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PERSTAR M STREET PARTNERS, LLC

**STATEMENT
OF THE APPLICANT
IN SUPPORT OF AN APPLICATION
TO MODIFY A PLANNED UNIT DEVELOPMENT
APPROVED PURSUANT TO ZONING COMMISSION
CASE/ORDER NO. 07-21**

June 20, 2011

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ZONING COMMISSION
District of Columbia

CASE NO. 07-21B
EXHIBIT NO. 5

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LIST OF EXHIBITS

Exhibit	Description
A	Zoning Commission Order No. 07-21
B	Modified Architectural Plans and Elevations
C	Completed PUD Modification Application Form
D	Transportation Memorandum prepared by Wells & Associates
E	Executed Memorandum of Understanding with ANC 2A
F	Portion of Zoning Map
G	Portion of Future Land Use Map
H	Portion of Generalized Policy Map
I	Certificate of Notice, Notice of Intent, and Property Owner List

I. INTRODUCTION

This statement and the attached documents are submitted by PerStar M Street Partners LLC (the "Applicant"), the owner of record of Lot 87 (former Lots 82, 84, 813, 814 and 816) in Square 50 (the "Subject Property"), in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for modifications to an approved Planned Unit Development ("PUD"). The Subject Property has a land area of approximately 15,588 square feet and is located in the CR zone 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 Zoning Commission approved a PUD for the Subject Property in Order No. 07-21, a copy of which is attached hereto as Exhibit A. The approved hotel project includes approximately 122,235 square feet of gross floor area, including 148 to 170 hotel rooms and suites, ground floor restaurant space, landscaped outdoor space, a spa and below-grade parking. The building was approved at a maximum height of 110 feet, exclusive of roof structures. The approved plans include 42 striped off-street parking spaces accessed by a vehicular elevator in a valet operated garage that has a maximum capacity of 71 vehicles. The overall density of the project was approved at 7.84 FAR. By letter dated September 30, 2008, and pursuant to his authority under Section 2409.6 of the Zoning Regulations, and the flexibility granted by the Commission in Order No. 07-21, the Zoning Administrator approved administrative modifications to the PUD plans, resulting in a 1.6% increase in the building's FAR to 7.97.

The Applicant seeks Commission approval of modifications to the approved PUD plans for the hotel. Specifically, the Applicant requests approval to redesign the exterior

facades of the building; to increase the maximum number of hotel rooms from 170 to 238; to reduce the building's height to approximately 107 feet; and to provide 53 striped off-street parking spaces accessed by a ramp in a valet operated garage. The overall density of the modified project is 7.99 FAR, which is consistent with the applicable CR zone district PUD guidelines. In all other respects, the proposed project will be substantially consistent with the prior approval and the conditions set forth in Zoning Commission Order No. 07-12. The scope of the modifications requested in this application is consistent with the scope of modifications recently approved by the Zoning Commission in other recent cases. See Zoning Commission Order Nos. 03-12F/03-13F, 05-23A, 06-01B, and 07-02B.

As set forth below, this statement and the attachments meet the filing requirements for a PUD modification application under Chapter 24 of the District of Columbia Zoning Regulations.

II. PROJECT DESCRIPTION

A. Site Location and Description

The Subject Property is situated in Ward 2 and is known as Lot 87 in Square 50. The Subject Property has a land area of approximately 15,588 square feet and is currently unimproved. The Subject Property 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 Subject Property is designated in the mixed-use, High Density Residential and Medium Density Commercial land use category on the District of Columbia Comprehensive Plan Future Land Use Map, and is designated in a Neighborhood Conservation Area on the District of Columbia Comprehensive Plan Generalized Policy Map.

B. Project Design

The Applicant proposes to construct a hotel on the Subject Property. As shown on the Modified Architectural Plans and Elevations (the "Revised Plans") attached hereto as Exhibit B, the hotel includes 238 hotel rooms, a meeting room of approximately 2,450 square feet that can be divisible into smaller rooms, and a ground floor restaurant with a bar and lounge. The hotel also includes a small fitness center and swimming pool.

The project's massing is virtually identical to the approved PUD, with an L-shaped form, extending out from the corner intersection to the north and west interior lot lines, with an open court at the rear of the building. The building has a height of approximately 107 feet. Above this main roof elevation, the penthouse extends an additional 18.5 feet in height and is set back at a 1:1 ratio along M and 22nd Streets. At the north and west interior lot lines the penthouse is flush with the exterior walls of the building. Along the open court, the penthouse is set back approximately one foot from the main roof edge.

As with the approved PUD, the principal hotel entrance is located on 22nd Street, N.W., and the principal entrance to the restaurant is located on M Street, N.W. Access to a below grade parking level is also in the same 22nd Street location as the approved PUD, but is provided via a garage ramp, rather than the car elevator system approved in the original plans. In addition, consistent with the PUD approved, an automobile lay-by is provided along the 22nd Street, N.W. curb adjacent to the site. The loading berths are also in the same alley location as the approved PUD.

The principal street facades are articulated to reflect the unique character of each street and are harmoniously balanced with a uniform material palette. The hotel entrance façade along 22nd Street, N.W. includes two orthogonal bays projecting on floors two

through nine. A void between these bays is directly over the main entrance. The south façade along M Street above the first story is multi-faceted with a series of uniform, angled bays with glass oriented to the southeast. The faceted bays are organized into groups of three stories with a horizontal band at every third level to create a vertical emphasis. The character of the façade changes with sequential movement along M Street, which is a major east-west pedestrian street.

Similar to the approved PUD, an open court is located on the second level of the building at the northwest corner of the proposed development. This outdoor space is envisioned as a place for the passive enjoyment of nature in a landscaped setting. The open court offers not only natural light and views for guest floors, but also allows for west-facing, natural light to filter through a glass-walled, double height volume extending from first story to the second story. Within this interior volume, which is equivalent to nearly three stories in height, the landscaped treatment of the upper courtyard extends to the ground floor. A monumental stair provides public access to the second level courtyard consistent with a hotel operation and is visible from the sidewalk at the hotel entrance.

C. Summary of Applicable CR Zone District Zoning Regulations

The Subject Property is located in the CR zone district. The CR zoning classification permits office (including chancery office), residential, hotel, retail/service and certain other uses. 11 DCMR § 601.1. The maximum permitted matter-of-right height in the CR Zone is 90 feet. 11 DCMR § 630.1. In the CR zone, the maximum permitted floor area ratio ("FAR") is 6.0, all of which may be residential, but not more than 3.0 may be used for other than residential purposes. 11 DCMR § 631.1. This limitation does not apply to any portion of the building which is totally below-grade, and

therefore not included in gross floor area. For the purposes of calculating the permitted hotel FAR in the CR zone, the term "residential purposes" includes guest room areas and service areas within the hotel. See 11 DCMR § 631.2. Commercial adjuncts, exhibit space and function room areas within a hotel are charged against the non-residential FAR.

Pursuant to Section 633.1 of the Zoning Regulations, new developments in the CR zone are required to provide an area on-site that is equivalent to at least ten percent (10%) of the total lot area as public space at ground level. The area devoted to public space must: (a) be located immediately adjacent to the main entrance to the principal building or structure on the lot; (b) serve as a transitional space between the street or pedestrian right-of-way and the building or structure; (c) be open to the sky or have a minimum vertical clearance of one (1) story or ten feet (10 ft.); (d) be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays; and (e) be open and available to the general public on a continuous basis. 11 DCMR §§ 633.2 to 633.5. The on-site area devoted to public space is not charged against the gross floor area of the building. 11 DCMR §633.6.

There is no lot occupancy limitation for hotels in the CR zone. See 11 DCMR §§ 634.2 and 634.3. Pursuant to Section 636.1 of the Zoning Regulations, a rear yard must be provided for each residential building or structure in the CR zone. The minimum rear yard requirement is three inches per foot of vertical distance from the mean finished grade at the middle of the rear of the building to the highest point of the main roof, but not less than 12 feet. For the purposes of calculating the rear yard, the term "residential" includes hotels. See 11 DCMR § 636.6. No side yard is required for any structure

located in the CR zone. 11 DCMR §637.1. However, if a side yard is provided, its minimum width must be three inches per foot of building height, but not less than eight feet. 11 DCMR §637.2.

Where an open court is provided for a hotel in the CR zone, the court must have a width of at least two and one-half inches per foot of height of court, but not less than six feet. 11 DCMR §638.1(b). Where a closed court is provided for a hotel in the CR zone, the court must have a width of at least two and one-half inches per foot of height of court, but not less than twelve feet, and an area of at least twice the square of the required width of court dimension. 11 DCMR §638.2(b).

A hotel use requires a minimum of one parking space for each four rooms usable for sleeping, plus one for each 300 square feet of floor area in either the largest function room or the largest exhibit space, whichever is greater. 11 DCMR §2101.1. The minimum loading requirement for a hotel with more than 200 rooms usable for sleeping is one loading berth at 30 feet deep, one loading berth at 55 feet deep, one loading platform at 100 square feet, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR §2201.

Development of the Subject Property under the PUD guidelines for the CR zone would allow a maximum building height of 110 feet, and a maximum FAR of 8.0, of which not more than 4.0 may be devoted to commercial use, including the commercial portions of the hotel. 11 DCMR §§ 2405.1 and 2405.2.

D. Tabulation of Development Data

A tabulation of development data is included in the Revised Plans attached hereto as Exhibit B.

E. Flexibility under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. Thus, similar to the approved PUD, the Applicant seeks flexibility from several provisions of the Zoning Regulations, including the public space at ground level, rear yard, roof structure, parking, and loading requirements.

1. Flexibility From Public Space at Ground Level Requirement (Section 633.1)

Pursuant to Section 633.1 of the Zoning Regulations, new developments in the CR zone district are required to provide an area on-site that is equivalent to at least ten percent (10%) of the total lot area as public space at ground level. The Subject Property has a land area of approximately 15,588 square feet, and thus the project would be required to provide 1,558 square feet of public space at the ground level. The Zoning Commission approved the same public space relief as part of the initial PUD. See Exhibit A, Finding of Fact No. 37(a). Similar to the approved PUD, the hotel lobby has been designed as a highly visible, open, publicly-accessible feature, which meets the intent of Section 633. The lobby will have an approximately 16.5 foot high ceiling, and 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". The lobby area 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. The interior landscaping, water feature and floating stair leading to the landscaped courtyard will also be highly-visible from the public space. Although it can be argued that the hotel lobby will "serve as a transitional

space between the street for pedestrian right-of-way and the building", it is actually a part of the building itself. Moreover, to reinforce the pedestrian experience and to engage the public realm, a highly-visible bar and restaurant are located at the ground floor along the outside edge of the building. The design of this space is envisioned as a veranda or portico with folding glass partitions that open the interior to the outdoors when weather permits, thus allowing public engagement. In addition, exterior landscaping and seating are provided adjacent to the building's entrance, along with an interactive electronic "Community Wall" display in the hotel lobby which will provide information about local transportation options and the sustainable features of the building. Overall, these features will promote the public's interaction with the building and proposed hotel use. The lobby area has not been excluded from in the gross floor area of the building, which would otherwise be the case if the space met the technical requirements of Section 633.

2. Flexibility from Rear Yard Requirement (Section 636.1)

The Applicant requests flexibility from the rear yard requirement, and will provide an open court in lieu of a rear yard. The Zoning Commission approved the same rear yard relief as part of the initial PUD. See Exhibit A, Finding of Fact No. 37(b). As the Zoning Commission found in the initial PUD case, the site is a corner lot, and the inclusion of a rear yard along either the western-most lot line or the northern-most lot line would result in a gap of 27.5 feet in the streetscape along either M or 22nd Street. The proposed hotel will abut the side walls of the adjacent buildings to the north and west. Unlike many of the commercial zones, the CR District does not allow the provision of a court in lieu of rear yard. The proposed hotel includes an open court at the rear of the structure, beginning at the second level, which has a total area of approximately 2,760

square feet, which is consistent with the amount of open space that would be provided if a rear yard was required.

3. Flexibility From Roof Structure Requirement (Sections 411 and 639)

Similar to the approved PUD, the Applicant requests flexibility from the roof structure setback requirements at the rear of the building. The Zoning Commission approved this same roof structure setback relief in the original case, and the footprint of the proposed roof structure is similar to the footprint of the approved roof structure's footprint. See Exhibit A, Finding of Fact No. 37(c). As shown on the roof plans included in the Revised Plans, the proposed roof structure meets the setback requirement from the exterior walls along 22nd and M Streets, N.W. However, relief is required since the roof structure does not meet the minimum setback requirement along the exterior walls at the rear of the building due to the L-shaped design of the building and the desire to meet the setback requirements along the more-important street facades. In addition, the reduced roof structure setback is necessary to provide a sufficient amount of enclosed area for the mechanical equipment. The proposed roof structure setbacks will not adversely impact the light and air of adjacent buildings since the relief is only necessary along the interior courtyard. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired.

4. Flexibility from Parking Requirements (Section 2101.1)

Pursuant to Section 2101.1 of the Zoning Regulations, the project is required to provide a total of 68 off-street parking spaces. The Applicant is proposing to provide a total of 53 striped off-street parking spaces accessed by a ramp in a valet operated garage. As will be discussed in more detail at the hearing on this application, the amount of

proposed parking is sufficient to meet the anticipated parking demand for the hotel. This request is necessary given the size of the building's footprint and the proposed programming of the building. As shown on the Revised Plans, the Applicant proposes to construct two below-grade levels. The B1 level will provide ancillary hotel uses, such as laundry, housekeeping, storage and other similar uses, and the B2 level will provide parking. The Applicant cannot reasonably provide an additional level of below grade parking due to subsurface rock conditions. This reduction the number of parking spaces will not have an adverse impact on the project or the area.

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

The Zoning Commission approved the same flexibility from this requirement in the initial PUD. See Exhibit A, Finding of Fact No. 37(e). The Applicant requests flexibility from the requirement of Section 2115.2 since approximately 66% of the striped parking spaces in this valet-operated garage are compact, which exceeds the requirement that no more than 40% of the required parking spaces may be designated for compact cars. As shown on the Revised Plans, the project includes a total of 53 striped off-street parking spaces. Seventeen of these parking spaces meet the full size requirement of Section 2115.1, and one of the spaces meets the ADA-accessibility requirements. The remaining thirty-five parking spaces meet the compact size requirement of Section 2115.3. Similar to the approved PUD, the garage has been designed and will be operated in a manner that will maximize the efficiency of use of the parking garage space.

6. Flexibility from Access to Parking Requirement (Section 2117.4)

The Applicant requests flexibility from the requirement that "each required parking space shall be accessible at all times directly from improved alleys...or improved public streets via graded and unobstructed private driveways...". The Zoning

Commission approved the same flexibility from this requirement for the approved PUD. See Exhibit A, Finding of Fact No. 37(d). Similar to the approved PUD, the parking garage for the hotel will be valet-operated, and 15 of the parking spaces in the garage will be stacked spaces that will therefore not meet the "accessible at all times" requirement. Based upon the Applicant's experience, the provision of a valet-operated garage will maximize the efficiency of use of the parking garage space.

7. Flexibility From The Off-Street Loading Requirements (Section 2201)

The Applicant requests flexibility from the off-street loading requirements. Section 2201.1 of the Zoning Regulations provides that hotels with more than 200 rooms usable for sleeping are required to provide the following: 1 loading berth at 30 feet deep, one loading berth at 55 feet deep, one loading platform at 100 square feet, one loading platform at 200 square feet; and one service/delivery loading space at 20 feet deep. 11 DCMR §2201.

However, due to the anticipated needs of the hotel use, the Applicant is seeking flexibility to waive the required 55-foot loading berth and the required 200 square foot loading platform requirements. As indicated in the Transportation Memorandum prepared by Wells & Associates attached hereto as Exhibit D, given the nature and operations of the proposed hotel, and based upon experience at other similar hotels, it is unlikely that the building will be serviced by 55 foot tractor-trailer trucks, thus there is no need for a 55 foot berth for this project. The Applicant anticipates receiving approximately 4 to 5 deliveries per day, and the Applicant has agreed to require that all deliveries be made in 30-foot, single unit trucks. Other comparable select service hotels in the market typically receive a limited number of small deliveries per day. In addition, the Applicant has agreed to designate a member of the hotel staff as a dock manager who will be

responsible for coordinating with the delivery companies to ensure that all deliveries will be made via the alley and during non-peak hours, and for ensuring that trucks do not sit idle in the alley while waiting to make a delivery. Therefore, the proposed loading facilities will be able to handle the delivery and service needs of the proposed hotel, and will not result in any adverse impacts.

8. Additional Areas of Flexibility

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, the Applicant also requests flexibility in the following areas:

- a. To be able to provide a range in the number of hotel rooms, with a maximum of 238 rooms.
- b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building.
- c. To vary the number, location and arrangement of parking spaces, provided that the total is not reduced below the number shown on the attached plans.
- d. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below 50 points under the LEED for New Construction Rating System v 3.0 standards.
- e. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS

A. PUD Process is Appropriate Mechanism for the Project

The PUD modification process continues to be the appropriate mechanism for guiding the development of the Subject Property. Through the PUD modification process, the Office of Planning, other District agencies, and area residents will have the opportunity to provide input regarding the Applicant's proposed modifications to the approved PUD. Accordingly, the use of the PUD modification process gives the community and District agencies an opportunity to work with the Applicant to ensure a well-planned development.

B. PUD Requirements under Chapter 24 of the Zoning Regulations

The proposed PUD, as modified, will continue to meet the minimum area requirement under Section 2401.1(c), and the height and FAR provisions of Sections 2405.1 and 2405.2. Moreover, the proposed hotel will continue to have a positive impact on the surrounding area, and will not have an unacceptable impact on the operation of city services and facilities. The modified project will continue to improve the existing area by virtue of the exceptional architectural design, as well as by activating the corner of 22nd and M Street, N.W. The hotel's modified design carefully considers the nearby uses, and complements the surrounding architecture, and accordingly, will have a minimal impact on that area. Finally, as discussed below, the proposed modifications are not inconsistent with the Comprehensive Plan.

C. Public Benefits and Project Amenities

1. Overview

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as “superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions....” 11 DCMR 2403.6. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development, that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR 2403.7. Additionally, when deliberating on the merits of a PUD application, the Zoning Commission is required to “judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11 DCMR 2403.8. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with furthering the policies and goals of the Comprehensive Plan. The proposed PUD, as modified, will continue to provide the public benefits and project amenities which were previously approved by the Zoning Commission.

2. Environmental Benefits (Section 2403.9(h))

The modified hotel will be designed to meet rigorous energy and environmental design standards using the LEED for New Construction v3 rating system as a guide and performance metric. The project will be designed to create a high performing, energy and resource efficient building while providing the hospitality experience guests expect

during their stay at the hotel. Key sustainable features of the project include the following:

- a) Sustainable Sites: The proposed hotel is located in a densely developed urban environment with convenient access to Metro and nearby amenities in the West End and Georgetown. Proximity to transit and numerous shopping and dining amenities within close walking distance will reduce vehicle travel to and from the site since most guests will use Metro, walk or use taxis during their stay at the hotel. In addition, secure bicycle storage facilities will be available for employees who bicycle to work, as well as for guests.

As shown on the Revised Plans, the hotel will have a landscaped garden terrace on the second floor and green roof area on the mechanical penthouse roof. These landscaped and green roof areas will not only introduce a natural element to the building, but will also retain a significant amount of storm water. The landscaped garden terrace will be visible from the interior guest rooms on all floors.

- b) Water Efficiency: The proposed hotel will conserve fresh water resources through the use of efficient indoor plumbing fixtures and the reuse of air conditioner condensate water for landscape irrigation. The project will include water efficient plumbing fixtures in guest rooms and common area restrooms. A combination of efficient bathroom faucets, showerheads, urinals and toilets is expected to reduce water consumption by approximately 30% compared to the Energy Policy Act of 1992 and IPC plumbing fixture performance standards. In

addition, condensate will be recovered from air conditioning units in the building and used to irrigate the garden terrace's landscaping. Condensate water will be used for 100% of the site's landscape irrigation.

- c) Energy and Atmosphere: The proposed hotel is designed to reduce energy consumption compared to the ASHRAE 90.1-2007 energy code. 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. The hotel is designed to perform at least 16% more efficiently than the baseline standard. The hotel will achieve this reduction through a broad range of measures including increased wall and roof insulation, efficient water source heat pumps, condensing boilers, energy recovery ventilators, high performance glazing, energy efficient light fixtures, lighting occupancy sensors, low flow showers and bathroom faucets, and Energy Star kitchen equipment and appliances.

Heating and cooling loads account for the largest share of hotel energy consumption. Therefore, in order to decrease the building's energy consumption, the project will feature a high performance HVAC system using water source heat pumps, condensing boilers, energy recovery ventilators and guest room HVAC occupancy sensors. The building's water source heat pump system is by definition a heat recovery system. The water source heat pump system uses heat rejected from areas of the building in cooling mode to heat areas of the building calling for heat. Occupancy sensors will be used to control temperature settings in guest rooms. When rooms are unoccupied, thermostats will automatically reset

to energy conserving levels selected by hotel management. Energy recovery ventilators will precondition ventilation air supplied to guest rooms and common areas. Lighting also constitutes a large share of building energy consumption. The hotel will install energy efficient lighting in guest rooms and common areas. Occupancy sensors will be used to control lighting in back of house spaces. The hotel restaurant and dining area will feature energy efficient lighting and Energy Star kitchen equipment.

- d) Materials and Resources: The US EPA estimates that in 1996, 136 million tons of construction waste material was generated, with commercial construction generating between 2 and 2.5 pounds of solid waste per square foot. The Applicant anticipates diverting 75% of construction waste material from construction of the project to recycling or reuse. The Applicant also anticipates using at least 20% recycled content, and 20% regional content materials in the building. In addition, recycling infrastructure will be provided throughout the hotel, including guest room recycling containers for paper, plastic, glass and metals. Recycling facilities will also be provided in the restaurant kitchen, in meeting rooms, and in back-of-house spaces.
- e) Indoor Environmental Quality: Americans spend approximately 90% of their time indoors which makes the indoor environment a significant factor in individual well-being and quality of life. The proposed hotel will be designed to reduce exposure to indoor pollutants by meeting ASHRAE 62.1-2007 ventilation standards. In addition, the project will specify low emitting paints, adhesives,

sealants, and carpeting to reduce the amount of pollutants generated within the building.

3. Urban Design, Architecture, Landscaping and Open Space (Section 2403.9(a))

As shown on the elevations included with the Revised Plans, the modified hotel (designed by the local architectural firm of Shalom Baranes Associates), retains the same basic building form as the approved PUD and demonstrates a high quality of architectural design that exceeds that of most hotels in the District. The major goals of the architects for the modified project include creating a building that will further the goals of urban design, and that will enhance the streetscape and compliment the surrounding neighborhood. The Revised Plans also include a number of landscaping, garden, and open space features.

4. First Source Employment Agreement and Local, Small and Disadvantaged Business Enterprises (Section 2403.9(j))

Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Therefore, the Applicant has executed a First Source Employment Agreement with the Department of Employment Services. The Applicant anticipates that the hotel, restaurant and valet services for the hotel will generate over 100 new jobs. The Applicant has also executed a Certified Business Enterprise Utilization Agreement with the District's Office of Small and Local Business Development, and, prior to the issuance of a building permit for the project, will be updating this agreement to reflect the scope of the modified project.

5. Other Benefits and Amenities

As part of the initial approved PUD, the Applicant worked with Advisory Neighborhood Commission 2A, the West End Citizens Association, and the Foggy Bottom Association to develop an appropriate amenities package for the project. As a result of these extensive efforts, the Zoning Commission approved the Applicant's written agreement with the community to provide the following:

- a) The contribution of up to \$146,000.00 for public space improvements in the neighborhood, including the installation of park benches, trees, tree fencing and street lights at various locations.
- b) The contribution of \$35,000 towards the renovation of St. Mary's Episcopal Church located at 730 23rd Street, N.W.
- c) The contribution of \$60,000 to the Foggy Bottom Association Biennial FBA Sculpture Project.
- d) The contribution of \$50,000 to be paid to a contractor, landscape architect, or other professional company towards the renovation of the 26th Street Dog Park, located along 26th Street, N.W. between I and K Streets, N.W.
- e) The contribution of \$8,500 to be paid towards landscaping and the development of standards and a street plan for the West End neighborhood

See Exhibit A, Decision No. 6, and executed Memorandum of Understanding attached as Exhibit E. The Applicant is committed to providing these approved amenities prior to the issuance of a Certificate of Occupancy for the project. The Applicant understands that renovation of the 26th Street Dog Park might not be moving forward. The Applicant notes that this was not a site-specific amenity in the community agreement, and has

indicated to various community representatives that the Applicant is willing to replace the dog park amenity with another specific community need, up to the amount of \$50,000.00.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD modification continues to advance the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b) (§ 1-301.62).

The PUD project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality hotel development that will add 238 hotel rooms to the District, create additional employment opportunities, and generate significant tax revenues for the District.

B. Future Land Use Map

The Subject Property is designated in the mixed-use, High Density Residential and Medium Density Commercial land use category on the District of Columbia Comprehensive Plan Future Land Use Map. The High Density Residential designation is

used to define neighborhoods and corridors where high-rise apartment buildings are the predominant use, and the corresponding zones districts are generally R-5-D and R-5-E (although other zones may apply). The Medium Density Commercial designation is used to define shopping and service areas that are more intense in scale and character than the moderate-density commercial areas. Retail, office and service businesses are the predominant uses. The corresponding zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply.

The Zoning Commission has already determined that the construction of a hotel on the Subject Property is consistent with the Future Land Use Map's designation of the Subject Property, given that the purpose of the existing CR zone district is to encourage a mix of compatible land uses. See Exhibit A, Finding of Fact No. 40.

C. Generalized Policy Map

The Subject Property is designated in a Neighborhood Conservation Area on the District of Columbia Comprehensive Plan Generalized Policy Map. Neighborhood Conservation Areas are anticipated to include some new development and reuse opportunities. The guiding philosophy in these areas is to preserve and enhance the character of these neighborhoods, and new developments should be compatible with the existing scale and architectural character of the area.

The modified hotel retains the same basic form as the approved PUD and, similar to the approved PUD, will have a positive impact on the surrounding area by virtue of the exceptional architectural design, as well as activating the corner of 22nd and M Street, N.W. The modified plans carefully consider the nearby uses and accordingly, will have a minimal impact on that area. Moreover, the proposed modifications to the approved hotel will not result in any unacceptable impact on existing or future traffic conditions.

D. Compliance with Guiding Principles of the Comprehensive Plan

In approving the original PUD application, the Zoning Commission determined that the development of a hotel on the Subject Property is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as set-forth in the Comprehensive Plan. See Exhibit A, Finding of Fact Nos. 39 to 43. As set forth below, the proposed project, as modified, continues to be consistent with many guiding principles of the Comprehensive Plan.

1. Managing Growth and Change.

In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (§ 2.3, ¶ 217.4). The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (§ 2.3, ¶ 217.6). The Zoning Commission has determined that "[r]edeveloping the Subject Property into a vibrant hotel will both reactive this important corner and will generate significant tax revenue for the District. Moreover, the proposed hotel use, which includes a restaurant, will increase employment opportunities for District residents." Exhibit A, Finding of Fact 42(a). The modified PUD will also reactive the corner, generate significant tax revenue, and increase employment opportunities for District residents, and therefore is consistent with the Zoning Commission's prior findings.

2. Creating Successful Neighborhoods.

The Zoning Commission has found that the development of a hotel on the Subject Property is consistent with the guiding principles for creating successful neighborhoods. See Exhibit A, Finding of Fact 42(b). The modified PUD is also consistent with the Zoning Commission's prior findings since the hotel will contribute to the neighborhood's character and help to implement the Comprehensive Plan's elements with the construction of a hotel that will add 238 guest rooms to the District, create additional employment opportunities, and generate significant tax revenues for the District. In addition, the Zoning Commission, ANC 2A, and other community groups determined in the initial PUD case that the approved amenities package will ensure that the development provides a positive impact to the immediate neighborhood. The development of a hotel on the Subject Property will contribute to increased pedestrian activity and more "eyes on the street" in the neighborhood, and will also generate significantly more local taxes than a comparable residential use.

3. Building Green and Healthy Communities.

One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (§2.3, ¶221.3) As discussed in more detail above, the building will incorporate a significant number of sustainable design features, including:

- energy efficient water source heat pumps;
- high efficiency condensing boilers for space heating;
- high efficiency hot water heaters for domestic hot water;

- preconditioning outdoor air through use of energy recovery ventilators;
- HVAC occupancy sensors in guest rooms;
- energy efficient light fixtures in guest rooms;
- energy efficient light fixtures in common areas and the parking garage;
- lighting occupancy sensors in back of house spaces;
- Energy Star food service equipment and appliances in the hotel kitchen;
- green roof areas on the 2nd floor terrace and on the mechanical penthouse;
- condensate water recovery and reuse for landscape irrigation;
- water-efficient bathroom faucets, showers, toilets and urinals; and
- charging stations for electric vehicles.

E. Land Use Element

The Zoning Commission has previously found that the construction of a hotel on the Subject Property will advance a number of the policies as set forth in the Land Use Element, as follows:

1. Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings.

This policy encourages a reduction in the of vacant and abandoned buildings in the city through renovation, rehabilitation, and where necessary, demolition. Consistent with this policy objective, the Applicant has already demolished the abandoned structure on the site and proposes to replace the currently vacant site with a new development that will be an asset to the immediate neighborhood and the District.

2. Policy LU-2.2.4: Neighborhood Beautification.

Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods. As shown on the Landscape Plan included in the Revised Plans, the

Applicant proposes to provide landscaping and tree planting on M and 22nd Streets. The Applicant has also committed to contribute up to \$146,000.00 for public space improvements in the neighborhood, including the installation of park benches, trees, tree fencing and street lights at various locations. See Exhibit A, Decision No. 6, and executed Memorandum of Understanding attached as Exhibit E. Moreover, development of the site will be an improvement to the current condition. In addition, the proposed restaurant will help activate the street level of the project.

3. Policy LU-2.4.10: Use of Public Space within Commercial Centers.

This policy encourages the development of outdoor sidewalks cafes, flower stands, and similar uses which “animate” the street. As shown on the Revised Plans, the project includes a restaurant on the ground floor, which is ideally situated to engage the public throughout the day. This area is designed to become part of the urban streetscape and includes operable glass doors to be opened when weather permits for full integration with the sidewalk and public realm.

4. Policy LU-2.4.11: Hotel Impacts.

The objective of this policy is to manage the impacts of hotels on surrounding areas. The development team has carefully analyzed the impacts of this project on the surrounding neighborhood and the evidence demonstrates that the project will have a positive impact on the neighborhood. The project includes adequate areas for truck movement and deliveries, hotel parking, and all other activities associated with the proposed use.

F. Transportation Element

The stated goal of the Transportation Element of the Comprehensive Plan is to create a safe, sustainable, efficient, multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors, supports local and regional economic prosperity; and enhances the quality of life for District residents. 10 DCMR § 401.1. Similar to the approved PUD, the modified PUD will further these purposes through compliance with a number of the specific policies contained in the Transportation Element of the Comprehensive Plan. For example, the proposed hotel is consistent with *Action T-2.3-A: Bicycle Facilities* since the Applicant proposes to include secure bicycle parking and bike racks as amenities within the development that accommodate and encourage bicycle use. The Applicant will also be implementing a number of transportation demand measures aimed at reducing the number of car trips, which is consistent with *Policy T-3.1.3: Transportation Demand Management (TDM) Programs*.

G. Environmental Protection Element.

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies include the following:

1. Policy E-1.1.1: Street Tree Planting and Maintenance - encourages the planting and maintenance of street trees in all parts of the city;
2. Policy E-1.1.3: Landscaping - encourages the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;

3. Policy E-2.2.1: Energy Efficiency - promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses;

4. Policy E-2.2.4: Alternative Energy Sources - calls for the use of solar energy and other sustainable sources to benefit environmental quality;

5. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - calls for the promotion of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction; and

6. Policy E-3.1.3: Green Engineering - has a stated goal of promoting green engineering practices for water and wastewater systems.

The Zoning Commission found that the approved PUD, which was designed to achieve 28 points under the then-applicable LEED for New Construction Rating System v 2.2 standards, was consistent with the Environmental Protection Element. See, Exhibit A, Finding of Fact No. 43(c). As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the modified project has been designed to achieve a minimum of 50 points under the LEED for New Construction Rating System v 3.0 standards, and includes street tree planting and maintenance, landscaping, energy efficiency and alternative energy sources, methods to reduce stormwater runoff, and green engineering practices. Therefore, the modified project is also fully consistent with the Environmental Protection Element.

H. Economic Development Element

In approving the initial PUD, the Zoning Commission found that the development of a hotel on the Subject Property supports the growth of the hospitality industry, assists in the development of an increasingly robust tourism industry, and is consistent with the development of a diverse range of hotel types, serving travelers with varying needs, tastes, and budgets. See Exhibit A, Finding of Fact 43(d). The Applicant's proposal to

construct a 238 room hotel on the Subject Property is also consistent with, and implements, the Zoning Commission's prior findings.

I. Urban Design Element

The proposed hotel is also consistent with a number of the policies included in the Urban Design Element of the Comprehensive Plan. Similar to the Zoning Commission's prior findings regarding the approved PUD (See Exhibit A, Finding of Fact 43(e)), and as shown on the Revised Plans, the hotel includes an attractive, visually-interesting and well-designed building façade that eschews monolithic or box-like forms, or long blank walls which detract from the human quality of the street. See Policy UD-2.2.5. The project is also consistent with the improved streetscape design and sidewalk management goals of Policy UD-3.1.1 and Policy UD-3.1.2 since the Applicant proposes to improve the appearance and identity of 22nd and M Streets through the use of street trees and tree boxes and the sidewalks and plantings adjacent to the Subject Property will enhance the visual character of these streets and provide a buffer to reduce the impacts of vehicle traffic.

J. Near Northwest Area Element

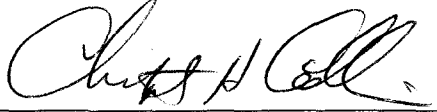
The Zoning Commission has found that the construction of a hotel on the Subject Property is consistent with Policy NNW-1.1.3 of the Near Northwest Area of the Comprehensive Plan. See Exhibit A, Finding of Fact 43(f). The modified hotel is also consistent with the Zoning Commission's prior finding since the Applicant's proposed development of a hotel use at this site will further establish this area as a premier area of the District with diverse and unique establishments.

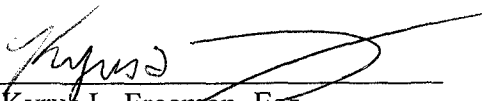
V. CONCLUSION

For the reasons stated above, the Applicant submits that the proposed modifications to the approved PUD meet the standards of Chapter 24 of the Zoning Regulations and the standards for approval. Accordingly, the Applicant requests that the Zoning Commission approve the proposed PUD, as modified, and as described herein.

Respectfully submitted:

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