Esq.
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D.C. 20013

Single Member District Commissioner 6C04
Advisory Neighborhood Commission 6C
1150 5th Street, N.E.
Washington, D.C. 20002

Tommy Wells, Councilmember
Ward Six
1350 Pennsylvania Avenue, N.W., Suite 408
Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W.
Washington, D.C. 20024

ATTESTED BY:


JAMISION L. WEINBAUM
Director, Office of Zoning

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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Web Site www.dcoz.dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17809-B of Jemal's Uline LLC, Motion for a Second Two-Year Extension of BZA Order No. 17809, pursuant to 11 DCMR § 3130.

The original application was pursuant to 11 DCMR § 3104.1 for special exception relief from parking requirements for historic structures under § 2120 and a special exception from the roof structure number and setback requirements under § 411, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at premises 1130-1150 3rd Street, N.E. (Square 748, Lots 8-11, 42, 43, 802, 808-812).

HEARING DATE (Orig. Application):	September 16, 2008
DECISION DATE (Orig. Application):	September 16, 2008
FINAL ORDER ISSUANCE DATE (No. 17809):	October 2, 2008
DECISION ON FIRST MOTION TO EXTEND ORDER:	September 28, 2010
ISSUANCE DATE OF FIRST EXTENSION (No. 17809-A):	October 1, 2010
DECISION ON 2ND MOTION TO EXTEND ORDER:	October 23, 2012

ORDER ON SECOND MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17809

The Underlying BZA Order

On September 16, 2008, the Board of Zoning Adjustment ("Board" or "BZA") approved the Applicant's request for special exception relief from parking requirements for historic structures under § 2120 and from the roof structure number and setback requirements under § 411, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts. Thus, pursuant to 11 DCMR § 3104.1, the Board granted a special exception from parking requirements for historic structures under 11 DCMR § 2120 and a special exception from the roof structure number and setback requirements under 11 DCMR § 411, in order to expand and renovate the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at premises 1130-1150 3rd Street, N.E. (Square 748, Lots 8-11, 42, 43, 802, 808-812). The Order was issued October 2, 2008. (Exhibit 32, BZA Order 17809.) (Exhibit 32)

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until October 2, 2010.

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BZA APPLICATION NO. 17809-B
PAGE NO. 2

Section 3130 1¹ states

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6

(11 DCMR § 3130 1.)

2010 Motion to Extend

On April 6, 2010, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was then due to expire on October 2, 2010 (Exhibit 34)

At its decision meeting on September 28, 2010, the Board found that the requirements of 11 DCMR § 3130.6 had been met and granted the Applicant the two-year extension of BZA Order No. 17809, until October 2, 2012 (Exhibit 36, BZA Order No. 17809-A)

2012 Motion to Extend

On August 31, 2012, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR § 3130.6, upon a showing of good cause, a second two-year extension of the authority granted in the original BZA Order, which was then due to expire on October 2, 2012 (Exhibit 38) Pursuant to 11 DCMR § 3130.9, an application for a time extension must be filed at least 30 days prior to the date upon which an order is due to expire (11 DCMR § 3130.9) Having filed the motion on August 31st for the second extension of the Order due to expire October 2, 2012, the Applicant met the time requirement under § 3130 9.

Waiver of One-Extension-Only Requirement Pursuant to 11 DCMR § 3130.6

As part of its consideration of the motion for a second two-year time extension, the Board first addressed whether to waive the limitation to one extension in 11 DCMR § 3130.6 to allow the grant of a second extension of the Order In Z C. Case No. 09-01, the Zoning Commission ("Commission") amended 11 DCMR § 3130, in part, by adding § 3130.6 The amendments adopted by the Commission in Z C Case No. 09-01 became effective on June 5, 2009

¹ Section 3130 1 was amended by the addition of the phrase "except as permitted in § 3130 6" by the Zoning Commission in Z C Case No. 09-01 The amendment became effective on June 5, 2009

² Section 3130 6 was adopted by the Zoning Commission in Z C Case No. 09-01 and became effective on June 5, 2009

BZA APPLICATION NO. 17809-B
PAGE NO. 3

Subsection 3130.6 expressly limits the number of time extensions to one.³ In Z.C. Case No. 09-01, the Commission specifically authorized the Board to extend the time limits of § 3130.1 and provided the criteria for doing so. *Z.C. Order No. 09-01*, 56 DCR 4388 (June 5, 2009)

The Applicant's motion dated August 31, 2012, requested a second time extension of two years. The Office of Planning ("OP"), in its report on the second extension request, noted that approval of a second extension is up to the discretion of the Board (Exhibit 39.) During deliberations, the Board noted that in the past, it has exercised its discretion pursuant to 11 DCMR § 3100 5⁴, to waive the limitation in 11 DCMR § 3130 6 to a single time extension for good cause shown.

The OP report also indicated that it would not object to a second extension in this case because the original approval and the first extension had been both granted before the text of § 3130 6 became effective. As §§ 3100 through 3105, 3121.5, and 3125 4 do not apply to extension requests, the Board concluded that it is authorized, for good cause shown, pursuant to 11 DCMR § 3100 5, to waive the restriction to one extension pursuant to § 3130 6. At its October 23, 2012 meeting, finding sufficient good cause shown, the Board approved the waiver of the one extension restriction requirement as part of its consideration of the underlying motion to extend.

The merits of the 2012 request to extend

As noted above, the Board received the Applicant's request, dated August 31, 2012, for a two-year extension in the authority granted in the underlying BZA Order, which was due to expire October 2, 2012. Included with the request was a sworn and signed affidavit from Paul Millstein, Vice President, Douglas Development, Inc. and Managing Member of the Applicant, to show good cause, pursuant to 11 DCMR § 3130 6. (Exhibit 38, Tab B) Also included with the motion was additional documentation in support of the Applicant's good cause for its request. (Exhibit 38, Tabs C and D.)

The Applicant served its extension request dated August 31, 2012 to all parties to the initial BZA application, which included Advisory Neighborhood Commission ("ANC") 6C, which is the affected ANC, and OP, notifying them of the Applicant's motion for a two-year time extension and sharing all the documentation in support of that motion with them (Exhibit 38.) OP, in its

³ During the Board's deliberations, there was discussion of the Board's discretion to waive the one-time limitation and whether the Zoning Commission would be taking the issue up in a text amendment case to amend 11 DCMR § 3130 to change or eliminate this restriction. The Zoning Commission is scheduled to hear Z.C. Case No. 12-11, which is a rulemaking case that includes a provision for amending this restriction, on November 8, 2012

⁴ Subsection 3100 5 provides

Except for §§ 3100 through 3105, 3121 5 and 3125.4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law

BZA APPLICATION NO. 17809-B
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report dated October 16, 2012, noted that the application submitted by the Applicant dated August 31, 2012, has been in the public record since filing. (Exhibit 39.)

The project is within the boundaries of ANC 6C. ANC 6C did not submit a report on the request.

OP filed a report recommending that the Board grant the Applicant's request for a second two-year extension of Order No. 17809. (Exhibit 39.) The District Department of Transportation ("DDOT") filed a report of no objection to approval of the request (Exhibit 40.)

According to the Applicant, the reasons for its request to the Board to extend Order No. 17809 for another two years are because of its continued inability to finance the construction of the project in view of the deterioration the real estate market. The Applicant indicated in its motion and the supporting documents it submitted with that motion that the original approval occurred just as the office real estate market entered into a significant downturn. Despite the problems with the market, the Applicant stated that since the original approval in 2008 until the present, it had made aggressive attempts to obtain financing for the project, but had not been successful. The Applicant stated that, although it has contacted several lenders and other potential investors, those potential investors and lending institutions had not approved financing that would have made the project viable. Furthermore, the Applicant indicated that it continues to monitor the financial markets closely in order to secure financing for the project. The Applicant noted that while the latest reports suggest that the Washington commercial real estate market may be starting to stabilize, it is not anticipated that recovery would occur ahead of the Order's scheduled expiration on October 2, 2012, thereby necessitating a further extension request (Exhibit 38.)

In addition, the Applicant indicated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on October 2, 2008. Also, there have been no changes to the Zone District classification or the Comprehensive Plan applicable to the property. The extension would allow the Applicant the necessary additional time in which to secure financing. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Subsection became effective on June 5, 2009.

Subsection 3130.6 of the Zoning Regulations states in full:

3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant

before the expiration of the approval; provided, that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control,
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control, or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6)

Pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. The Applicant filed its request with a sworn affidavit on August 31, 2012, which met the required 30-day period for tolling

The Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to secure the necessary financing and the poor economic conditions in the District constitute the "good cause" required under § 3130 6(c)(1)

As required by § 3130 6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the

BZA APPLICATION NO. 17809-B
PAGE NO. 6

Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated October 2, 2008 (Exhibit No. 24 (Plans), as modified by Exhibit No. 29 (Revised Parking Plan) in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No 17809-B for a second two-year time extension of Order No. 17809, which Order shall be valid until October 2, 2014, within which time the Applicant must file plans for the proposed structure with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit

VOTE: 3-1-1 (Lloyd J Jordan, Jeffrey L Hinkle, Nicole C. Sorg, to Approve, Anthony J Hood, to Oppose; and the third Mayoral appointee vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: October 24, 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6

EXHIBIT D



1 M STREET AND DELAWARE AVENUE
SCALE: NTS

BUILDING DATA			
	ARENA (GSF)	ICE HOUSE (GSF)	TOTAL (GSF)
FL1	49,609	---	49,609
FL2	44,215	6,531	50,746
FL3	44,715	34,914	79,629
FL4	31,194	37,152	68,346
FL5	---	32,435	32,435
TOTAL	169,733	111,032	280,765

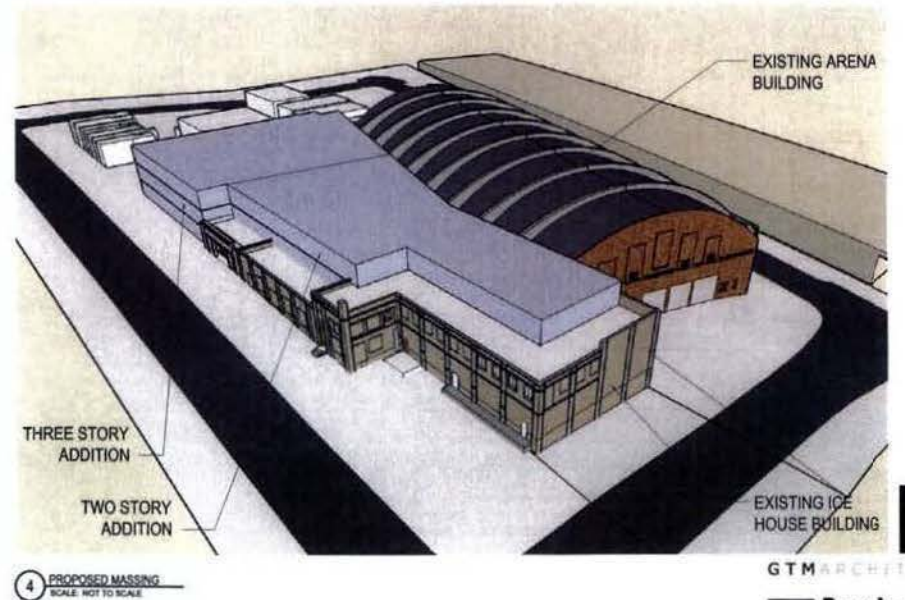
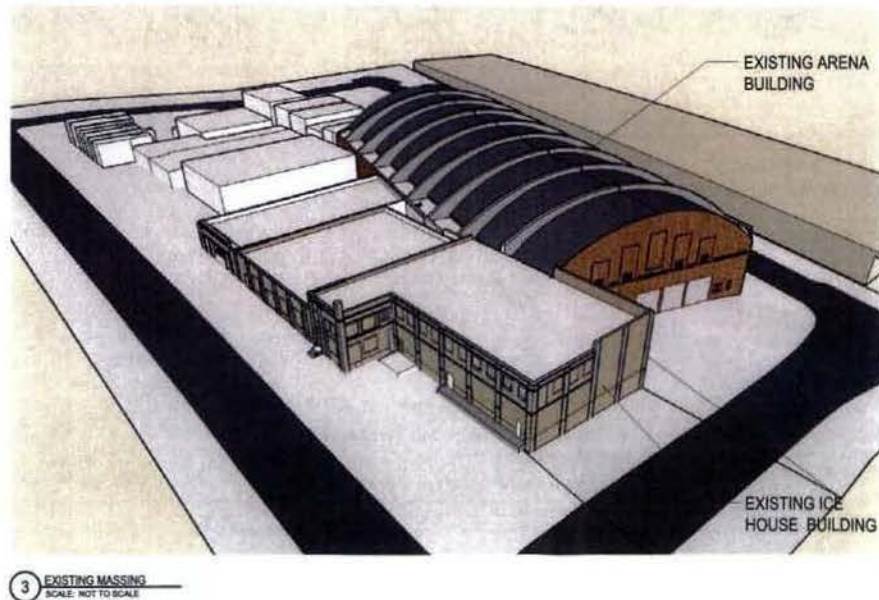
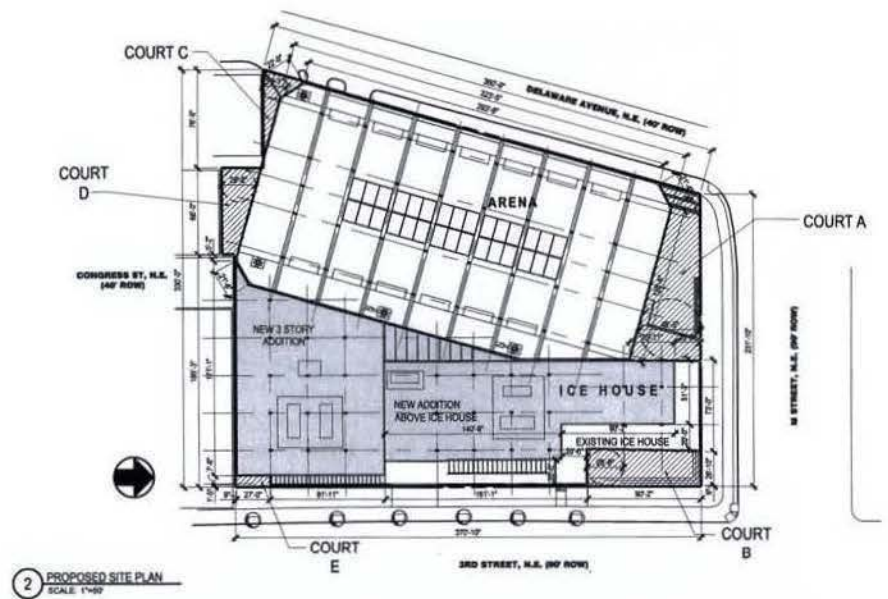
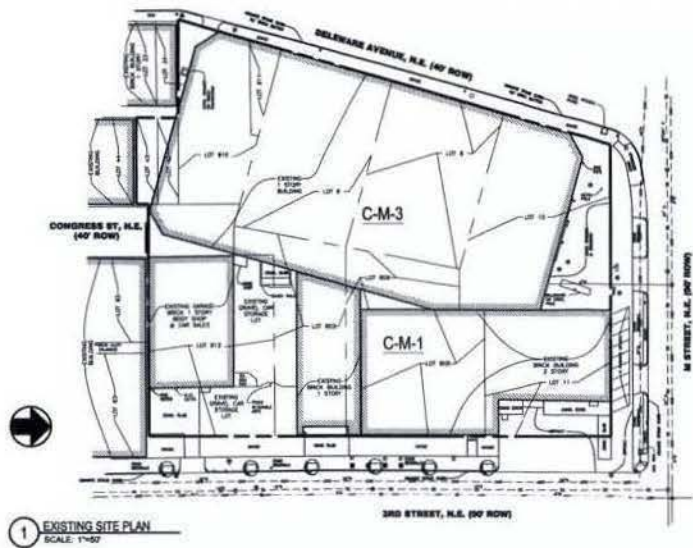
PARKING SQUARE FOOTAGE (NOT INCLUDED IN GSF)			
PARKING L1	32,268	---	32,268
PARKING L2	33,485	---	33,485
TOTAL	65,753	---	65,753

SITE TABULATIONS

ZONE:	C-M-3 C-M-1	EXISTING ARENA LOT EXISTING ICE HOUSE LOT	SQUARE: 748 LOTS: LOTS 8, 9, 10 & 11; LOTS 42 & 43; LOT 802; LOTS 808, 809, 810, 811 & 812
SITE AREA:	ARENA LOT ICE HOUSE LOT	59,530 SF 44,625 SF	
	TOTAL SITE AREA	104,155 SF	

SITE REQUIREMENTS	ARENA		ICE HOUSE	
	REQUIRED / ALLOWED PER C-M-3 DC CODE	PROVIDED	REQUIRED / ALLOWED PER C-M-1 DC CODE	PROVIDED
FAR:	6.0	2.9	3.0	2.5
GROSS FLOOR AREA:	357,180 sf	169,733 sf	133,875 sf	111,032 sf
OFFICE	---	128,479 sf	---	98,857 sf
LOADING/RECEIVING (see loading req. below)	---	3,662 sf	---	---
CORE/SERVICE	---	37,592 sf	---	12,175 sf
LOT OCCUPANCY:	none required	87.1%	none required	92.1%
BUILDING HEIGHT: (measuring pt. at 3rd St. el. +58.51)	90' max.	approx. 53'-2" from m.p. (same as exst)	40' max. / 3 stories	40'-0" / 3 stories from m.p.
PENTHOUSE HEIGHT:	18'-6" max.	18'-6"	18'-6" max.	18'-6"
REAR YARD:	2.5' per ft of ht, not less than 12' = 2.5' x 69'-11" = 14'-7"	20'-0" (center line of Delaware Ave)	2.5' per ft of ht, not less than 12' = 2.5' x 69'-11" = 14'-7"	20'-0" (center line of Delaware Ave)
SIDE YARD:	none required	none provided	none required	none provided
SITE				
	REQUIRED / ALLOWED PER C-M DC CODE		PROVIDED	
OPEN COURT WIDTH:	2.5' per foot of height not less than 6'			
COURT A	2.5' x 69'-11" = 14'-7"		48'-5" (exst to remain)	
COURT B	2.5' x 35'-6" = 7'-5"		28'-8" (exst to remain)	
COURT C	2.5' x 68'-5" = 14'-3"		19'-1" (exst to remain)	
COURT D	2.5' x 26'-5" = 5'-6" therefore 6'-0" min.		26'-8" (exst to remain)	
COURT E	2.5' x 42'-6" = 8'-10"		27'-0"	
LOADING REQUIRED:	Office: in excess of 200,000sf of gfa per total building (applies to C-M-1 and C-M-3) 3 loading berths @ 30' deep 1 service/delivery space @ 20' deep		3 loading berths @ 30' deep 1 service/delivery space @ 20' deep	
PARKING REQUIRED:	Office: in excess of 2,000sf, 1/ each add'l 800sf of gfa devoted to that use			
	ARENA ICE HOUSE	169,733 (proposed sf) - 51,872 (exst sf) = 117,861 sf (add'l sf) 111,032 (proposed sf) - 32,618 (exst sf) = 78,414 sf (add'l sf) TOTAL = 196,275 sf (add'l sf)		
		= 196,275 sf - 2,000 sf / 800 = 243 spaces required	182 spaces provided	

ULINE ARENA - ZONING AND SITE TABULATIONS



ULINE ARENA - SITE PLANS & MASSING MODELS

BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

GTM ARCHITECTS
Douglas Development



1 ARENA MAIN ENTRANCE



5 DETAIL OF MAIN ENTRANCE



6 EXISTING LOADING DOCK



7 EXISTING ADJACENT OPEN SPACE



2 DELAWARE AVENUE LOOKING NORTH



4 DETAIL OF MAIN ENTRANCE



5 VIEW OF ARENA ROOF FROM 3RD STREET



ELEVATED RAILWAY

KEY PLAN

ULINE ARENA - ARENA PHOTOS

BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

GTM

GTM ARCHITECTS

Douglas Development



1 ICE HOUSE AND ADJACENT ARENA



4 VIEW OF ICE HOUSE FROM 3RD STREET



7 VIEW OF ICE HOUSE FROM M STREET



8 DETAIL OF ICE HOUSE FROM 3RD ST



2 ICE HOUSE MAIN ENTRANCE



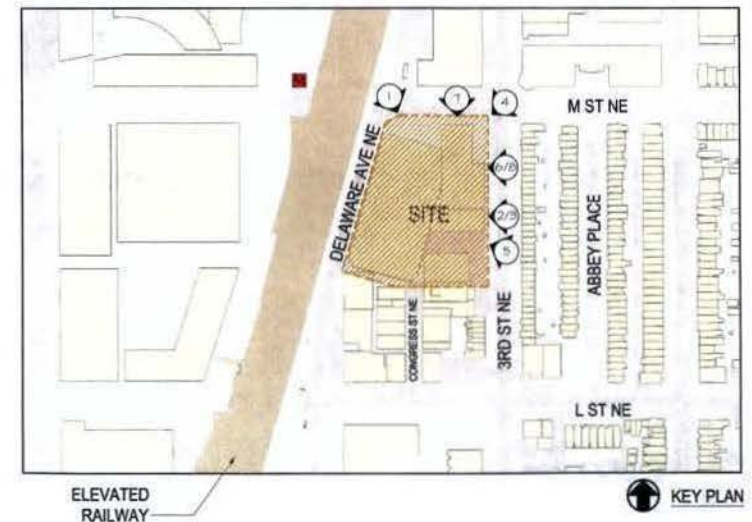
5 VIEW OF ICE HOUSE FROM 3RD STREET



3 ICE HOUSE MAIN ENTRANCE



6 DETAIL OF ICE HOUSE FACADE



KEY PLAN

ULINE ARENA - ICE HOUSE PHOTOS



1 M STREET LOOKING WEST



2 M STREET LOOKING WEST



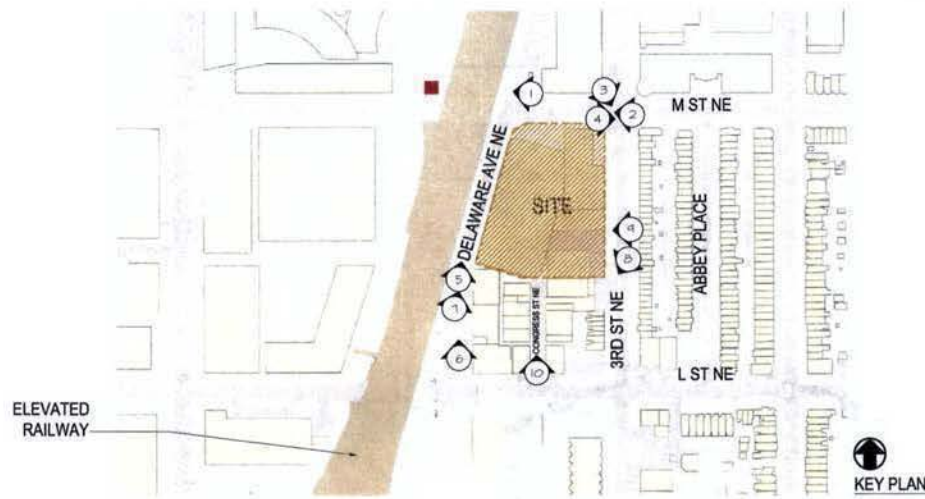
3 M STREET LOOKING SOUTHEAST



4 M STREET LOOKING EAST



10 CONGRESS STREET LOOKING NORTH



5 DELAWARE AVE LOOKING NORTHEAST



9 3RD STREET LOOKING WEST



8 3RD STREET LOOKING SOUTHWEST

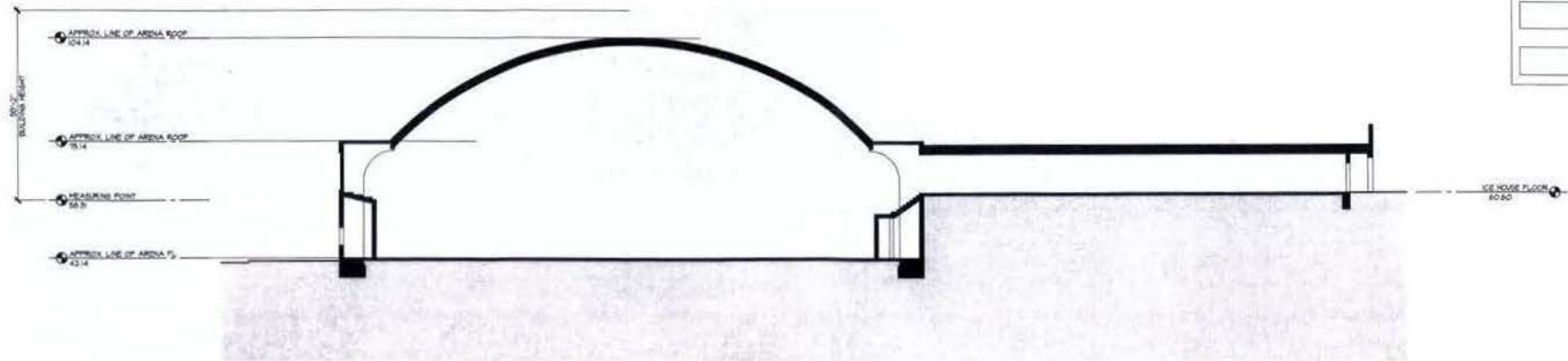


7 DELAWARE AVE LOOKING NORTHEAST



6 DELAWARE AVE LOOKING NORTH

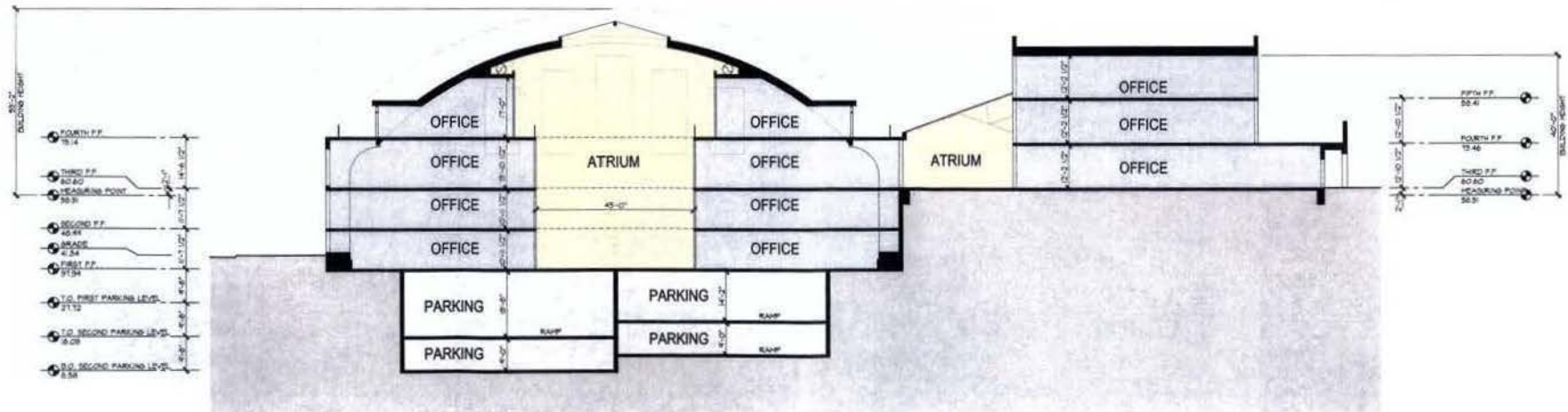
ULINE ARENA - SITE CONTEXT



GRAPHIC SCALE



1 EXISTING SECTION
SCALE: 1/32" = 1'-0"



GRAPHIC SCALE



2 SECTION THROUGH ARENA AND ICE HOUSE
SCALE: 1/32" = 1'-0"

LEGEND	
	OFFICE
	CORE
	PARKING / LOADING

ULINE ARENA - SECTIONS

PARKING DATA	
GARAGE LEVEL	# OF SPACES
LEVEL 1	89
LEVEL 2	93
TOTAL SPACES	182



ULINE ARENA - PLANS

BZA PREHEARING SUBMITTAL 09/02/08

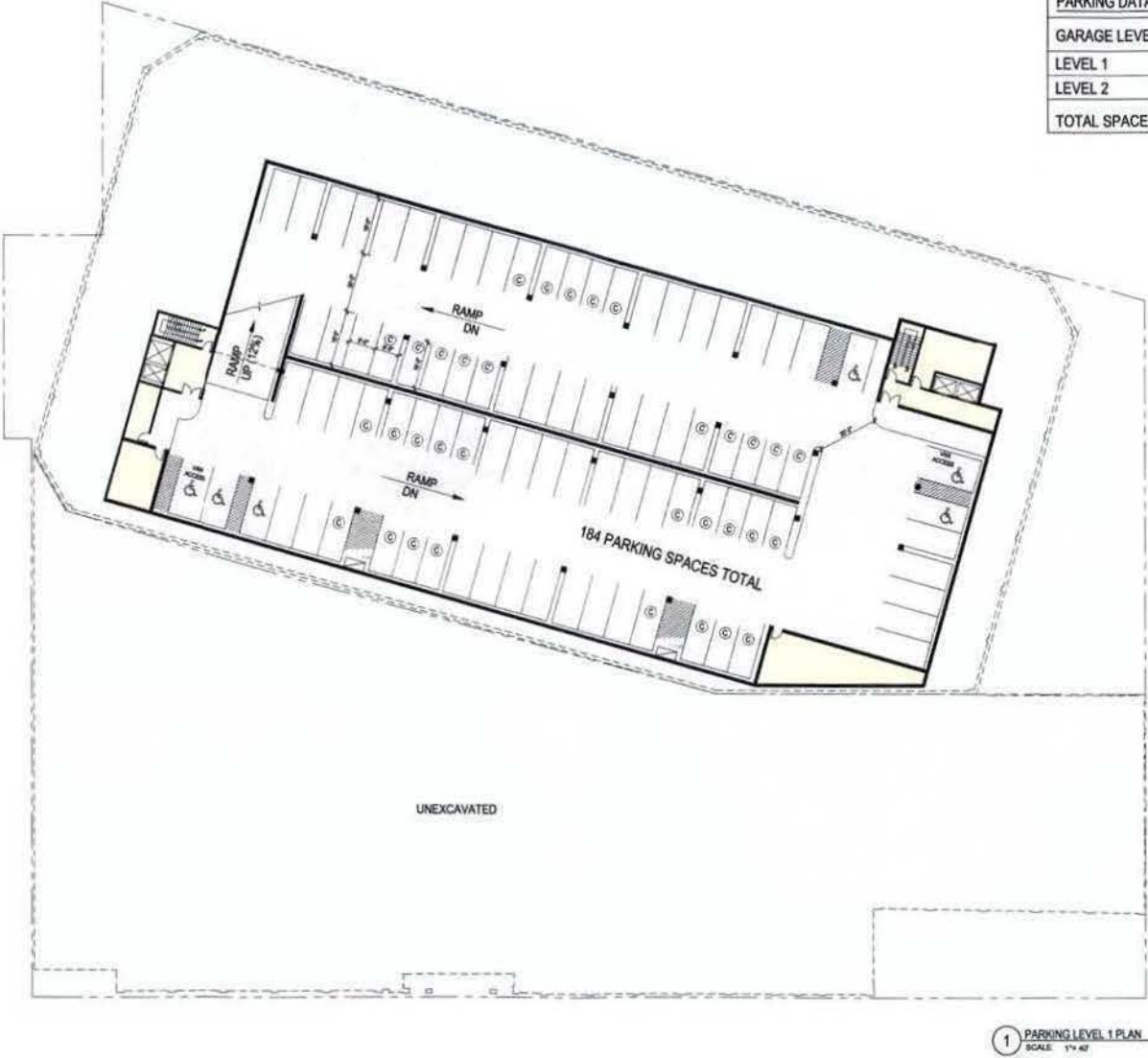
PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

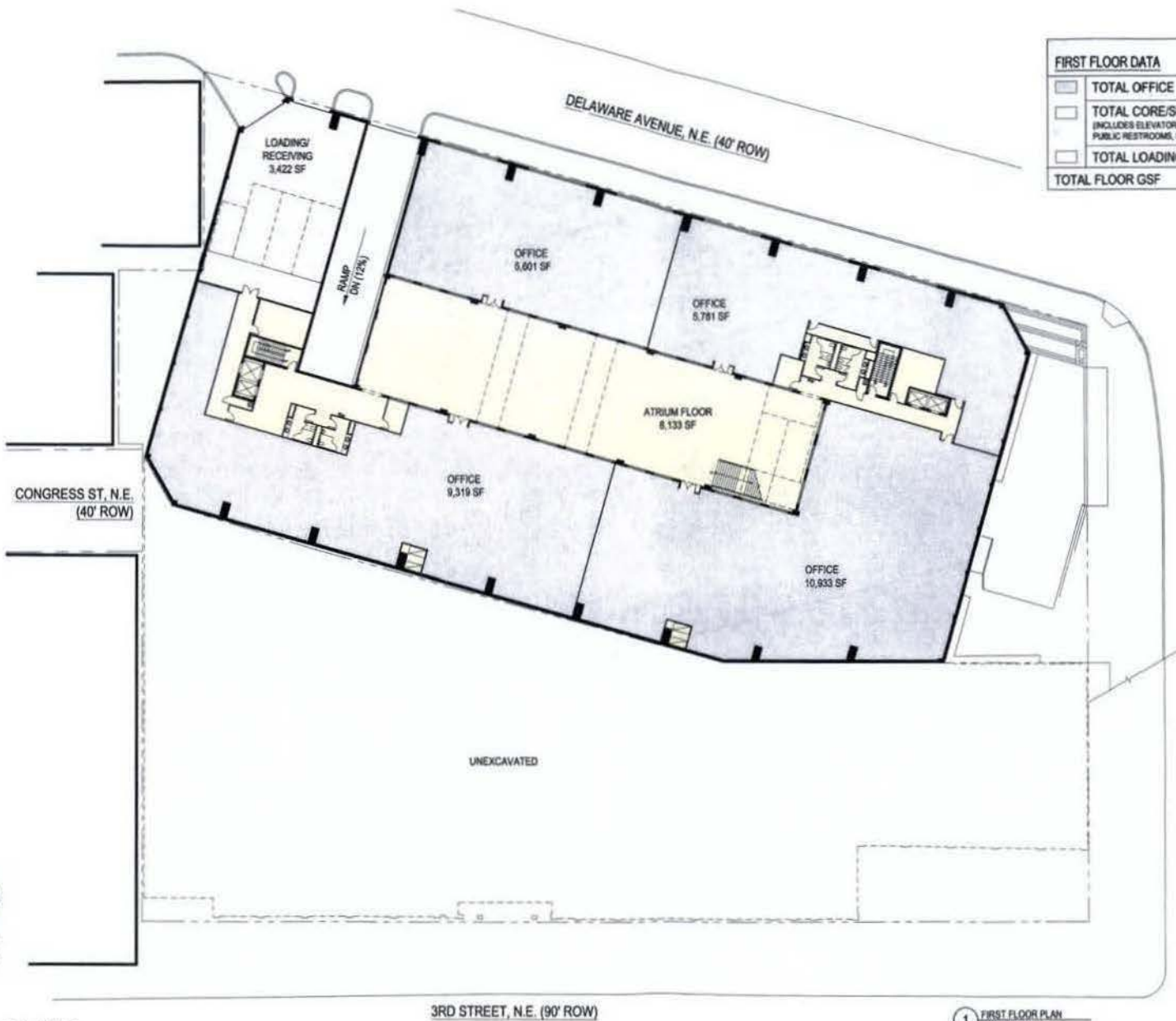
7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



PARKING DATA	
GARAGE LEVEL	# OF SPACES
LEVEL 1	89
LEVEL 2	93
TOTAL SPACES	182



ULINE ARENA - PLANS



FIRST FLOOR DATA		SF
	TOTAL OFFICE	33,058
	TOTAL CORE/SERVICE AREA (INCLUDES ELEVATORS, STAIRWELLS, CORRIDOR, TRASH, PUBLIC RESTROOMS, UTILITY & SERVICE AREAS)	12,889
	TOTAL LOADING	3,662
TOTAL FLOOR GSF		49,609

ULINE ARENA - PLANS

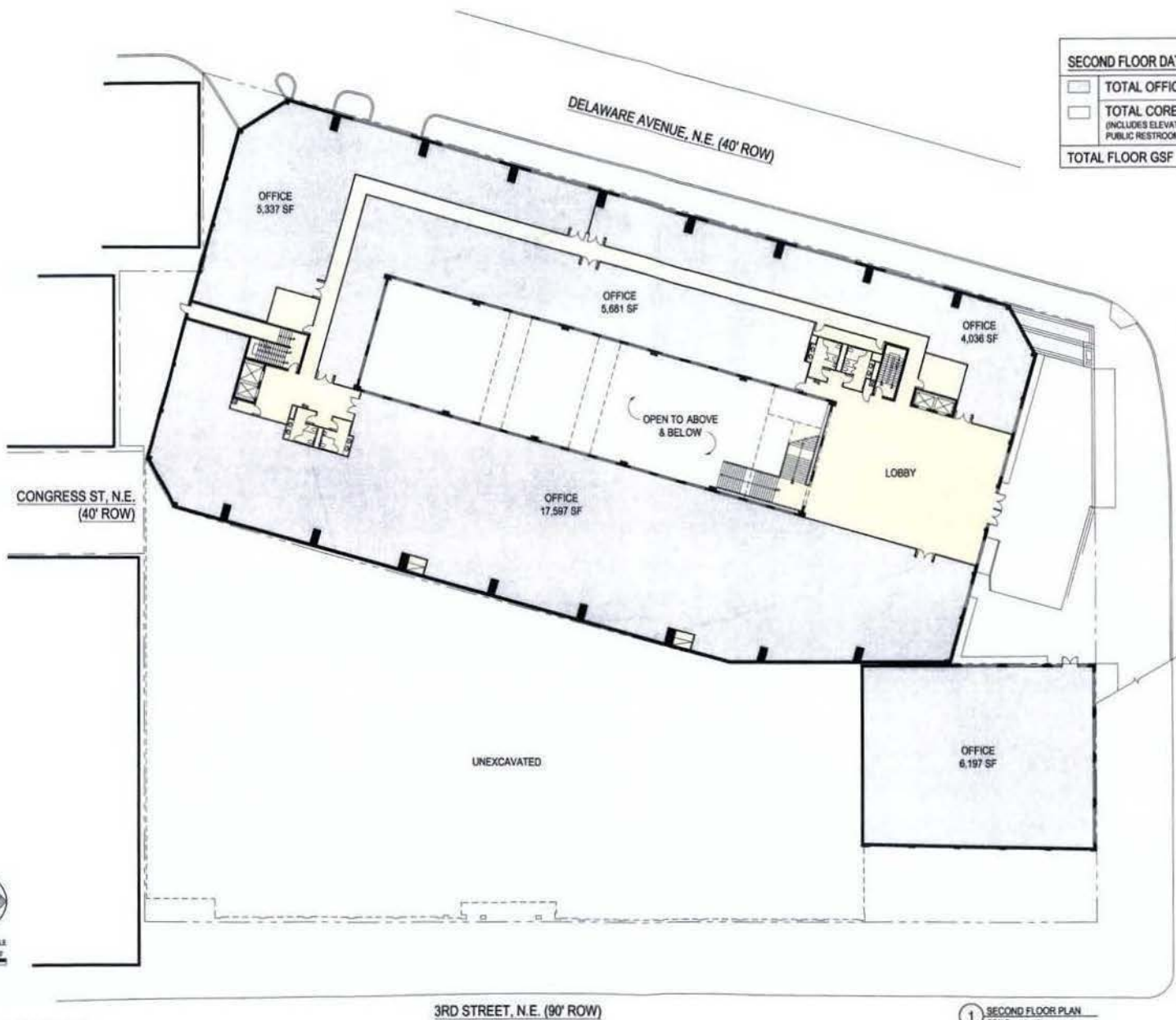
BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001





ULINE ARENA - PLANS

BZA PREHEARING SUBMITTAL 09/02/08

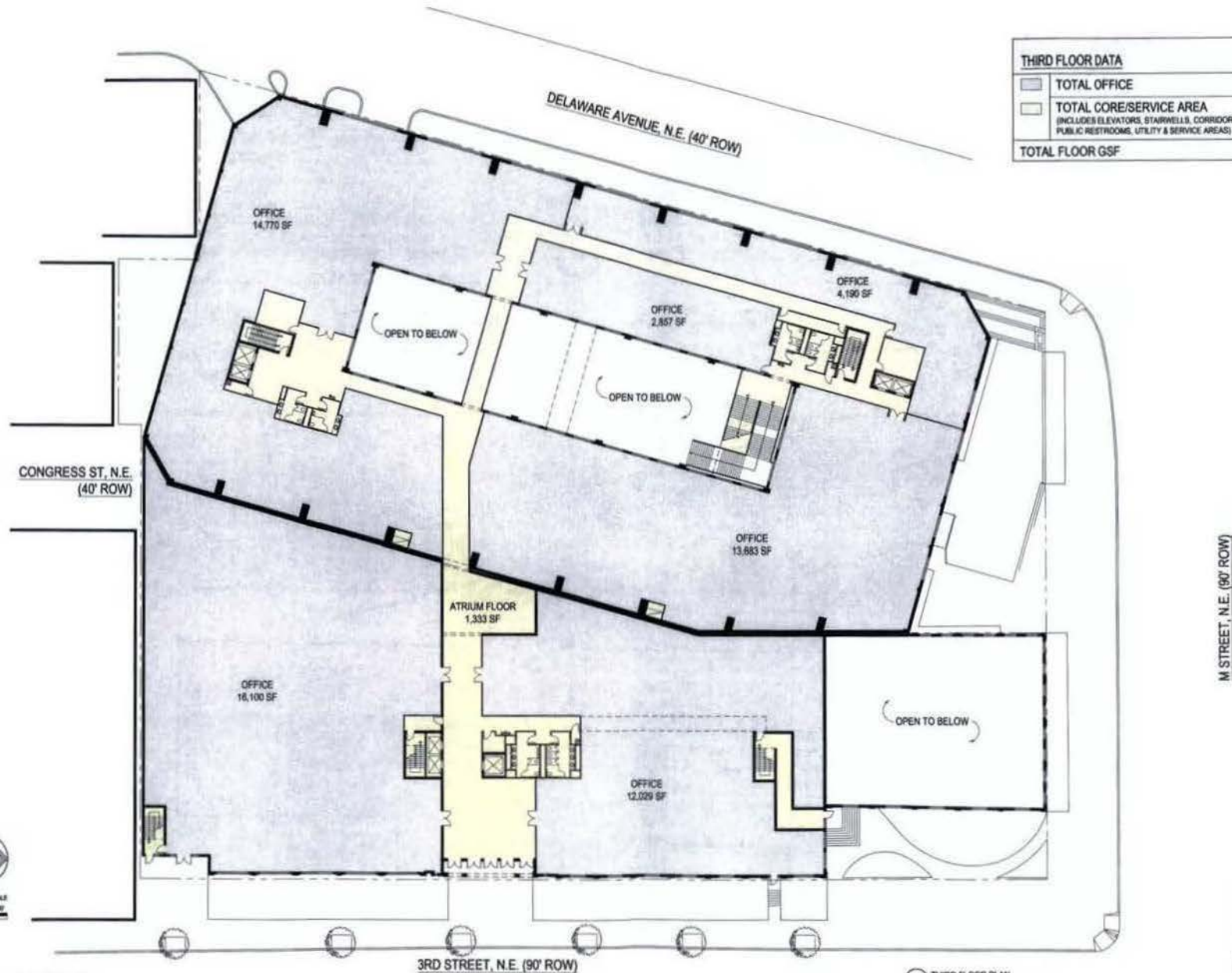
PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



THIRD FLOOR DATA		SF
	TOTAL OFFICE	66,398
	TOTAL CORE/SERVICE AREA (INCLUDES ELEVATORS, STAIRWELLS, CORRIDOR, TRASH, PUBLIC RESTROOMS, UTILITY & SERVICE AREAS)	13,231
TOTAL FLOOR GSF		79,629

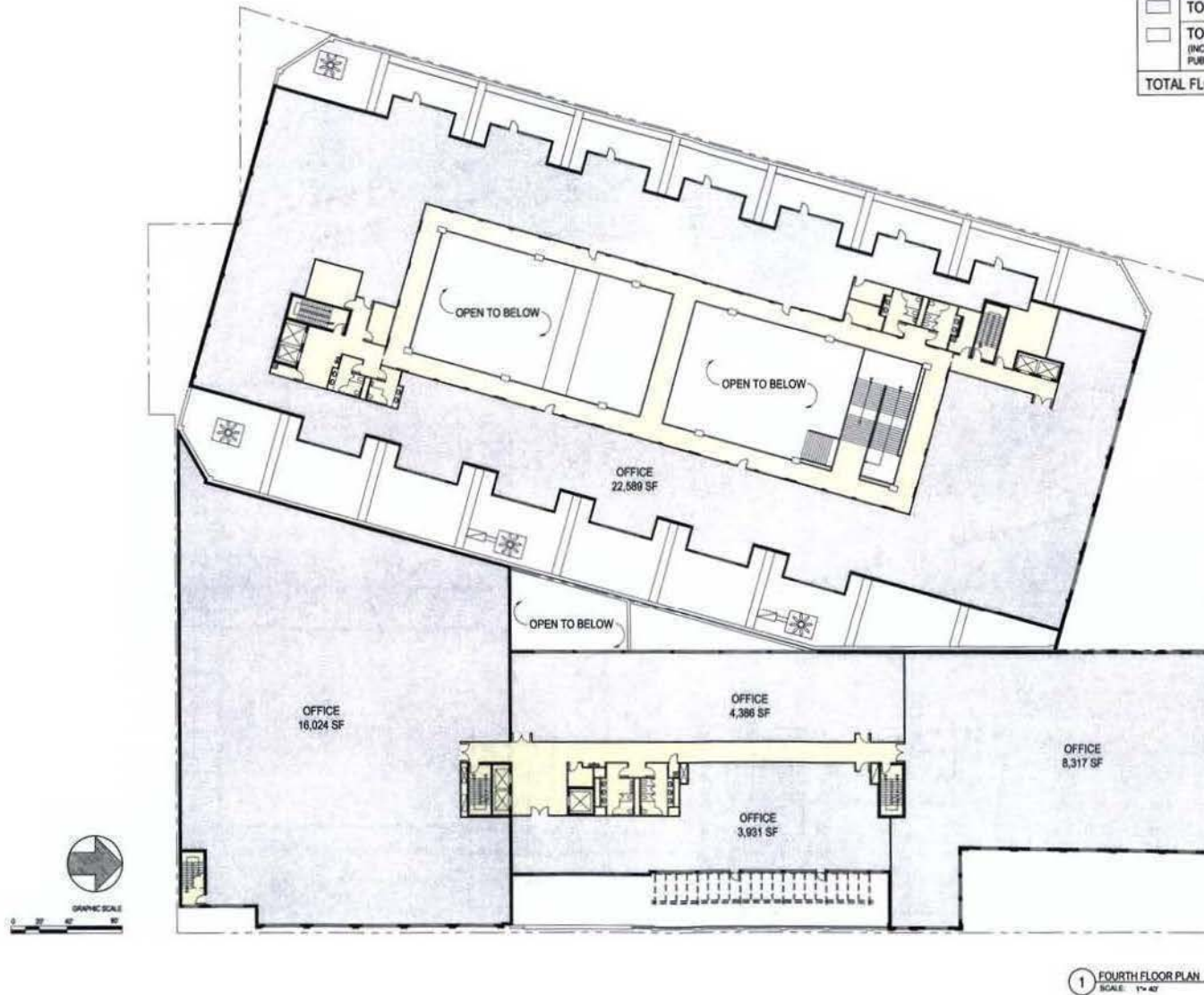


ULINE ARENA - PLANS

1 THIRD FLOOR PLAN
SCALE: 1/4" = 1'



FOURTH FLOOR DATA		SF
	TOTAL OFFICE	57,604
	TOTAL CORE/SERVICE AREA (INCLUDES ELEVATORS, STAIRWELLS, CORRIDOR, TRASH, PUBLIC RESTROOMS, UTILITY & SERVICE AREAS)	10,742
TOTAL FLOOR GSF		68,346



1 FOURTH FLOOR PLAN
SCALE: 1" = 40'

ULINE ARENA - PLANS

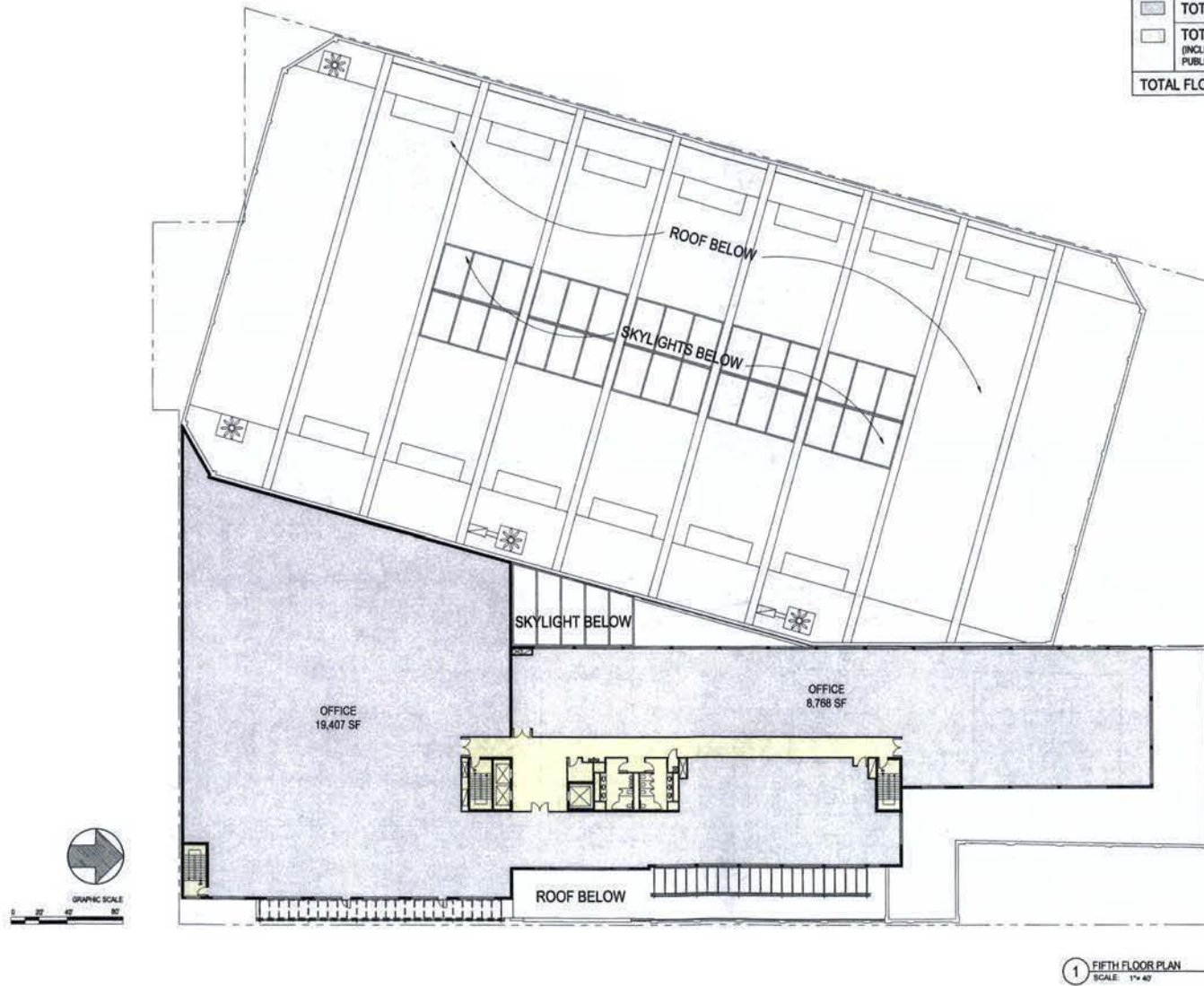
BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

FIFTH FLOOR DATA		SF
	TOTAL OFFICE	29,283
	TOTAL CORE/SERVICE AREA (INCLUDES ELEVATORS, STAIRWELLS, CORRIDOR, TRASH, PUBLIC RESTROOMS, UTILITY & SERVICE AREAS)	3,152
TOTAL FLOOR GSF		32,435



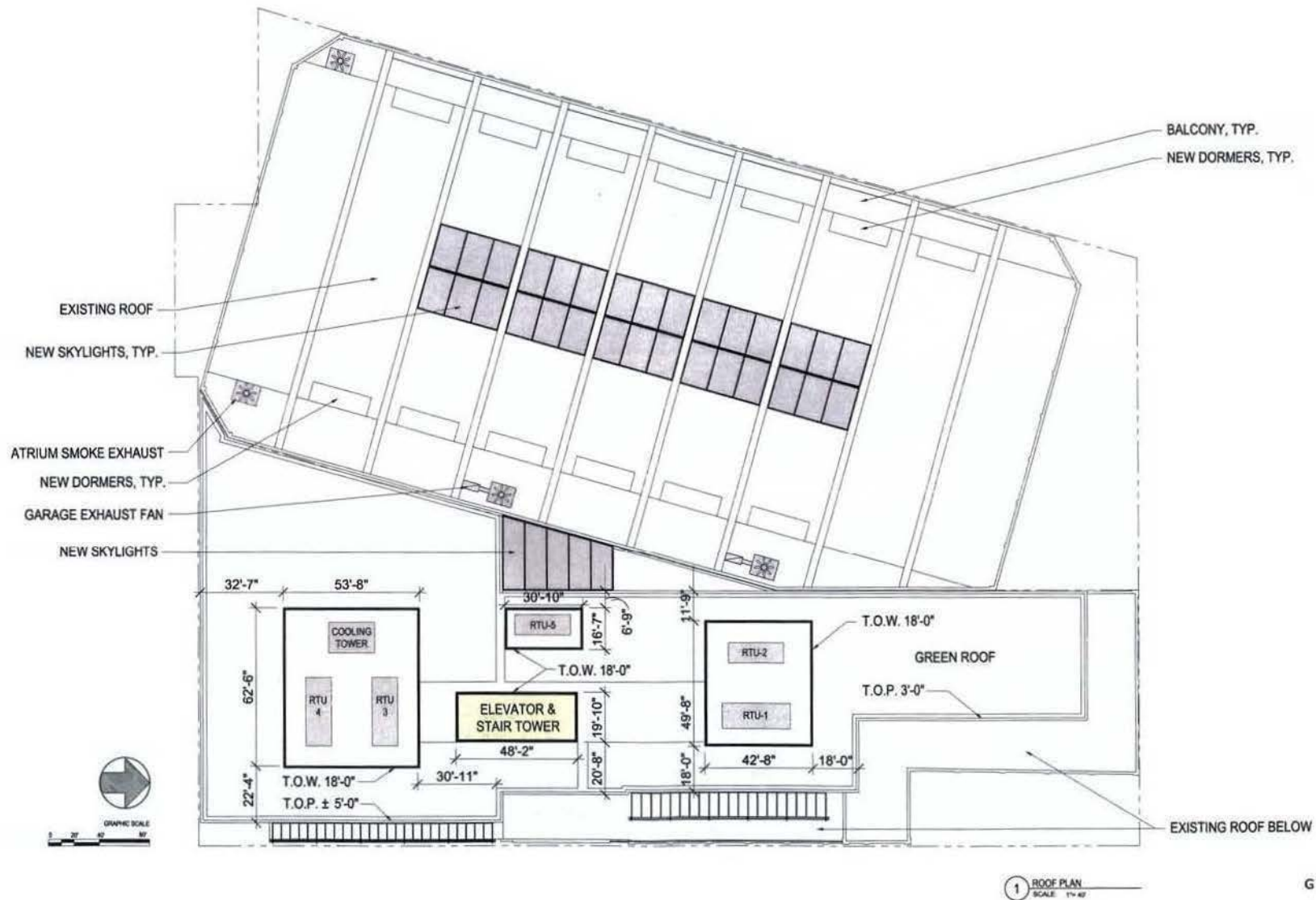
ULINE ARENA - PLANS

BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



ULINE ARENA - PLANS

BZA PREHEARING SUBMITTAL 09/02/08

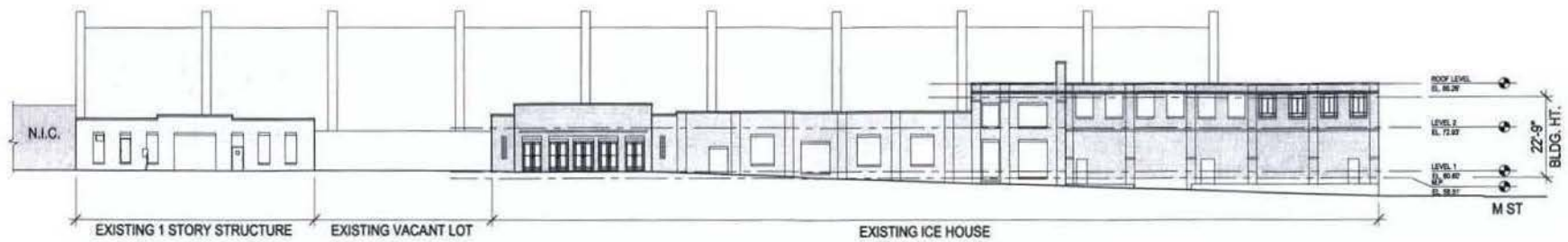
PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

GTM ARCHITECTS

Douglas
Development

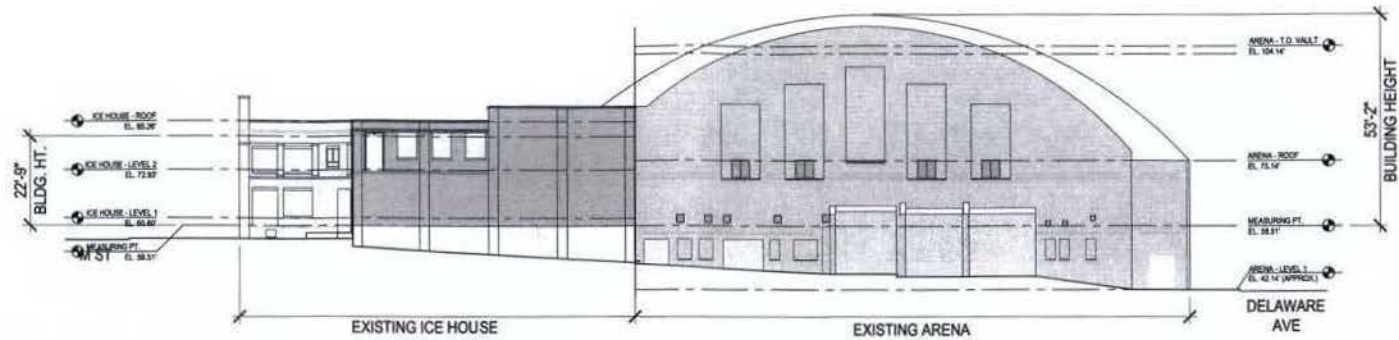


1 EXISTING 3RD STREET ICE HOUSE ELEVATION
SCALE: 1/32" = 1'-0"



2 PROPOSED 3RD STREET ICE HOUSE ELEVATION
SCALE: 1/32" = 1'-0"

ULINE ARENA - ELEVATIONS



1 EXISTING M STREET ARENA ELEVATION
SCALE: 1/32" = 1'-0"



2 PROPOSED M STREET ARENA ELEVATION
SCALE: 1/32" = 1'-0"

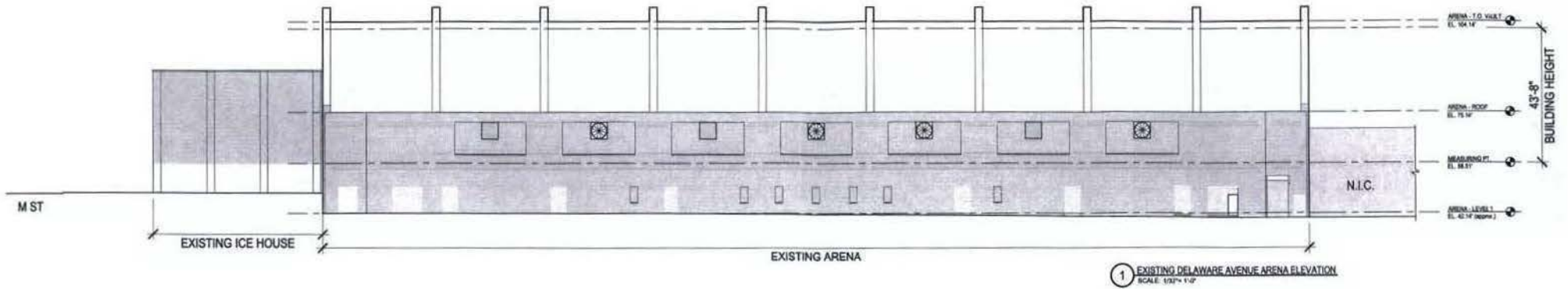
ULINE ARENA - ELEVATIONS

BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

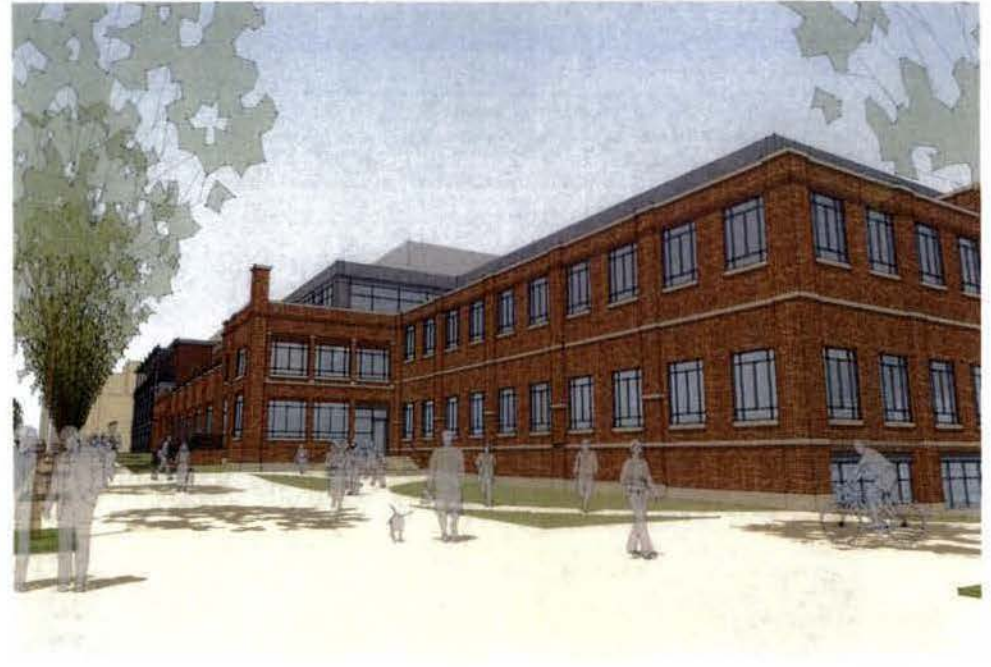
7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



ULINE ARENA - ELEVATIONS



1 THIRD STREET LOOKING NORTH
SCALE: N.T.S.



2 THIRD STREET LOOKING SOUTH
SCALE: N.T.S.

ULINE ARENA - THIRD STREET VIEWS

BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

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ULINE ARENA - THIRD STREET ENTRANCE

BZA PREHEARING SUBMITTAL 09/02/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

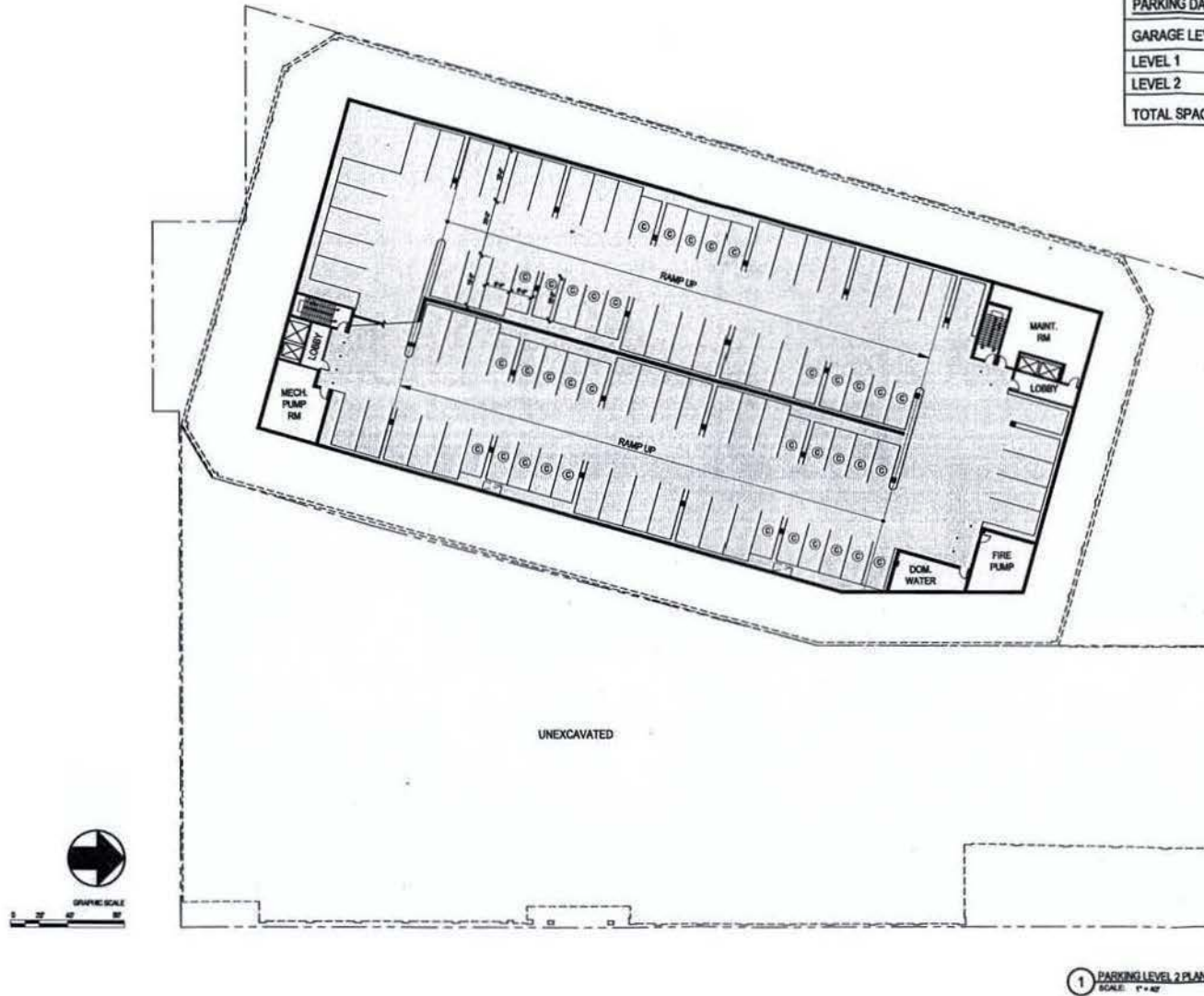
7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

GTM

GTM ARCHITECTS

**Douglas
Development**

PARKING DATA	
GARAGE LEVEL	# OF SPACES
LEVEL 1	86
LEVEL 2	96
TOTAL SPACES	182



ULINE ARENA - REVISED PARKING PLAN

BZA PREHEARING SUBMITTAL 09/16/08

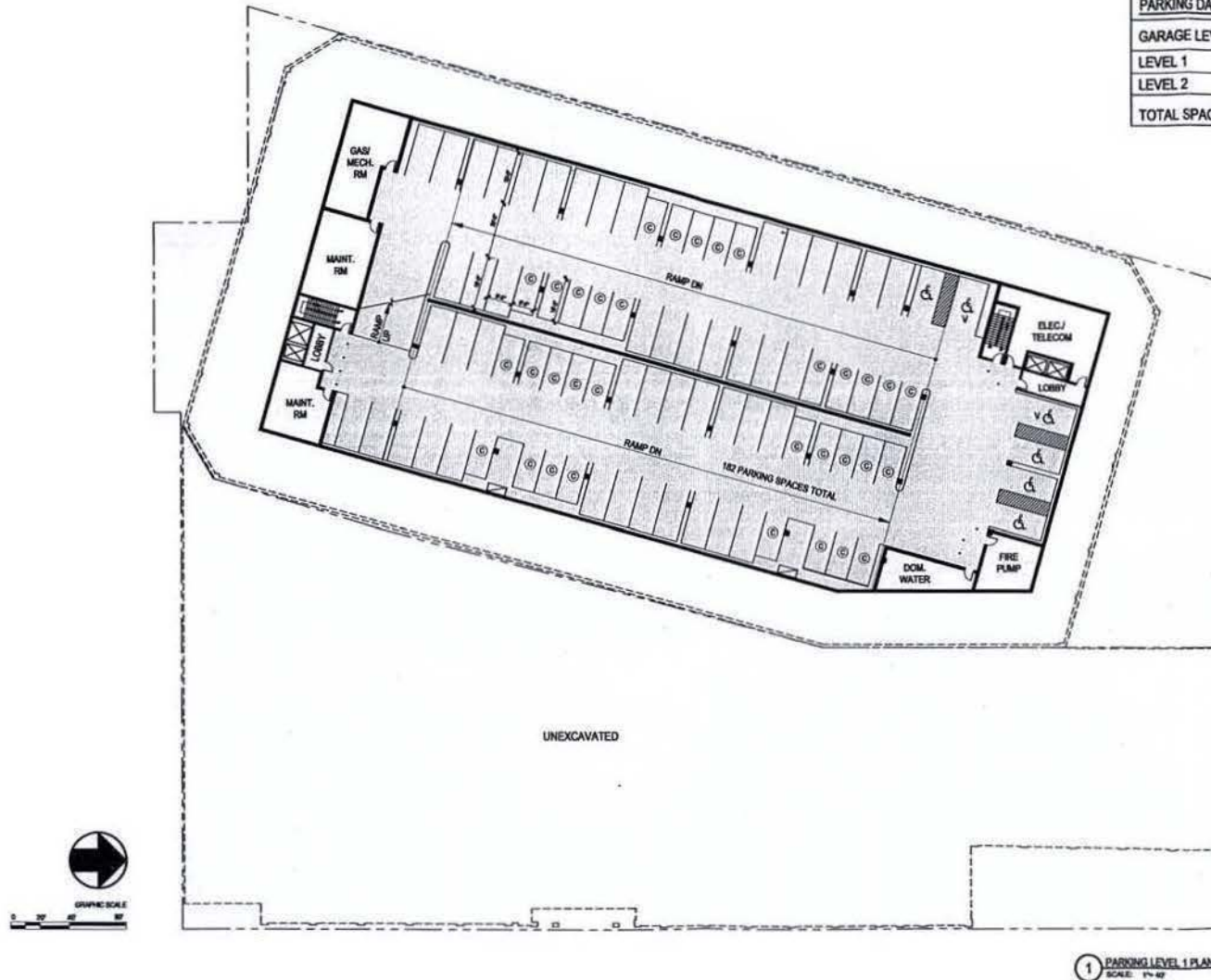
PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



PARKING DATA	
GARAGE LEVEL	# OF SPACES
LEVEL 1	86
LEVEL 2	96
TOTAL SPACES	182



ULINE ARENA - REVISED PARKING PLAN

BZA PREHEARING SUBMITTAL 09/16/08

PROJECT NO: 07.0352

PROGRESS SET - NOT FOR CONSTRUCTION

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

EXHIBIT E



WASHINGTON, DC

THE COLISEUM

1140 3rd Street NE, Washington, DC

**BZA MODIFICATION APPLICATION
PRE-HEARING SUBMISSION**

Owner/Developer
Douglas Development
702 H Street NW
Washington, DC 20001
202.638.6300

Architects and Planners
Antunovich Associates
2200 Clarendon Blvd, Suite 1150
Arlington, VA 22201
703.224.1126

21 May 2013

CM-1: ICEHOUSE/PARKING/PARTIAL ARENA	
2.98 FAR	
LOT AREA: 60,277	
TOTAL GSF: 149,802	

	RETAIL	OFFICE ICEHOUSE	OFFICE ARENA	PARKING	CANOPIES/ OVERHANGS	LOADING/ SERVICE
	area (GSF)	area (GSF)	area (GSF)	area (GSF)	area (GSF)	area (GSF)
1st Floor	11,697	1,462	0	0	0	0
2nd Floor	11,481	10,804	1,719	17,166	485	635
3rd Floor	0	21,276	1,719	17,127	0	0
4th Floor	0	19,160	1,639	17,127	0	0
5th Floor	0	0	0	16,427	0	0

GRAND TOTAL	23,178	52,691	5,077	67,836	485	635	149,802
*ROOFTOP STRUCTURES COUNT TOWARDS A SEPARATE 37 MAX FAR							
**THE ARENA AREA THAT FALLS WITHIN CM-1 IS INCLUDED							

CM-3: PARTIAL ARENA/LOTS 30-34	
5-Feb-13	
2.91 FAR	
LOT AREA: 69,823	
TOTAL GSF: 174,088	

	RETAIL	OFFICE ICEHOUSE	OFFICE ARENA	PARKING	CANOPIES/ OVERHANGS	LOADING/ SERVICE
	area (GSF)	area (GSF)	area (GSF)	area (GSF)	area (GSF)	area (GSF)
1st Floor	45,838	0	385	0	1,224	5,997
2nd Floor	0	0	45,590	0	0	0
3rd Floor	0	0	40,722	0	0	0
4th Floor	0	0	33,622	0	710	0
5th Floor	0	0	0	0	0	0

GRAND TOTAL	45,838	0	120,319	0	1,934	5,997	174,088
*ROOFTOP STRUCTURES COUNT TOWARDS A SEPARATE 37 MAX FAR							
**THE ARENA AREA THAT FALLS WITHIN CM-1 IS SEPARATED							

PARKING

OFFICE (CM): IN EXCESS OF 2,000SF, 1 FOR EACH ADDITIONAL 800SF
RETAIL (CM1): IN EXCESS OF 3,000SF, 1 FOR EACH ADDITIONAL 300SF
RETAIL (CM3): IN EXCESS OF 3,000SF, 1 FOR EACH ADDITIONAL 750SF

	C-M-1	C-M-3
EXISTING AREA:	38,354 SF	46,121 SF
ALLOCATED TO RETAIL	20,713 SF	23,060.5 SF
ALLOCATED TO OFFICE	17,641 SF	23,060.5 SF
PROPOSED RETAIL	23,713 SF	48,836.5 SF
ADJUSTED PER EXISTING	23,713 - 20,713 = 3,000 SF	48,836.5 - 23,060.5 = 25,776 SF
REQUIRED PARKING	0 SPACES	31 SPACES
PROPOSED OFFICE	57,768 SF	123,317.5 SF
ADJUSTED PER EXISTING	57,768 - 17,641 = 40,127 SF	123,317.5 - 23,060.5 = 100,257 SF
REQUIRED PARKING	48 SPACES	123 SPACES
REQUIRED PARKING	0 + 48 + 31 + 123 = 202 PARKING SPACES	
PROPOSED PARKING	176 PARKING SPACES	

ZONE: C-M-3 PARTIAL ARENA & LOADING
C-M-1 ICE HOUSE, PARKING, & PARTIAL ARENA

SQUARE: 748
LOTS: LOTS 8, 9, 10, & 11; LOTS 30, 31, 32, 33, & 34; LOTS 42 & 43; LOT 802; LOTS 808, 809, 810, 811, & 812

SITE AREA: ARENA LOT 59,823 SF
ICE HOUSE LOT 50,277 SF
TOTAL SITE AREA 110,100 SF

ARENA

SITE REQUIREMENTS	REQUIRED / ALLOWED PER C-M-3 DC CODE	PROVIDED
FAR:	6.0	2.91
GROSS FLOOR AREA:	358,938 SF	174,088 SF
OFFICE	---	101,844 SF
LOADING CORE	---	3,384 SF
RETAIL	---	18,137 SF
LOADING CORE	---	45,838 SF
PARKING	---	2,999 SF
		0 SF

		67,836 SF

LOT OCCUPANCY:	NONE REQUIRED	89.3%
BUILDING HEIGHT: (MEASURING PT. AT 3RD ST. +57.87')	90' MAXIMUM	APPROX. 51'-9" (EXISTING)
PENTHOUSE HEIGHT:	18'-6" MAXIMUM	18'-6"
REAR YARD:	2.5' PER FOOT OF HEIGHT NOT LESS THAN 12' 2.5' X 69'-11" = 14'-7"	20'-0" (C.L. OF DELAWARE AVENUE 2.5' X 69'-11" = 14'-7"
SIDE YARD:	NONE REQUIRED	N/A

SITE

	REQUIRED / ALLOWED PER C-M DC CODE	PROVIDED
OPEN COURT WIDTH:	2.5' PER FOOT OF HEIGHT NOT LESS THAN 6'	
COURT A	2.5' X 61'-7" = 12'-10"	47'-7" EXISTING TO REMAIN
COURT B	2.5' X 33'-6" = 6'-11 3/4"	27'-0" EXISTING TO REMAIN
COURT C	2.5' X 66'-5" = 13'-10"	18'-3" EXISTING TO REMAIN
COURT D	2.5' X 26'-5" = 6'-0"	26'-10" EXISTING TO REMAIN
COURT E	2.5' X 42'-4" = 8'-9 5/8"	9'-10"
COURT F	2.5' X 53'-4" = 11'-1 1/4"	21'-10" DIAMETER (IRREGULAR)
CLOSED COURT WIDTH:	2.5' PER FOOT OF HEIGHT NOT LESS THAN 12'	
COURT G	2.5' X 53'-4" = 11'-1 1/4"	32'-0" DIAMETER (IRREGULAR)
LOADING REQUIRED:	NO ADDITIONAL LOADING REQUIRED PER DC ZONING \$2400.5	

ICE HOUSE

	REQUIRED / ALLOWED PER C-M-1 DC CODE	PROVIDED
FAR:	3.0	2.98
GROSS FLOOR AREA:	150,831 SF	149,802 SF
OFFICE	---	36,427 SF
LOADING CORE	---	N/A
RETAIL	---	16,264 SF
LOADING CORE	---	16,456 SF
PARKING	---	535 SF
		0 SF

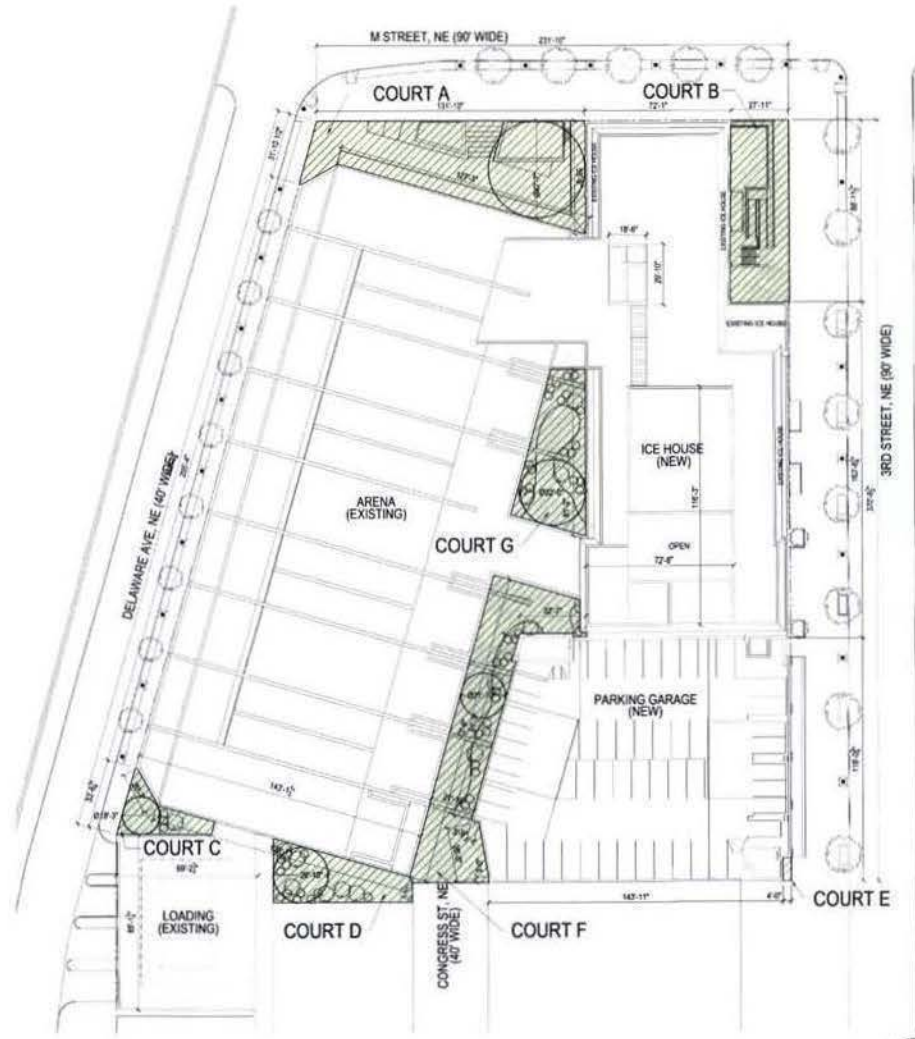
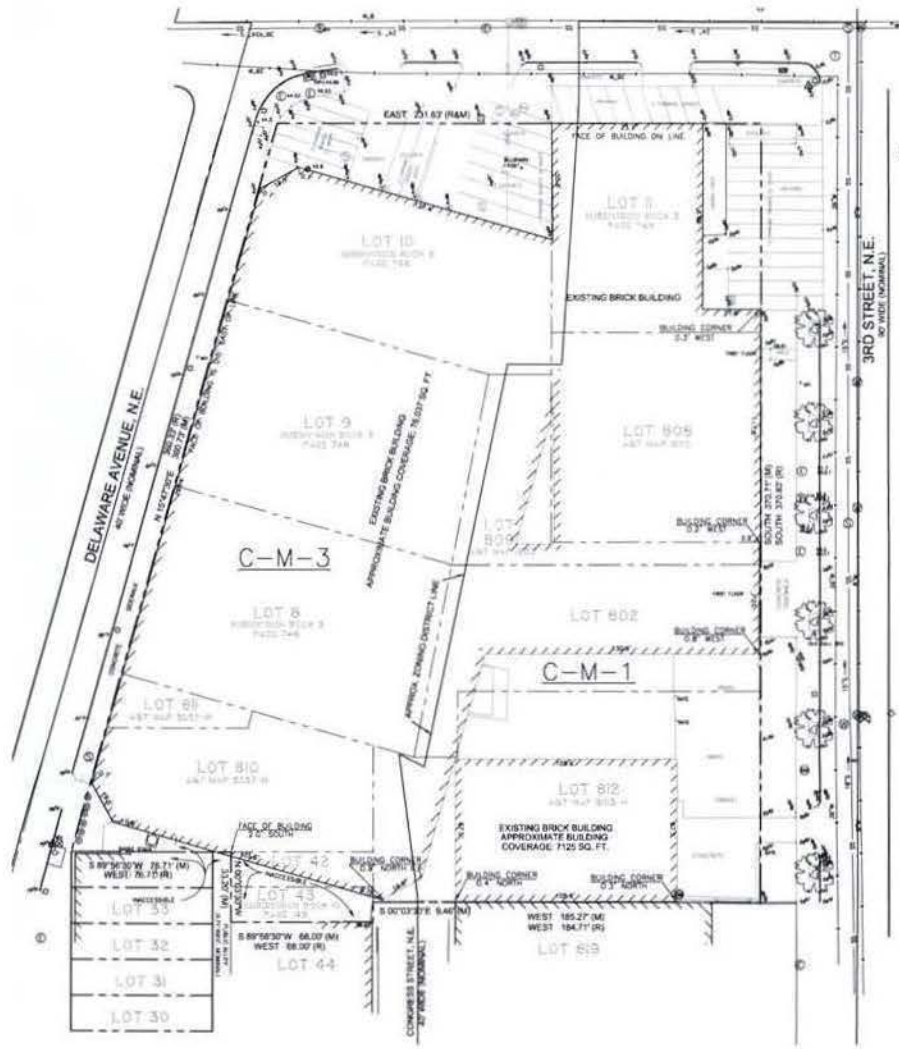
		67,836 SF
LOT OCCUPANCY:	NONE REQUIRED	91.2%
BUILDING HEIGHT: (MEASURING PT. AT 3RD ST. +57.87')	40' MAXIMUM / 3 STORIES	40' / 3 STORIES FROM M.P.
PENTHOUSE HEIGHT:	18'-6" MAXIMUM	18'-6"
REAR YARD:	2.5' PER FOOT OF HEIGHT NOT LESS THAN 12' 2.5' X 69'-11" = 14'-7"	20'-0" (C.L. OF DELAWARE AVENUE 2.5' X 69'-11" = 14'-7"
SIDE YARD:	NONE REQUIRED	N/A

THE COLISEUM

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Site Tabulations

May 21, 2013



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Site Plan & Court Diagram

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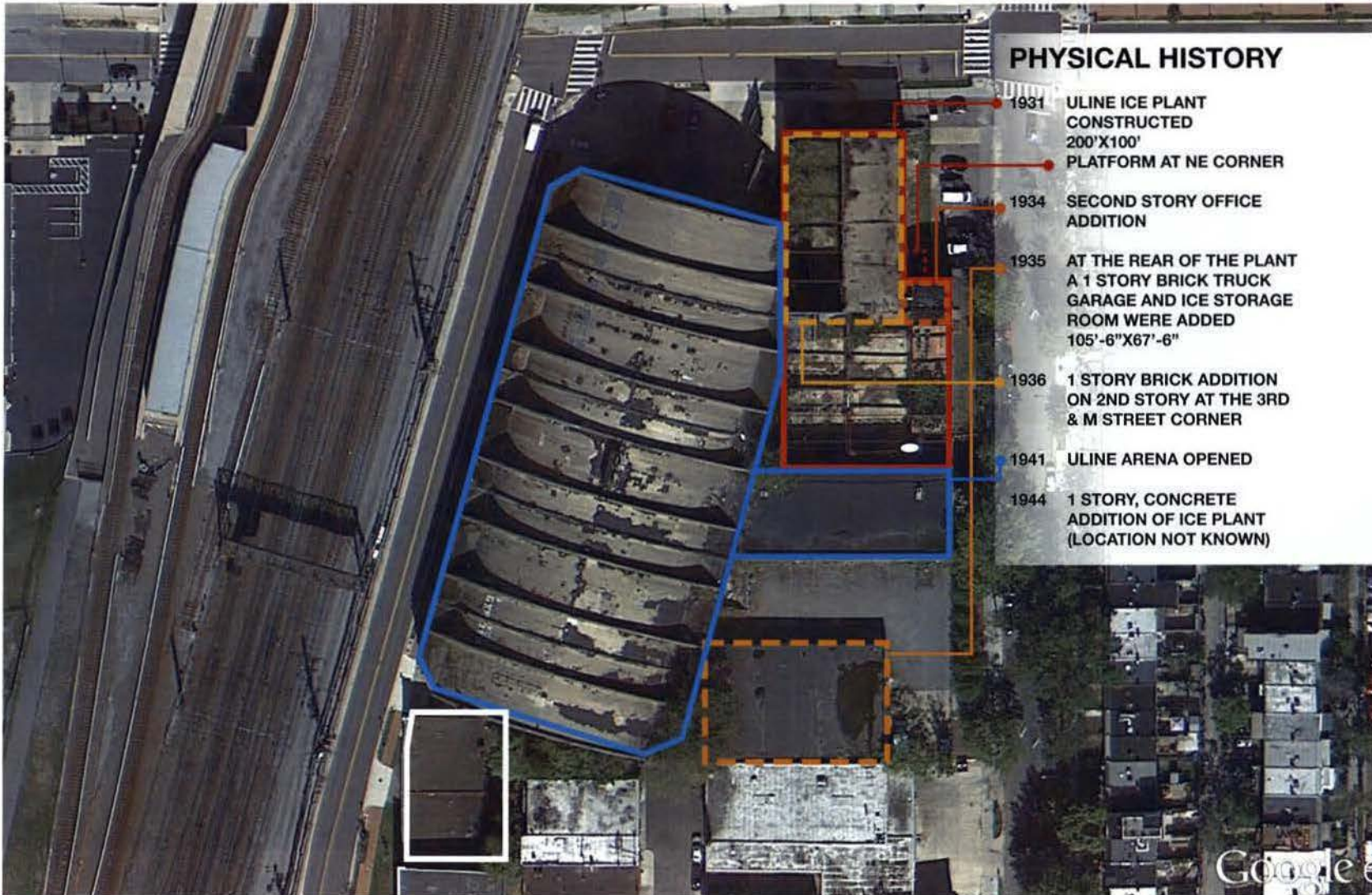


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Site Location

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Physical History

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NORTH-WEST CORNER
WALKING FROM METRO
ORIGINAL BUILDING 1941



NORTH FACADE
FROM M STREET NE



SOUTH-WEST CORNER



WEST FACADE
FROM DELEWARE AVENUE NE
2ND STORY WINDOWS REMOVED IN 1944

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Site Context _ The Arena

May 21, 2013



LOOKING SOUTH



LOOKING NORTH



EAST WALL



PRESS BOX
EAST WALL



EXISTING STANDS
SOUTH WEST CORNER



NORTH EAST CORNER
ADJACENT TO ICE HOUSE

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Site Context _ Arena Interior

May 21, 2013



NORTHEAST CORNER
ORIGINAL BUILDING 1931



EAST FACADE
2ND STORY OFFICE ADDED IN 1934



ARENA ENTRANCE
& TICKET OFFICE



EAST FACADE
SECOND STORY ADDED IN 1936

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Site Context _ The Ice House

May 21, 2013



ELEVATED TRACKS
IMMEDIATELY WEST OF SITE



ONE-STORY BRICK STRUCTURE
PROPOSED LOADING & SERVICES BUILDING



LOOKING NORTH ON CONGRESS STREET NE
PROPOSED ENTRANCE TO PARKING



RESIDENCES
EAST OF 3RD STREET



NOMA METRO STATION
LESS THAN 500 FEET AWAY



ARENA FROM NOMA METRO STATION

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Site Context

May 21, 2013

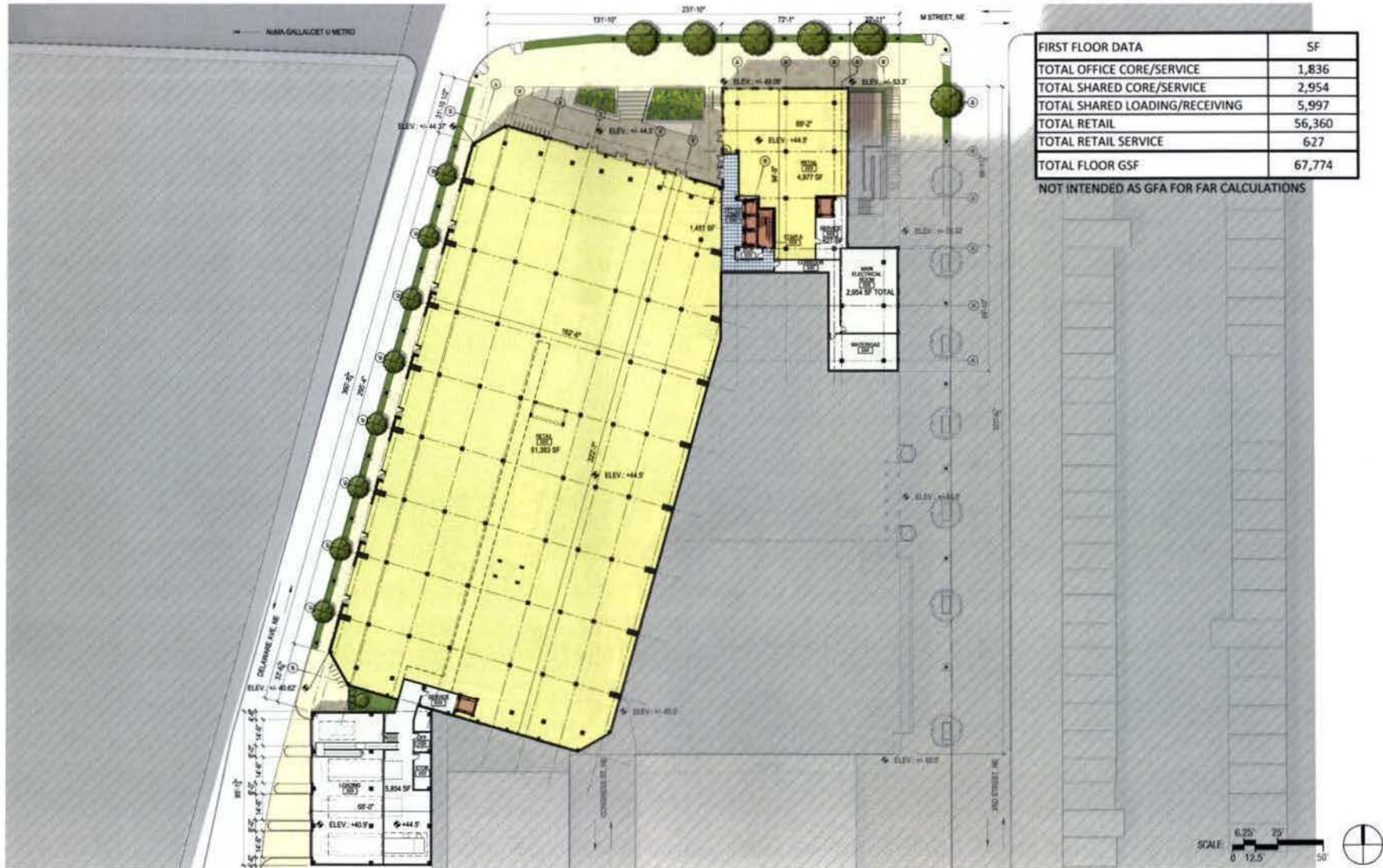


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Master Plan

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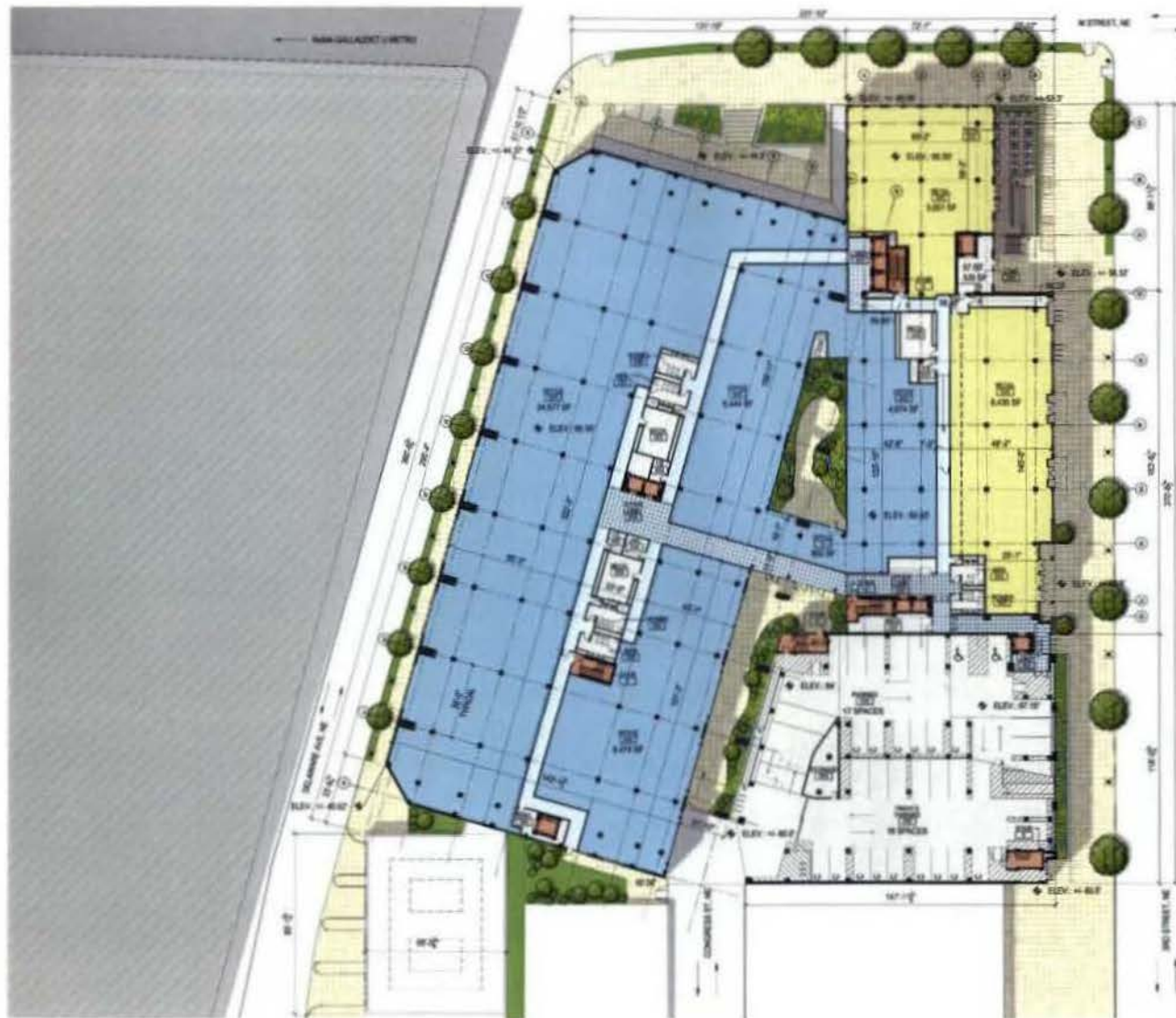


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First Floor Layout

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SECOND FLOOR DATA	SF
TOTAL OFFICE	44,169
TOTAL OFFICE CORE/SERVICE	13,145
TOTAL RETAIL	11,481
TOTAL RETAIL LOADING/RECEIVING	535
TOTAL PARKING	17,155
TOTAL FLOOR GSF	86,485

NOT INTENDED AS GFA FOR FAR CALCULATIONS



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Second Floor Layout

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THIRD FLOOR DATA	SF
TOTAL OFFICE	53,388
TOTAL OFFICE CORE/SERVICE	10,328
TOTAL PARKING	17,215
TOTAL FLOOR GSF	80,931

NOT INTENDED AS GFA FOR FAR CALCULATIONS



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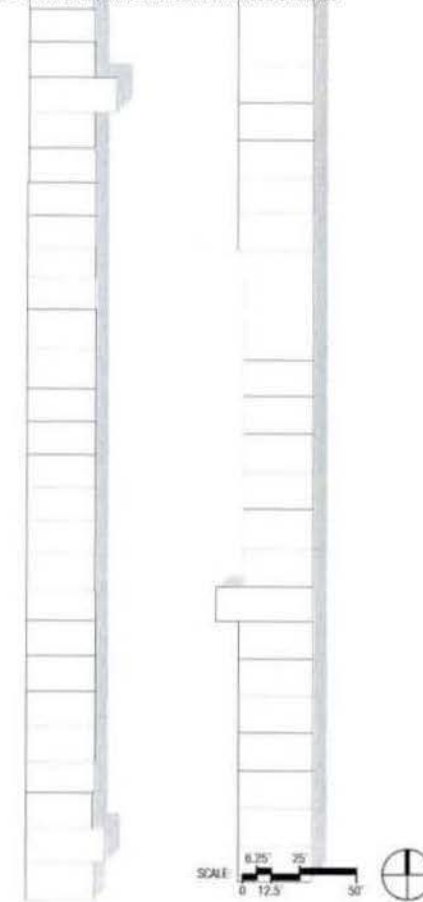
Third Floor Layout

May 21, 2013



FOURTH FLOOR DATA	SF
TOTAL OFFICE	44,085
TOTAL OFFICE CORE/SERVICE	10,330
TOTAL PARKING	17,215
TOTAL FLOOR GSF	71,630

NOT INTENDED AS GFA FOR FAR CALCULATIONS



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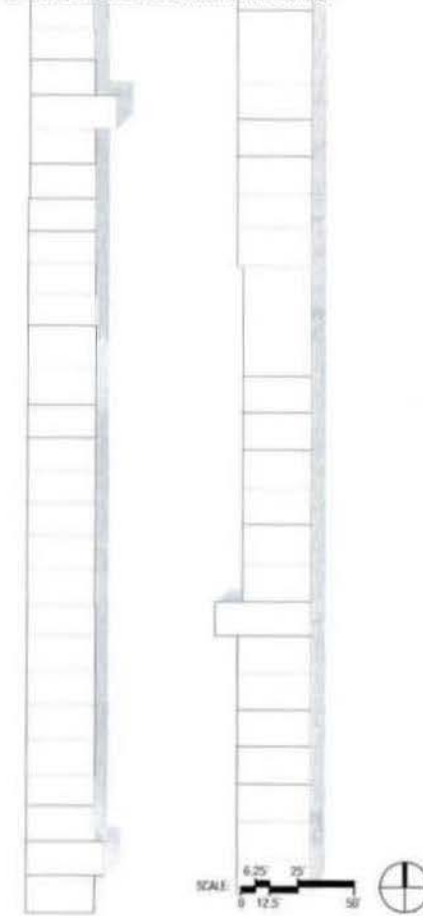
Fourth Floor Layout

May 21, 2013



FIFTH FLOOR DATA	SF
TOTAL SHARED CORE/SERVICES	5,768
TOTAL PARKING	16,515
TOTAL FLOOR GSF	22,283

NOT INTENDED AS GFA FOR FAR CALCULATIONS

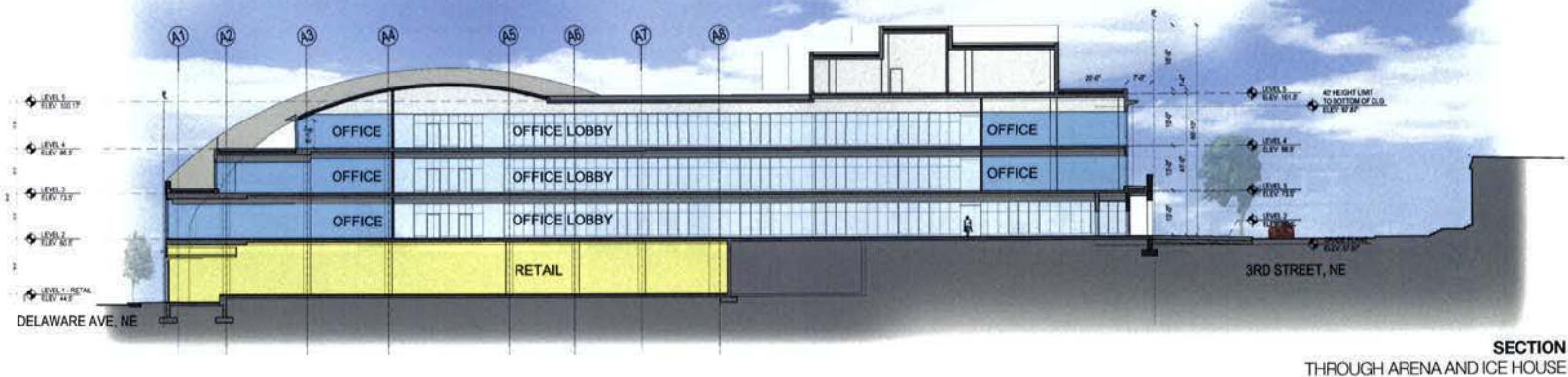
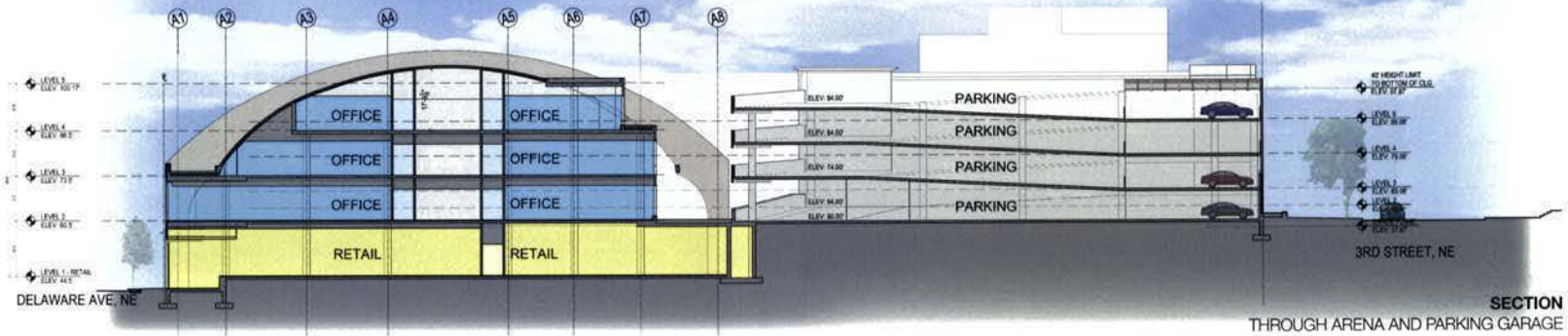


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Fifth Floor Layout

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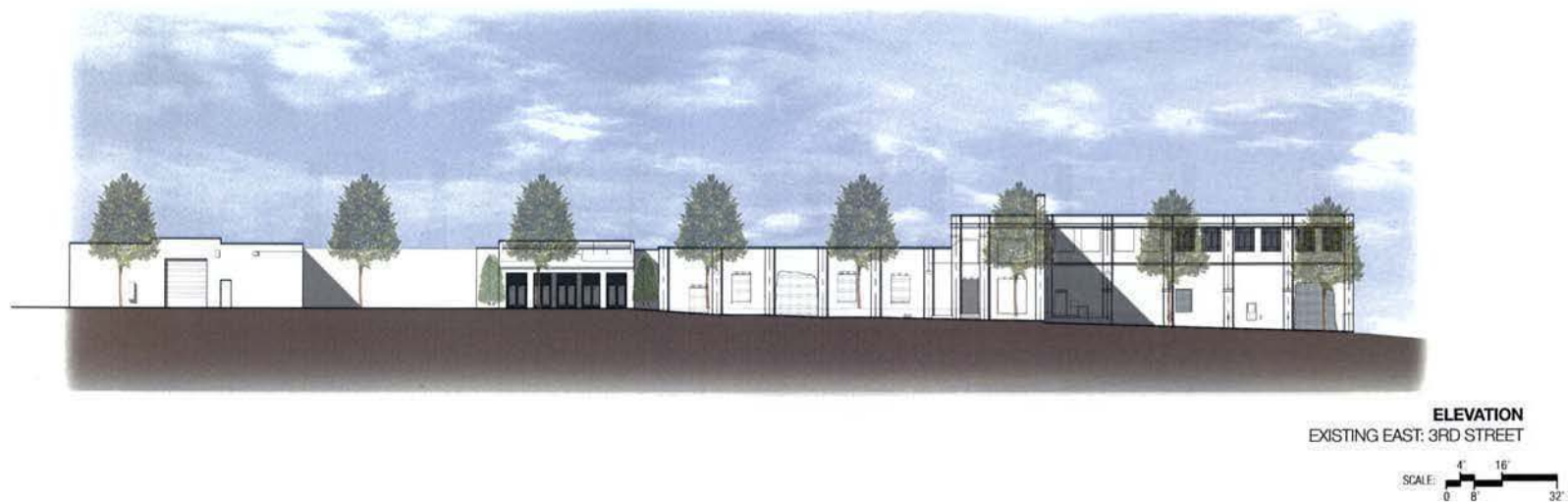


SCALE: 4" = 16'
0 8' 32'

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Sections
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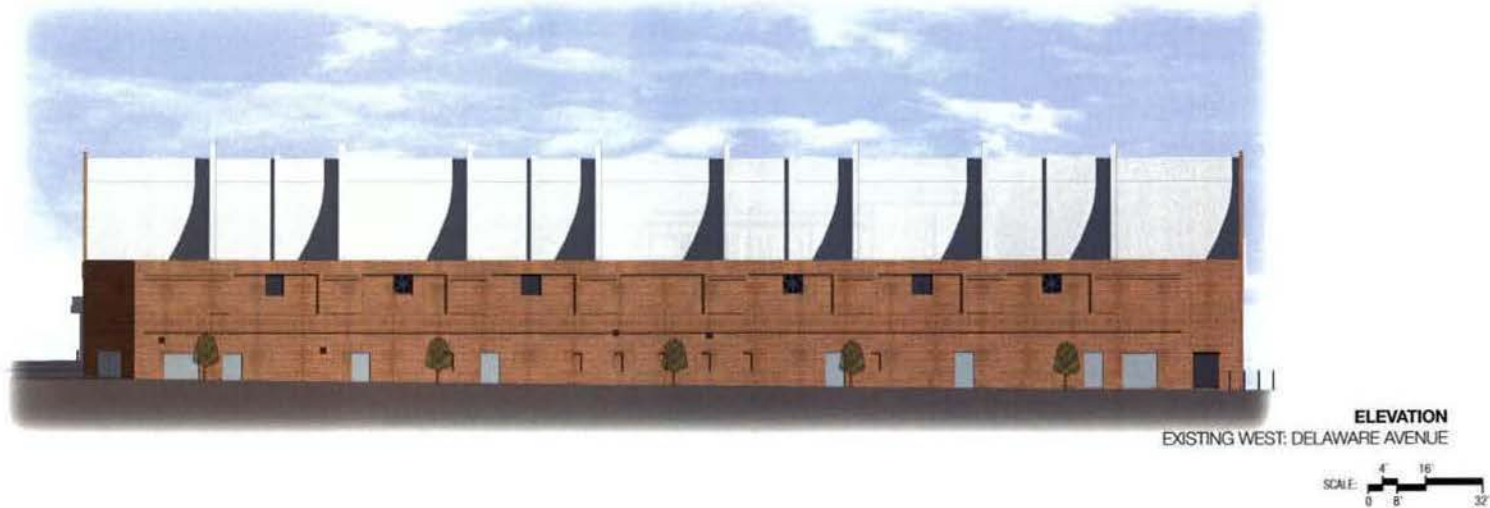


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Elevations: Existing vs Proposed

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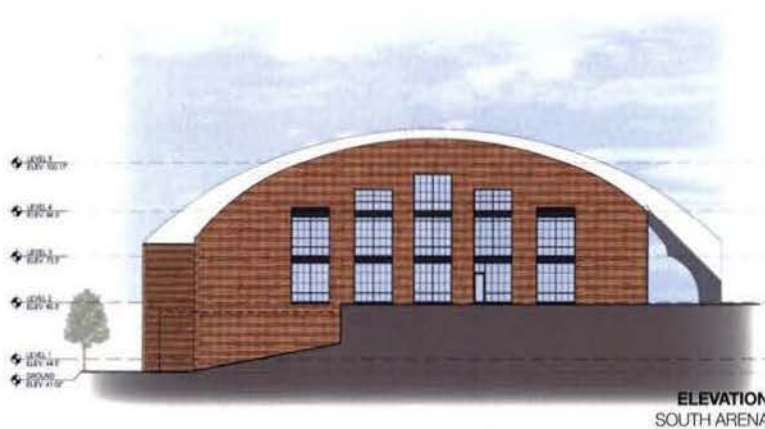


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Elevations: Existing vs Proposed

May 21, 2013



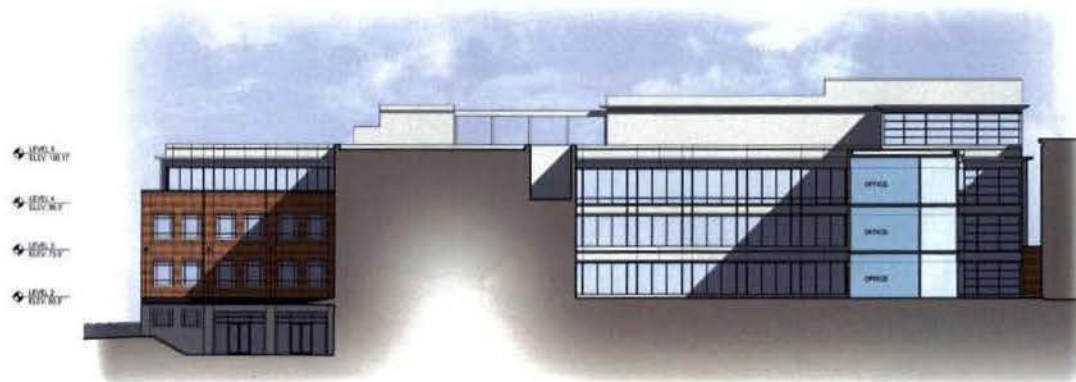
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Elevations
May 21, 2013



ELEVATION
EAST ARENA: COURTYARD



ELEVATION
WEST ICE HOUSE: COURTYARD



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Elevations

May 21, 2013



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Aerial View Looking SE
May 21, 2013



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Northeast Corner

May 21, 2013



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Parking Garage - Southeast Corner

May 21, 2013



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Parking Garage - From Across 3rd Street

May 21, 2013



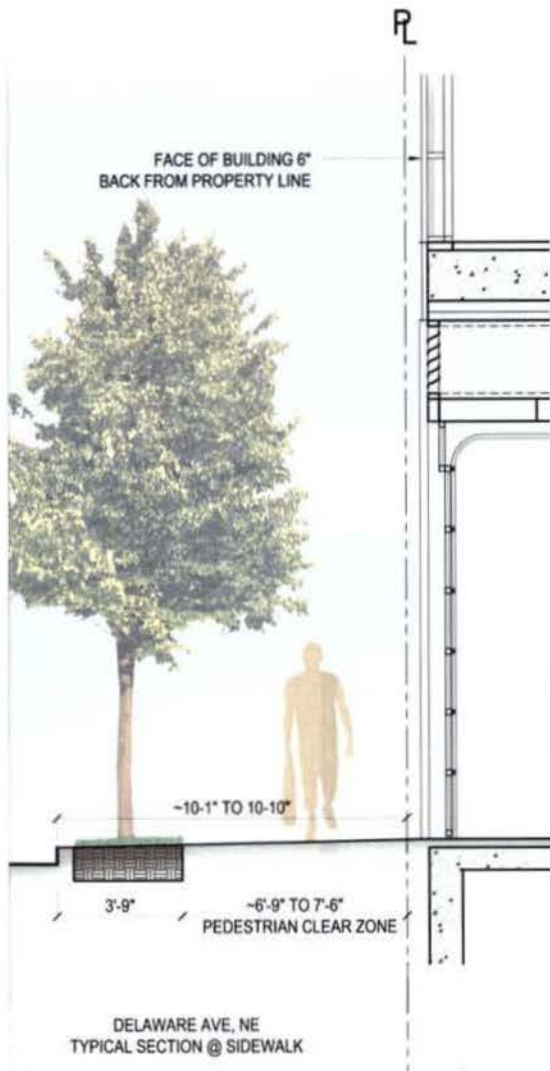
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View From Metro Platform

May 21, 2013





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Street & Sidewalk Sections

May 21, 2013



TYPICAL BIKE RACK



TYPICAL BENCH



TYPICAL TRASH RECEPTACLE



Single Globe
Twin-20
TYPICAL STREET LIGHT FIXTURE



TYPICAL TREE: DELAWARE AVENUE
LITTLE LEAF LINDEN



TYPICAL TREE: 3RD STREET
WILLOW OAK



TYPICAL TREE: M STREET
GOLDEN RAIN

THE COLISEUM

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Site Furniture & Trees

May 21, 2013

EXHIBIT F

OUTLINE OF TESTIMONY
REPRESENTATIVE OF JEMAL'S ULINE LLC

- I. INTRODUCTION
- II. PROPOSED DEVELOPMENT
- III. WORK WITH THE COMMUNITY
- IV. CONCLUSION

EXHIBIT G

OUTLINE OF TESTIMONY
KEVIN F. CROSBY
ANTUNOVICH ASSOCIATES

- I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS
- II. SITE AND LOCATION DESCRIPTION
 - A. OVERVIEW OF SITE, VICINITY AND LAND USE/ZONING
 - B. SITE PLANNING – SIZE, LOT CONFIGURATION, TOPOGRAPHY
- III. DESCRIPTION OF PROJECT AND PROPOSED MODIFICATIONS
- IV. CONCLUSION

EXHIBIT H

OUTLINE OF TESTIMONY
ERWIN N. ANDRES
GOROVE/SLADE ASSOCIATES, INC.

- I. INTRODUCTION AND EXPERIENCE
- II. PROJECT BACKGROUND
- III. DESCRIPTION OF STUDIES AND MEETINGS/DISCUSSIONS WITH DDOT
- IV ASSESSMENT AND EVALUATION
- V. SUMMARY AND CONCLUSIONS