

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

**APPLICATION OF
JEMAL'S BULLDOG L.L.C.
1011 K STREET, N.W.**

**BZA APPLICATION NO. 19020
HEARING DATE: JUNE 23, 2015
ANC 2C**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of Jemal's Bulldog L.L.C. (the "Applicant") in support of its application to the Board of Zoning Adjustment for the following special exception and variance relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3104.1 and 3103.2: (i) special exception from the rear yard requirements of § 774; (ii) area variance from the parking requirements of § 2101.1; (iii) area variance from the loading requirements of § 2201.1; and (iv) area variance from the court requirements of § 776. The relief requested will permit the construction of a new 13-story hotel in the DD/C-3-C District at 1011 K Street, N.W. (Lots 4, 5, 53, and 809 and a portion of a public alley to be closed in Square 342) (the "Site"). The proposed development is appropriate for the Site, fully compatible with the surrounding area, and not inconsistent with either the Comprehensive Plan or the District of Columbia Municipal Regulations ("Zoning Regulations").

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the special exception and variance relief requested herein pursuant to sections 3104 and 3103 of the Zoning Regulations.

III. **BACKGROUND**

A. Description of the Site

The Site consists of Lots 4, 5, 53, 809, and a portion of a public alley to be closed in Square 342. Square 342 is located in the northwest quadrant of the District and is bounded by L Street and Massachusetts Avenue to the north, 10th Street to the east, K Street to the south, and 11th Street to the west. The Site is located on the southwest corner of Square 342 and has a combined land area of approximately 7,311 square feet. The Site is bounded by private property (Lot 810) and a 12-foot wide public alley to the north, private property (Lot 3) to the east, K Street, N.W. to the south, and 11th Street, N.W. to the west. The Site is improved with two vacant nineteenth century four-story buildings on Lots 809 and 53, and surface parking on Lots 4 and 5. Lot 810 to the north of the Site is improved with an eight-story building occupied by Hostelling International; Lot 3 to the east is improved with a two-story office building. Two blocks to the east of the Site is Mount Vernon Square; two blocks to the west of the Site is Franklin Square.

B. Description of Surrounding Area

The Site is located in the Mount Vernon Triangle area of the District, one of downtown's most active neighborhoods with a variety of places to live, work, shop, and dine. The neighborhood is positioned in an ideal location within walking distance to the Convention Center, Gallery Place/Verizon Center, and the Penn Quarter, and has benefitted from major streetscape investments that have created high-quality, well-landscaped, and tree-lined streets with inviting outdoor seating. *See* Washington DC Economic Partnership, DC Neighborhood Profiles 2014, pp. 35-36. Mount Vernon Triangle is also well served by multiple public transportation options, including Metrorail, Metrobus, the D.C. Circulator, car-share locations, and Capitol Bikeshare

docks. The neighborhood is also well-served by a safe and extensive pedestrian network and bicycle facilities, consisting of bicycle lanes, cycle tracks, and signed bicycle routes.

C. Existing Zoning

As indicated on the Zoning Map, attached hereto as Exhibit A, the Site is located in the DD/C-3-C District and is within Housing Priority Area B in the Comprehensive Plan (*see* 11 DCMR § 1706.8(b)). The C-3-C District permits a hotel as a matter-of-right, with a maximum height of 90 feet and a maximum density of 6.5 floor area ratio ("FAR"). 11 DCMR §§ 770.1 and 771.2. Based on the Site's location within the Downtown Development ("DD") Overlay District, the Site may be developed with a building having a maximum height of 130 feet, based on the Site's frontage on K Street, N.W., and a maximum density of 9.5 FAR. 11 DCMR §§ 1701.7, 1706.5(a), and 1706.7(a)). Section 1706.5(b) of the Zoning Regulations requires that a minimum of 3.5 FAR be devoted to residential uses, which will be satisfied for this project off-site through combined lot development and a joint venture with Catholic Charities providing off-site affordable housing.

As shown on the Future Land Use Map of the Comprehensive Plan, attached hereto as Exhibit B, the Site is designated mixed use High Density Residential and High Density Commercial. The High Density Residential designation is defined by neighborhoods and corridors where high-rise (eight stories or more) apartment buildings are the predominant use. The High Density Commercial designation defines the central employment district and other major office employment centers on the downtown perimeter. These areas are characterized by office and mixed office/retail buildings greater than eight stories in height. The proposed hotel is consistent with these designations and with the District's vision for the area.

D. Project Description

As shown on the architectural plans and elevations (the “Plans”) attached hereto as Exhibit C, the Applicant proposes to develop the Site with a new 13-story hotel that restores and incorporates the facades of the existing four-story buildings on the Site. Restaurant/retail use will occupy the first two floors of the renovated structures, and hotel rooms will occupy the third and fourth floors. The new construction will have a height of 130 feet comprised of approximately 200 guest rooms on floors 3-13, plus a hotel lobby, bar, lounge/library, exercise room, and two small conference rooms. The building’s cellar will contain a kitchen, storage space, and administrative/back-of-house hotel uses, including offices, mechanical utility rooms, a laundry room, and bathrooms. The overall development will contain approximately 69,330 square feet of gross floor area (9.48 FAR).

There will be two pedestrian access locations to the building, with the primary hotel entrance located mid-block on K Street, and the primary restaurant entrance located on 11th Street near its intersection with K Street. Loading will occur on the north side of the Site via the abutting public alley, with vehicular access from 10th Street, 11th Street, and Massachusetts Avenue. A trash room will be located adjacent to the loading area, with a ramp for convenient pick-up from the alley. On-site bicycle parking will be located adjacent to the loading area. On-site vehicular parking will not be provided.

The most up-to-date architectural plans and elevations of the project (the “Plans”) are attached as Exhibit C. The proposed hotel will be unique for the Washington, D.C. metropolitan area. The hotel will feature premium rooms with a modern residential design, convenient services including high-speed Wi-Fi, and vibrant communal living spaces. The hotel concept was

developed with a targeted traveler in mind – affordability, stylish and self-serve – a more modern generation of hotels, compared to the target demographic of most established Washington hotels. The majority of hotel guests are expected to arrive to in the District via intercity bus, rail, or air, and will likely travel to the Site via public transportation or on-demand transportation (Uber, taxi, etc). The Site is located approximately four blocks from the Gallery Place/Chinatown Metrorail station, which offers direct access to Union Station and located approximately four blocks from the McPherson Square and Metro Center Metrorail stations, which offer direct access to Reagan National Airport, with connections to Dulles Airport and Baltimore Washington International Airport. The Site's excellent, well-connected location will offer convenient hotel accommodations for visitors and will continue the ongoing growth of the downtown area.

IV.
THE APPLICANT MEETS THE TEST FOR
SPECIAL EXCEPTION RELIEF

The Applicant seeks special exception from the rear yard requirements of the Zoning Regulations, as described herein.

A. Standard for Approving Special Exception Relief

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Description of Rear Yard Relief

In the C-3-C District, a building must provide a rear yard with a minimum depth of 2.5 inches per foot of vertical height, but not less than 12 feet. 11 DCMR § 774.1. The depth of the rear yard may be measured from the center point of an alley. 11 DCMR § 774.9. Based on the overall proposed building height of 130 feet, a rear yard with a depth of 26.2 feet is required for the project. However, the proposed rear yard is only six feet deep, as measured to the center of the 12-foot public alley to the north of the Site. Pursuant to 11 DCMR § 774.2, the Board may waive the rear yard requirements pertaining to a C-3-C District provided that the following standards are met:

1. *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*

The Site has a 12-foot wide east-west serving public alley at its rear. Immediately across this east-west alley from the Site is an 11.75-foot public alley running north-south with an office building to the northeast and an apartment house to the northwest. Both the office building and the apartment house are set back from their southern property lines where they are closest to the Site, creating open space in this location. To that end, as part of an alley closing process in 2005 related to the development of the apartment house, a public access easement has been established expanding the effective east-west alley width between the Site and the apartment house from 12 feet to 20 feet and expanding the north-south alley from 11.75 feet to 20 feet. Together with the existing alley system, the access easement and related setbacks of the neighboring buildings result in a condition where the proposed north-facing hotel windows at the rear of the Site will be adequately separated from the south-facing windows in the office building and apartment house.

The result is a condition that provides sufficient light and air to protect the privacy of all building occupants.

2. *In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*

The proposed building was designed to limit the angle of sight lines and to maximize the distance of penetration of sight lines into habitable rooms. As demonstrated in Sheet A104, the Applicant has minimized the number of principal windows that overlook the rear alley and positioned those openings so that privacy is adequately protected. The required rear yard relief will have little impact on the angle of sight lines due to the existing separations created by the public alley, alley access easement area and building setbacks, all of which adequately distance windows in the proposed building from windows in the existing buildings to the north.

3. *The building plan shall include provision for adequate off-street service functions, including parking and loading areas and access points.*

The proposed building plan provides adequate off-street service functions. Although the building will not provide on-site parking, the Site's central location in a walkable, mixed-use neighborhood, and its close proximity to numerous public transportation options eliminates the need to provide on-site parking. The building will provide adequate loading facilities for its proposed uses, which will be accessed from the public alley.

4. *Upon receiving an application for an approval under §774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Department of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

The Applicant has met with the Office of Planning and the District Department of Transportation ("DDOT") in compliance with 11 DCMR § 774.2.

V.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF

Variance relief in this case is required from the parking requirements (11 DCMR § 2101.1); the loading requirements (11 DCMR § 2201.1); and the court requirements (11 DCMR § 776). Under D.C. Code §6-641.07(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) the property is unusual because of its size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, all three prongs of the variance test are met in this application.

A. The Property is Unusual Because of its Size, Shape, or Topography and is Affected by an Exceptional Situation or Condition

The phrase "exceptional situation or condition" in the above-quoted variance test may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). In this case, the Site is affected by several exceptional conditions that directly impact the ability to provide on-site parking and zoning-compliant loading facilities and court widths. The Site is an oddly-configured sideways L-shape, with the two "wings" of the L having exceptionally narrow dimensions. The Site has 121.25 linear

feet of frontage along K Street, but only 30.92 linear feet of frontage along 11th Street, and 50 linear feet of frontage along the public alley at the rear of Lots 4 and 5. The Site is otherwise surrounded by improved private property. This sideways L-shape makes it practically difficult to provide both a double-loaded corridor with windows in every room, as preferred for hotel use, and compliant courts, which are necessary to provide adequate light and air for building occupants. Moreover, with only 50 feet of alley frontage at the rear of the Site, there is insufficient width to locate a driveway and ramp for access to on-site parking, loading facilities, egress stairs, and an exit corridor, all accessed from the alley.

In addition, any proposed development on the Site is significantly constrained by the existing buildings that were constructed circa 1880. To that end, the Applicant has entered into an agreement with the District of Columbia Preservation League to restore and incorporate the facades of these buildings into the design of the hotel as well as to conduct an investigation for archaeological resources in the vacant lots currently used for parking as part of the redevelopment process. These existing buildings add to the Site's exceptional condition by creating significant design and programmatic constraints that generate the need for zoning relief (*see Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2nd 291, 294 (D.C. 1974) (stating that the exceptional situation or condition applies not only to the land, but also to the existence and configuration of a building on the land)).

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner

1. Parking Requirements

The Applicant requests a variance from the on-site parking requirements of 11 DCMR § 2101.1, which require one parking space for each four hotel rooms, plus one parking space for each additional 300 square feet of floor area in either the largest function room or the largest

exhibition space, whichever is greater. Section 2101.1 also requires one parking space for each 750 square feet of gross floor area, in excess of 3,000 square feet. In this case, the proposed development requires 50 parking spaces for the 200 hotel rooms; nine parking spaces for the largest function room (2,770 square feet); and five parking spaces for the retail/restaurant use (6,450 square feet), for a total of 64 on-site parking spaces. Given the exceptional site conditions described above, the Applicant would encounter practical difficulties in providing any on-site parking spaces, and therefore requests a variance from 11 DCMR § 2101.1.

As described in detail in the Comprehensive Transportation Review, prepared by Gorove/Slade Associates, Inc., and attached hereto as Exhibit D (the "CTR"), the Site's irregular shape and narrow widths make it practically difficult to provide both adequate ramping and parking spaces in a below grade parking garage. The turning radius and grade required to provide a ramp leading to below grade parking levels would require a 14-foot wide driveway entrance at the rear of Lots 4 and 5, accessed from the public alley. 11 DCMR § 2117.8. Given that the Site's rear width is only 50 feet wide, and this area is allocated to the required loading facilities, rear egress corridor, and ramp for trash removal, there is no space available to locate a driveway ramp to access on-site parking. It is also practically difficult to construct a ramp in this location because doing so would eliminate a large portion of the building's ground floor devoted to loading, trash, and the hotel lobby, plus additional space in the cellar, making development of the Site with hotel use practically difficult. Furthermore, given DDOT's policy of requiring parking access to be taken from an abutting public alley rather than from a street, as well as the existence of the two buildings being preserved on the Site, the Applicant would have to provide access in this rear location, rather from K or 11th Streets.

In addition, due to the Site's narrow width and the location of the proposed building's columns and core elements, the Applicant could fit very few parking spaces on each excavated parking level, due to the minimum required drive aisle widths of 20 feet, the parking space size requirements of 9 feet by 19 feet, and the maximum ramp slope of 12 percent. *See* 11 DCMR §§ 2117.6, 2115.1, and 2117.8(a). Thus, an extraordinary number of below-grade levels would be necessary to achieve the required 64 parking spaces, and such construction and excavation would be at a significant cost. While the Applicant proposes to provide one cellar level for back-of-house hotel uses, these types of uses would still need to be accommodated in the building even if below-grade parking was also provided, which would further exacerbate the practical difficulty of providing on-site parking. Based on the constraints of the Site and these practical difficulties, the Applicant requests a variance from the parking space requirements of 11 DCMR § 2101.1.

2. Loading Requirements

The Applicant requests a variance from the loading requirements of 11 DCMR § 2201.1, which requires that a hotel with 30 to 200 rooms include the following loading facilities: (i) one loading berth at 30 feet deep, (ii) one loading platform at 100 square feet, and (iii) one service/delivery space at 20 feet deep. As shown on the Plans, the Applicant proposes to provide the required loading berth and platform, but cannot provide the 20 foot service/delivery space. However, the loading facilities as proposed are designed to adequately service the hotel and retail/restaurant uses planned for the Site.

Given the Site's narrow width and irregular configuration, it is practically difficult to provide the required service/delivery space. If provided, the service/delivery space would interfere with the location of the exit corridor, the entrance ramp into the building from the loading area, and/or would eliminate space proposed for the trash compactor and bicycle parking. If the

Applicant pushed the entrance ramp and/or trash compactor farther into the ground floor of the building to make room for a service/delivery space, the hotel lobby, elevators, building core, and the configuration and location of the building's structural columns would be impacted, making development practically difficult. For these reasons, the Applicant requests a variance from the requirement to provide one 20-foot service/delivery space.

3. Court Requirements

For a building devoted to non-residential uses, courts must have a minimum width of three inches per foot of height, but not less than 12 feet. 11 DCMR 776.1. A closed court must have a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 250 square feet. 11 DCMR § 776.2. As shown on the Plans, the Applicant proposes to provide (i) a closed court measuring 6 feet wide by 12 feet long in the building's north façade where the two wings intersect ("Court 1"); and (ii) a closed court measuring 6 feet wide by 64 feet, 9 inches long along the east side of the building ("Court 2"). These courts do not comply with the dimensional requirements for closed courts and require variance relief.

The Zoning Regulations do not require courts at all. However, the Applicant is providing the courts to increase the light and air to the adjacent buildings, provide windows on the building's east façade, provide a window for Room 17 on Floor 3 and the bank of rooms above it (*see* Sheet A104 of the Plans), and to enhance the proposed building's aesthetic and enjoyment for hotel guests. Providing a compliant Court 1 is practically difficult due to the narrow dimension of this portion of the Site. A compliant court would eliminate storage space, interfere with the location of core elements and column spacing, and reduce the width of the corridor, making development of hotel rooms on this part of the Site practically difficult.

Providing a compliant Court 2 on the east side of the building is also practically very difficult given the Site's exceptionally narrow width in this location. If the Applicant provided a compliant court, a setback of approximately 27 feet from the east lot line would be required, effectively preventing the Applicant from providing the entire row of east-facing hotel rooms (approximately 99 rooms) along with the egress and building core functions necessary and essential to the proper functioning of the building. Alternatively, if the Applicant did not provide this court at all, the entire row of east-facing hotel rooms would have at-risk windows, making hotel development practically difficult. As a result, strict compliance with the closed court regulations would severely compromise the layout of the building's interior and/or greatly reduce the number of hotel rooms, making development practically difficult.

3. **The Requested Relief Will Not Result in a Substantial Detriment to the Public Good Nor a Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan**

The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan, as embodied in the Zoning Regulations and Map.

First, there will be no adverse impact by providing no on-site parking. Based on the Site's location in a highly walkable, metro-accessible neighborhood with close proximity to numerous retail, dining, and entertainment options, as well as its appeal to budget-conscious travelers more likely to arrive in Washington D.C. via public transportation, it is anticipated that hotel guests will not need or want to use a car to access the Site. The Site is within walking distance of four Metrorail stations (Mount Vernon Square/Convention Center serving the Yellow and Green lines; Gallery Place/Chinatown serving the Green, Yellow, and Red lines; Metro Center serving the Blue, Orange, Silver, and Red lines; and McPherson Square serving the Blue Orange, and Silver lines);

is served by 18 bus routes within a quarter mile, including Metrobus, Metro Express, and the DC Circulator; and is located in close proximity to six Capitol Bikeshare stations, including one station that is located adjacent to the Site at the corner of 11th and K Streets. The Site has a walkability score of 95, a transit score of 100, and a biking score of 91, as calculated by www.walkscore.com, which together create an environment where a car-free visit to Washington, DC is not only possible, but preferable. Moreover, the Applicant has worked with DDOT to incorporate bicycle parking within the Site that will be available to guests and employees. Given the Site's attributes, employees of the hotel and restaurant/retail uses are also expected to walk, bike, car-share or use public transit to access the Site on a more regular basis.

In addition, providing no on-site parking will have no negative impacts on the surrounding transportation network or on the availability of on-street parking in the area. In the event that visitors or employees arrive at the Site via private vehicle, parking is available on surrounding streets, in nearby parking garages, and through a curbside valet service that will be offered by the hotel on K Street. As noted in the CTR, the existing on-street parking spaces that are available in the surrounding street network are sufficient to accommodate any vehicle trips that are generated by the project. *See* CTR, pp. 6-7, 13, and 16-18. Public parking is also available for a fee in parking garages and surface lots nearby the Site. *See* CTR, pp. 7, 12, and 18. Overall, given the walkable, urban nature of the Site and its proximity to many non-automobile modes of transportation, it is anticipated that the design of the Site with no off-street parking will not result in a substantial detriment to the public good or a substantial impairment to the intent, purpose, or integrity of the Zone Plan.

Finally, the Applicant has worked with DDOT to develop an extensive transportation demand management (“TDM”) plan that will completely mitigate any outstanding impacts caused by the proposed parking variance. *See* CTR, pp. 23-24.

Second, with respect to loading, there will be no adverse impact as a result of eliminating the 20 foot service/delivery space, since the proposed 30 foot berth and 100 square foot platform will be adequate to serve the loading needs of the proposed mix of uses that can reasonably share loading space. The CTR concludes that the number of loading trips generated by the project will be low (approximately eight trips per day, inclusive of trash, FedEx/UPS/USPS deliveries, linen deliveries, and other supplies), and that these deliveries will be made in 30-foot long trucks or smaller. *See* CTR, pp. 19-22. The hotel does not plan to provide large function spaces, such as banquet facilities, so larger truck loading will not be necessary for activities typically associated with major hotel events.

In addition, the Applicant has developed a curbside management plan in order to facilitate curbside drop-off/pick-up and guest loading along K Street. The Site is approximately 125 feet wide along K Street and currently has five metered parking spaces along its frontage. With development of the Site, it is proposed that 60 feet of curbside in front of the Site will be designated as a drop-off/pick-up passenger loading zone 24-hours per day, seven days per week. This configuration will accommodate approximately two to three vehicles for drop-off/pick-up, passenger loading and valet operations. By converting the area directly in front of the hotel to a passenger loading zone, adequate space will remain for two of the five parking spaces that currently exist. All together, the proposed loading facilities and the curbside management plan will ensure that relief can be granted without substantial detriment to the public good or impairment to the Zone Plan.

Third, providing courts with non-compliant widths will make hotel development feasible, will improve the experience of hotel guests, who are anticipated to have stays of 48 hours or less, and will not negatively affect occupants of the adjacent buildings. The proposed courts provide sufficient space between the windows of the proposed building and those of the adjacent buildings, and they allow for the provision of adequate light and air for building occupants. The courts allow the Applicant to construct a hotel with double-loaded corridors and windows on all sides, without encroaching on the privacy of hotel occupants or the privacy of users of the adjacent buildings. Thus, the courts as proposed will not have an adverse impact to the public good or the Zone Plan.

VI. COMMUNITY SUPPORT

The Applicant has worked with the community and has obtained support for the project. On May 11, 2015, at the regularly scheduled, duly noticed public meeting of Advisory Neighborhood Commission ("ANC") 2C, with a quorum present, ANC 2C voted 3-0-0 to support the application, subject to the following conditions:

1. To establish a pet friendly building;
2. To provide bicycle parking at the building, either in the form of Capitol Bikeshare or a bicycle parking stand;
3. To be responsible for the maintenance and upkeep of the area adjacent to the building (including but not limited to trees and flower boxes) on the 1000 block of K Street and the 1100 block of 11th Street; and
4. To be responsible for the maintenance of the alley between 10th and 11th Streets (including but not limited to cleanliness, repair, maintenance, security, and to ensure that there is no unwanted loitering or soliciting in the alley).

The Applicant has agreed to the ANC's conditions. A copy of ANC 2C's letter of support is included in the record at Exhibit 35.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

- Exhibit A: A portion of the Zoning Map showing the Site
- Exhibit B: A Portion of the Future Land Use Map
- Exhibit C: Updated Architectural Plans and Elevations for the Project
- Exhibit D: Comprehensive Transportation Review prepared by Gorove Slade
- Exhibit E: Outlines of Testimony
- Exhibit F: Resumes of Expert Witnesses

VIII.
WITNESSES

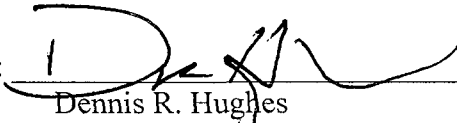
- A. Paul Millstein, Jemal's Bulldog L.L.C./Douglas Development Corporation
- B. Peter Fillat, Peter Fillat Architects
- C. Erwin Andres, Gorove/Slade Associates, Inc.
- D. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: 
Dennis R. Hughes
Jessica R. Bloomfield
800 17th Street, N.W.
Suite 1100
Washington, DC 20006
(202) 955-3000