

**PERSTAR M STREET PARTNERS, L.L.C.
AND
2213 M STREET LIMITED PARTNERSHIP
PLANNED UNIT DEVELOPMENT**

CASE NO. 07-21

**PREHEARING STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT**

December 10, 2007

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ZONING COMMISSION
District of Columbia

CASE NO. 07-21
EXHIBIT NO. 18

DEVELOPMENT TEAM

Applicant/Owners: PerStar M Street Partners, L.L.C.
c/o Perseus Realty, LLC
2099 Pennsylvania Avenue, N.W.
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Washington, D.C. 20006

2213 M Street Limited Partners
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Washington, D.C. 20008

Design Architect: Oppenheim Architecture and Design
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Architect of Record: Leo A. Daly Architects
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Washington, D.C. 20036

Civil Engineer: VIK A Incorporated
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Germantown, MD 20874

Traffic Consultant: Wells & Associates, LLC
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McLean, Virginia 22102

Landscape Architect: Arentz Landscape Architects
4201 Connecticut Avenue, N.W., Suite 407
Washington, D.C. 20008

Economic Analysis Consultant: Bolan Smart Associates Inc.
1250 24th St, NW, Suite 300
Washington, DC 20037

Land Use Counsel: Holland & Knight LLP
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LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Elevations
B	Traffic and Truck Circulation Exhibits
C	Economic Analysis Report
D	Land Use Analysis
E	Memorandum of Understanding
F	List of Witnesses and Outlines of Witness Testimony
G	Resumes of Witnesses
H	List Of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
I	List Of Names And Addresses Of All Property Owners Within 200 Feet Of The Subject Property
J	Letters of Support From Foggy Bottom Association and West End Citizens Association

**CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS**

The Applicants hereby certify that this application, one original and twenty copies of which were filed with the Zoning Commission on December 10, 2007, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

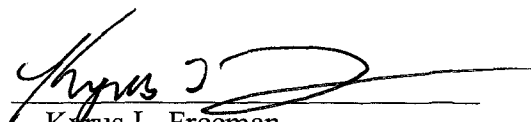
<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Zoning Commission and Office of Planning	Pgs. Herein
3013.1(b)	List of Witnesses	Exhibit F
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record	Exhibit F
3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit H
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit F
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit I

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By:


Kyrus L. Freeman

I. INTRODUCTION

This Prehearing Statement and the attached documents are submitted by PerStar M Street Partners, L.L.C., a partnership between D.C.-based Perseus Realty, LLC and Starwood Capital Group of Greenwich, Connecticut, as owner of Lots 82, 813, 814 and 816 in Square 50, and 2213 M Street Limited Partnership, as owner of Lot 84 in Square 50 (collectively referred to herein as the "Applicant"), in support of their application to the Zoning Commission of the District of Columbia for the consolidated review and approval of a Planned Unit Development ("PUD").

As shown on the updated Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the property that is the subject of this application consists of Lots 82, 84, 813, 814 and 816 in Square 50, (the "Subject Property"). The Subject Property has a combined land area of approximately 15,590 square feet and is located at the northwest corner of 22nd and M Streets, N.W. Square 50 is bounded by M, 22nd, N and 23rd Streets, N.W.

The Applicant is seeking consolidated PUD approval to develop the District's first LEED-certified hotel in accordance with the CR PUD zoning requirements. The project, to be identified as "1 Hotel," has been designed to the U.S. Green Building Council's LEED silver certification standards. The project will contain approximately 122,235 square feet of gross floor area, with an overall FAR of 7.84 and a maximum building height of 110 feet, both of which are consistent with the CR PUD guidelines in sections 2405.1 and 2405.2 of the Zoning Regulations. The project will include a total of approximately 148 hotel rooms and suites, ground floor restaurant space, a spa, and 48 off-street parking spaces in a valet operated garage that has a maximum capacity of 71 vehicles.

As set forth below, this Prehearing Statement, along with the original PUD Submission, meets the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

II. ISSUES/CONCERNS RAISED BY THE ZONING COMMISSION

A. Traffic and Truck Circulation Considerations

The Zoning Commission requested clarification regarding the traffic circulation plan and truck circulation exhibits included with the Traffic Impact Study prepared by the Applicant's traffic consultant, as well as further discussion of the traffic impact of the project on 22nd and M Streets, N.W. An updated traffic circulation plan and truck circulation exhibits are attached hereto as Exhibit B. Figure H-1 illustrates the traffic circulation plan for the subject property. The lay-by lane on 22nd Street (shown in yellow on sheet "Exhibit H-1") is for guest vehicles and drop off of guests.

Hotel Operations and Management have divided the parking operations of the hotel and restaurant into two functional operations managed uniformly. Hotel Operations will manage the lay-by lane and garage parking exclusively for the hotel. The lay-by lane has been designed to permit vehicles that are dropping off hotel guests to exit the lay-by lane without having to wait for cars awaiting valet parking. Parking for restaurant patrons will be accommodated by a separate valet service utilizing off-site locations under Hotel Management. The proposed restaurant valet parking area is shown in pink on Figure H-2. In order to accommodate the restaurant's valet parking, approximately four parking spaces (currently signed two hour parking between 7:00 AM to 6:30 PM, Monday through Friday) would be removed.

As shown on Figures H-2 and H-3, delivery trucks and trash trucks will access the loading berths via the two existing public alleys: one that runs perpendicular to 22nd

Street, located north of the subject property and one that runs parallel to 22nd Street, located to the west and rear of the subject property. Trucks will gain access to the public alleys via 22nd Street by pulling into the alley front first. Once in the alley, trucks will back into the loading berths. Trucks will then leave the site front first and turn onto 22nd Street. Hotel Operations will manage the deliveries in accordance with applicable District regulations.

With respect to the traffic impact of the project on M and 22nd Streets, a transportation impact study was conducted for the proposed hotel and restaurant. The analysis concluded that the traffic generated by the proposed uses would not have a significant impact on the levels of service in the study area, specifically on M Street at its intersections with New Hampshire Avenue, 22nd Street, and 23rd Street.

B. Impacts of Hotel Use on West End Area and the District of Columbia

The Zoning Commission requested that the Applicant submit additional information regarding the demand for hotels in the District, the benefits of a hotel use compared to a residential use on the Subject Property, and land use considerations regarding the development of a hotel on the Subject Property.

As indicated in the analysis attached hereto at Exhibit C prepared by Bolan Smart Associates Inc., the Applicant's economic analysis consultant, a hotel use at the Subject Property represents the economic highest and best use of the property as well as the best use of the Subject Property relative to the broader neighborhood context. Moreover, the project will also generate a significant amount of economic benefits to the District, including direct annual tax revenues, employment and economic activity benefits, and construction related benefits, compared to a residential use of the site.

The Applicant's land use consultant has prepared a land use map of the "West End" area, which is generally bounded by N Street, N.W. to the north, New Hampshire Avenue, N.W. to the east, Pennsylvania Avenue, N.W. to the south, and 26th Street, N.W. and Rock Creek Park to the west. As shown on the land use map attached hereto as Exhibit D, there are a variety of different land uses distributed throughout the West End, including office, residential, mixed-use residential and office, retail/service, and hotel, plus parks, public uses (fire, police and library) and parking lots. Moreover, the map also illustrates that due to the existence of this variety of different land uses, development of the Subject Property as hotel would have no impact on the relative distribution of uses in the area.

III. ISSUES/CONCERNS RAISED BY THE OFFICE OF PLANNING

A. Façade Design

The Office of Planning ("OP") requested that the Applicant provide more refinement to the design of the upper portion of the façade. The Plans have been revised to incorporate a number of the recommendations made by OP. With respect to the façade, the single glazing system will employ a high performance, energy efficient clear low-E glass, with solar control, rather than the double glass façade in the prior version of the plans. This technology will serve to reduce the energy consumption of the building throughout the year, in all extremes of climate. The facades will be articulated by a system of aluminum frames and window mullions, which will provide a residential scale to the hotel. The main frames will have a maximum projection of 10 inches, conveying a modern interpretation of more traditional architectural embellishments. These, in conjunction with secondary frames that will project at a maximum of 4 inches, provide an order and rhythm to the façade. A tertiary order will be created by the window mullions

which will have density and scale at the lower levels. The depth of the frames will allow for solar gains to warm the building in the winter, due to the low sun angle. Conversely, the depth will allow some shading effects in the summer months, as the sun angle is high. This efficient use of glass and metalwork for architectural embellish and shading effects will allow the hotel to be a truly progressive structure, while respecting the order and cadence of local architecture.

B. Landscaping Features

The project includes a number of landscaping, garden and open space features. OP has requested that the Applicant provide more information regarding the project's proposed landscaping, including more information regarding the landscaping on the roof and the proposed street trees. An updated landscape plan is included in the Plans. The landscape architects are continuing to work with the Applicant to refine the landscape features, including the streetscape and roof garden, for this new hotel brand. The final details will be provided to OP as soon as they are available, and in any event, will be filed with the Commission at least 20 days in advance of the hearing.

In addition to the streetscape and roof garden, the hotel will include an interior vertical garden, serving as the focal point and core of the building. As a garden oasis within this urban context, it will also serve to filter the interior air of the guest corridors. It will be experienced from all public and guest levels of the hotel, as the primary hotel entrance will be located under the garden wall. The interior glass elevators will ascend through this vertical garden, engaging the guest with the garden. Upon arriving at each guest level, the guest corridors pass through the vertical garden space. Furthermore, these lighted urban greenhouse gardens will engage the street, as they are visually

connected to both M and 22nd Streets, serving as a gesture to the streetscape both day and night.

C. Roof Structures

As requested by OP, a roof plan clearly identifying the three proposed roof structures is included as Sheet A.11 of the Plans. Roof structure “A”, which is located on M Street, on the southwest side of the building and encloses the air handling units and emergency generator, has a height of 18 feet, 6 inches and is set back 18 feet, 6 inches from the M Street property line. Roof structure “B”, which is located on the corner of M and 22nd Streets, on the southeast side of the building and encloses the passenger elevator, elevator lobby, restrooms and storage area, has a height of 18 feet, 6 inches and is set back 18 feet, 6 inches from the M and 22nd Streets property line. Finally, roof structure “C”, which is located on 22nd Street, on the northeast side of the building and encloses the chillers and cooling towers, has a height of 18 feet, 6 inches and is set back 18 feet, 6 inches from the 22nd Street property line.

At the rear of the building, the roof structures will be set back 6 feet from the rear walls. This is a result of the inverted L-shaped configuration of the building, limiting the amount of rooftop area, and the amount of equipment and other features to be located on the roof. At the north and west ends of the rear façade, there is no setback, as noted on the roof plan.

The skylight over the atrium has been redesigned to include a tower which rises to the same height as the roof structures, in order to capture as much natural light as possible. This architectural embellishment will be located between the several roof structures, and will be set back from the streets to the same extent as the roof structures.

D. Public Space at Ground Level

The Applicant is seeking flexibility from the ten percent (1,559 square foot) ground level public space requirement since the project does not include ground level space that meets all of the technical requirements. The hotel lobby has been designed as an open, publicly-accessible feature at the corner of 22nd and M Streets, N.W. Consistent with Section 663, this lobby area will be "adjacent to the main entrance to the principal building or structure on the lot", and will "have a minimum vertical clearance of one story or 10 feet". It will be "suitably lighted and landscaped for public use", with appropriate interior furnishings. It will be "open and available to the general public," consistent with a hotel operation.

OP has indicated that it supports this request and has recommended that the Applicant implement additional measures to mitigate the flexibility requested for the required public space and to promote public education about the building's environmentally sustainable elements. 1 Hotels will provide an interactive station in the lobby dedicated to the complete education on the hotel, how it was built, how it is "green" and the major themes of the brand. This will include a Community Wall outlining the 1 Hotel philosophy and mission and details of the chosen local environmental charity and the 1 Hotel's donations to that charity. In addition, the concierge will have information available for hotel visitors that will include a list of "green" items in the hotel that may be purchased – bedding, linens, apparel, gym equipment, organic soaps and other in-room natural-based products, and food. Other interactive environmentally-friendly features will include paperless check-in, manual controls featuring energy savings functions for showers, room lighting and temperature controls. The manual controls must be activated by the hotel patron in order to activate

particular systems thereby bringing awareness to each patron about these in-room energy-saving features.

E. Streetscape Perspectives and Design of Ground Floor/Café Area

As requested by OP, illustrations of the relationship between the ground floor façade design and adjacent building ground floors, as well as illustrations of the ground floor entrance and café area, are included in the Plans. As shown on these illustrations, the streetscape will be activated by the restaurant and café/lounge located at the corner of M and 22nd Streets. Operable glass window-walls will open the interior space to the exterior, thus engaging the street and creating a vibrant and open feel for the pedestrian experience. In addition, landscaping features will define the entrances to the hotel and restaurant on both street frontages, as trees in planters will line the street. A canopy composed of an open trellis structure will wrap the corner café / lounge area. The trellis will accommodate hanging vines providing soft shade for the area during the day, and a verdant hanging garden experience for those passing by, or visiting the hotel.

F. Sustainable Features

The 1 Hotel brand is the first luxury, eco-friendly global hotel brand. The concept will combine the best of environmentally-sustainable architecture and interior design with impeccable service and luxurious comfort. 1 Hotels will adhere to green construction and operating principles and commit to environmentally sensitive consumption of natural resources. 1 Hotels will demonstrate that green principles can coexist and enhance a luxury hospitality experience and healthy residential lifestyle. Each 1 Hotel will donate one percent of its operating profit to local environmental organizations guided by a steering committee with National Resources Defense Council ("NRDC") representation.

All of the 1 Hotels will be built to LEED standards and all interiors will be LEED-compliant.

The Applicant has designed the project to the LEED silver certification standards. As shown on Sheets A.22 through A.24 of the Plans, the project includes a significant number of sustainability features. The following is a list of environmental features that are incorporated into the building to help achieve the silver certification, as well as some that go beyond the LEED requirements:

- (a) Sustainable Sites: The 1 Hotel is located on a previously developed site which reduces disturbance of environmentally sensitive areas. Being in a dense urban area and located within a half mile of the Metro, the hotel's demand for vehicular travel will be reduced, promoting pedestrian access to a variety of city and community attractions and services. For patrons who still need to travel by car, the 1 Hotel will give a reduced parking rate for those arriving in hybrid cars. There will also be ample bike storage available for employees and patrons who choose to travel to the hotel by bicycle.

Since 1 Hotel will be located in a dense urban environment, the hotel will reintroduce natural elements through a series of vertical, interior and exterior gardens that will connect the guest with nature. Guests will be able to gaze at reflecting pools on the second level tea garden, while looking down at the native cherry trees below on the first level. The vertical garden, or green wall, will extend through the full height atrium in the middle of the hotel and will be visible from every floor and the roof garden.

- (b) Water Efficiency: The United States uses approximately 340 billion gallons of fresh water, or one-fourth the nation's fresh water supply, for commercial and residential activities. One of the 1 Hotel's most significant environmental features will be its Greywater Recycling System. Greywater Recycling Systems use waste water generated from lavatories, bathtubs and showers, and recycles it for toilet-flushing and landscape irrigation. This greatly reduces the hotel's use of drinking water for non-drinking activities. In fact, because the 1 Hotel will demonstrate a 100% reduction in potable water for sewage conveyance, LEED recognizes this as an innovation in design.

In addition to the greywater system, the 1 Hotel will further reduce its demand on the municipal water supply by using 40% less water than the hotel's baseline water use, after meeting the Energy Policy Act of 1992 fixture performance requirements. This is also considered an innovation in design by LEED and will be achieved by using dual-flush toilets, low-flow urinals, and low-flow lavatories.

- (c) Energy and Atmosphere: The 1 Hotel is designed to operate at an increased level of energy performance, above what is required by ASHRAE 90.1-2004. Standard 90.1 establishes the minimum requirements for energy-efficient design and construction of new buildings and their systems, including the building envelope, heating, ventilation, air conditioning and lighting systems. 1 Hotel is designed to perform at 15% above the baseline design after meeting these standards, resulting in a 250,000 KWH per year savings. This reduces the economic impacts associated with excessive energy use and dependence on fossil fuel. The 1 Hotel will be achieving this reduction in large part through two systems: heat recovery from the hotel's double bundle chillers' condensers and by use of a solar hot water system. Hot water typically accounts for approximately 15% to 20% of energy usage in hotels, and by using these two systems, nearly all of the hot water demand for the hotel will be generated for free, by waste heat from the chillers and the solar energy from the sun. The solar water heater also counts as an on-site renewable energy source.

Encouraging the development of renewable energy sources is also important to the 1 Hotel. As such, the hotel is committing to at least a two-year renewable energy contract with a green energy provider for at least 35% of its energy consumption. (Green energy is produced from solar, wind, geothermal, biomass or low-impact hydro sources.)

- (d) Materials and Resources: Construction and demolition waste constitutes about 40% of the United States' solid waste stream. The 1 Hotel project will divert to a recycling facility 75% of the construction and demolition waste that would otherwise be transported to a land fill. Guest room paper, plastic, glass and organic waste will also be recycled or composted. The 1 Hotel design also reflects careful consideration in the choice of building material, focusing on recycled content, regional and rapidly renewable materials.
- (e) Indoor Environmental Quality: The average amount of time a person spends indoors is about 90% and most of an individual's exposure to air pollutants comes through the inhalation of indoor air. In addition to meeting the ASHRAE Standard 62.1-2004: Ventilation for Acceptable Air Quality, 1 Hotel will also monitor outdoor air delivery. This will ensure that the proper air quality will be delivered into the hotel, and will trigger an alarm if the conditions vary by 10%. 1 Hotel will also reduce the quantity of indoor contaminants that could affect not only guests and employees, but the contractors as well, by selecting materials that limit the amount of VOCs (Volatile Organic Compounds) released into the air.
- (f) Community and Environmental Support: The 1 Hotel will also contribute 1% of the hotel's operating profits to local environmental causes. This commitment further demonstrates the Applicant's dedication to the health of the area and the environment.

G. Amenities Package

The Applicant has worked extensively with Advisory Neighborhood Commission ("ANC") 2A, the West End Citizens Association, and the Foggy Bottom Association to develop an appropriate public benefits and amenities package that expands upon the significant environmental and urban design benefits of the project. Specifically, the Applicant has entered into a Memorandum of Understanding with ANC 2A, a copy of which is attached hereto as Exhibit E, pursuant to which the Applicant will provide \$146,000 to be divided among items (a) through (d) below, as well as the specific dollar amounts identified for the following community amenities for ANC 2A listed in items (e) through (h) below:

- (a) Installation of one park bench at each of the following three locations: at the southeast corner of 25th and M Streets, NW along the existing diagonal walk; at the southwest corner of 24th and L Streets, NW near the existing brick planter; and at the northeast corner of 23rd and L Streets, NW. The final location, design and installation of these benches shall be subject to DDOT approval;
- (b) Replacement or installation of trees at each of the following locations: one tree at the southeast corner of 25th and M Streets, NW on M Street; one tree at the northwest corner of 24th and L Streets, NW, on 24th Street; one tree at the southeast corner of 23rd and L Streets, NW; three trees on the southeast corner of M Street, NW and New Hampshire, NW, on M Street, NW; one tree on the north side of L Street, NW between New Hampshire Avenue, NW and 21st Street, NW; two trees on the south side of L between New Hampshire and 21st Street, NW; and one tree on the southwest side of M and 21st Streets, NW. The final location, species, size and installation of trees shall be subject to DDOT approval;
- (c) Replacement or installation of three-sided tree fencing and greenery in public tree boxes, where needed, within the bounds of ANC 2A. If time, materials, money or approvals are constrained, the priority will be to first install tree fencing and greenery where there is none extant; secondly to replace existing plastic fencing, and finally to replace existing low metal fencing. The final location, design and installation of these features shall be subject to DDOT approval;

- (d) Replacement or installation of globe-type street lights to match the recently upgraded street lights along M and 22nd Streets in the immediate vicinity, to be placed at each of the following locations: on the north side of M Street, between 22nd and 23rd Streets, NW and on the west side of 22nd Street, between M and N Streets, NW. The final location, design and installation of these lights shall be subject to DDOT approval;
- (e) A payment of \$35,000 to Olin Conservation, specifically designated for renovation services for St. Mary's Episcopal Church located at 730 23rd Street, N.W, Washington, D.C. 20037. The Church was founded in 1867 and has been in continuous operation as an Episcopalian parish. The Church was designed by noted architect James Renwick and is listed on the National Register of Historic Places in Washington, D.C. The Church has undergone significant restoration to repair structural damage since 2001. While repairs on structural elements have been completed, the chancel wall frescos have so far been excluded from restoration. They have sustained extensive water and other damage resulting in cracking, discoloration, efflorescence, water stains, paint damage and other signs of physical deterioration. The Church contacted Olin Conservation to perform a damage analysis and proposal for museum-quality restoration services. Total fresco renovation costs are expected to be \$70,000. As St. Mary's has already raised \$35,000 towards this fee, the Applicant's \$35,000 would allow restoration to begin immediately;
- (f) A contribution of \$60,000 to the Foggy Bottom Association ("FBA") specifically designated for the Biennial FBA Sculpture Project. The FBA Sculpture Project is modeled after similar, successful campaigns throughout the United States and Canada, and on Capitol Hill. The program was created under the auspices of the FBA in 2007, and received its initial grant of \$8,000 from the Foggy Bottom Association Defense and Improvement Corporation. The inaugural exhibition is scheduled from March through October 2008, and will include 10 sculptures from Metropolitan Washington-based artists to be installed along well-traveled outdoor paths (like the Foggy Bottom Metro-Kennedy Center route) throughout the Foggy Bottom Historic District. The exhibition will be curated by a professional curator, and will be accompanied by a full color catalogue documenting each work of art, artist and location. \$45,000 of the \$60,000 will be earmarked to repay loans taken out by the FBA to fund the 2008 exhibit, and \$15,000 will be earmarked for the next FBA Arts Project;
- (g) A contribution of \$50,000 to be paid to the FBA specifically designated for renovation of the 26th Street Dog Park, located along 26th Street, NW between I and K Streets, NW. The ANC obtained an estimate on July 6, 2006 from landscape architects Rhodeside & Harwell for a complete renovation of the park. The estimate includes the following services: tree preservation; replacement of benches, fences, trash receptacles; installation of a new street light, water connection, drainage sump, grass safety surface and subbase for

the playground, dog park surface and subbase, and a curb cut. The final design, location and installation of these improvements shall be subject to DDOT approval;

- (h) An \$8,500 contribution to Iris Miller, Adjunct Associate Professor and Director of the Landscape Studies at the School of Architecture and Planning at Catholic University, for her professional services as a landscape architect and urban planner. Her task is divided into two phases: the first to preserve landscaping that now surrounds the Nigerian Embassy building for future reuse in the 1 Hotel project, and the second to develop standards and a street plan for the neighborhood known loosely as the West End, in which the 1 Hotel is to be located. Ms. Miller will receive one payment of \$8,500 for both phases of the project; \$2,000 is allocated for Phase 1 and the remaining \$6,500 for Phase II.

The Applicant will submit plans for review to DDOT regarding items (a) through (d) above, and will then release the funds for these items, once the following conditions precedent have occurred: 1) the final PUD Order has been issued; 2) all applicable appeal periods have expired, with no appeals having been filed; 3) the required PUD Covenant has been recorded; and 4) the required subdivision plat for the project has been recorded; and 5) the plans have been approved by DDOT, and any other agencies as necessary. The Applicant will then release the funds for these items and will work with all applicable District agencies to ensure that installation of these amenities proceeds in accordance with DDOT's approval. The total amount of the amenity contribution for items (a) through (d) set forth herein is \$146,000.

The ANC will submit plans for review to DDOT regarding item (g) above, and the Applicant will then release the funds for item (g) once the following conditions precedent have occurred: 1) the final PUD Order has been issued; 2) all applicable appeal periods have expired, with no appeals having been filed; 3) the required PUD Covenant has been recorded; 4) the required subdivision plat for the project has been recorded; and 5) the plans have been approved by DDOT, and any other agencies as necessary.

The Applicant will release the funds for items (e) and (f) once the 1) the final PUD Order has been issued; 2) all applicable appeal periods have expired, with no appeals having been filed; 3) the required PUD Covenant has been recorded; and 4) any required subdivision plat has been recorded.

The Applicant will release the funds for item (h) once the final PUD Order has been issued and all applicable appeal periods have expired, with no appeals having been filed.

IV. ADDITIONAL AREA OF FLEXIBILITY

A. Flexibility from Size of Parking Spaces Requirement (Section 2115)

Pursuant to Section 2101.1 of the Zoning Regulations, the 1 Hotel is required to provide 37 off-street parking spaces. As shown on the Architectural Plans and Elevations, the project includes 42 off-street parking spaces, which exceeds the number of required parking spaces. Twenty parking spaces meet the full size requirement of Section 2115.1 and 22 parking spaces meet the compact size requirement of Section 2115.3. However, the Applicant requests flexibility from the requirement of Section 2115.2 since approximately 60% of the parking spaces are compact, which exceeds the requirement that no more than 40% of the required parking spaces may be designated for compact cars. As will be discussed in more detail at the hearing, the garage has been designed and will be operated in a manner that will maximize the efficiency of use of the parking garage space.

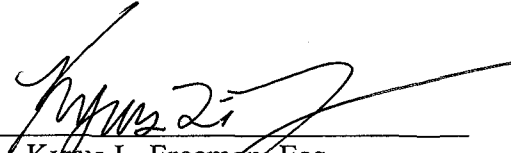
V. CONCLUSION

For the reasons stated above, the Applicant respectfully requests that the Zoning Commission approve the PUD application and Zoning Map amendment.

Respectfully submitted:

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