



CONFERENCE CENTER ASSOCIATES I, LLC

PRE-HEARING STATEMENT OF THE APPLICANT – ZONING COMMISSION CASE NO.
08-33

CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT, FIRST STAGE APPROVAL OF
A PLANNED UNIT DEVELOPMENT, AND A
ZONING MAP AMENDMENT

April 23, 2009

ZONING COMMISSION
District of Columbia
CASE NO. 08-33
EXHIBIT NO. 18

DEVELOPMENT TEAM

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DESCRIPTION

EXHIBIT

Architectural Drawings, Elevations, and Photographs of the Subject Property and Surrounding Area

Appendix

Traffic Impact Study Addendum and Transportation Management Plan

A

List of Owners of Property within 200 feet of the Subject Site and names and addresses of person having a lease with the owner for all or part of the property

B

LEED Checklist and Environmental Analysis

C

Compliance with Consolidated PUD Requirements

D

List of Publicly Available Maps and Documents

E

Outlines of Witness Testimony

F

Draft First Source Employment Agreement with the Department of Employment Services

G

Draft Certified Business Enterprise Agreement with the Department of Small and Local Business Development

H

CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

Conference Center Associates I, LLC (the “**Applicant**”) hereby certifies that this pre-hearing submission, twenty copies of which were filed with the Zoning Commission on April 23, 2009, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes to the project are expected to be submitted prior to the public hearing on this application.

At the February 23, 2009, Public Meeting, the Zoning Commission voted to set down the PUD and Zoning Map amendment applications for a public hearing on a consolidated basis for the portion of the project that has frontage along Michigan Avenue and Irving Street and undertake first stage review for the remainder of the project. In response to comments made by members of the Commission during the February 23, 2009, Public Meeting and to the Office of Planning Set-Down Report dated February 13, 2009, the Applicant has provided additional information and made further refinements to the proposed PUD project. These modifications and refinements include:

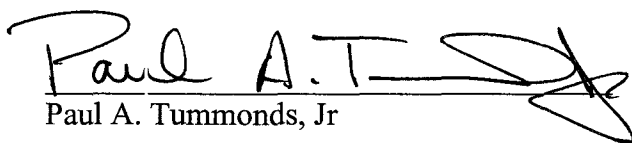
- (a) enhanced details addressing the project’s relationship to, and animation of, Michigan Avenue;
- (b) additional information and details addressing the low-impact design attributes of the project;
- (c) details regarding the transportation management plan and the sufficiency of the proposed loading/delivery facilities;
- (d) additional information regarding the flexibility requested from the Zoning Regulations;
- (e) refinements and enhancements to the architecture of the consolidated portion of the project; and
- (f) revisions to the site plan for the first stage PUD approval component of the project.

In all other respects, the project is the same as filed on December 24, 2009.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission; Appendix
3013.1(b) List of Witnesses	Pre-Hearing Submission
3013.1(c) Summary of Testimony of Applicant’s Witnesses and Reports for the Record: Outline of Testimony of Representatives of the Applicant	 Exhibit F

	Outline of Testimony of the Project Architect	Exhibit F
	Outline of Testimony of the Landscape Architect	Exhibit F
	Outline of Testimony of the Traffic Engineer	Exhibit F
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission; Appendix; Exhibit A, Exhibit G, Exhibit H
3013.1(e)	Reduced Plans	Appendix
3013.1(f)	List of Publicly Available Maps, Plans and Other Documents	Exhibit E
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1 hour
3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property and names and addresses of persons having a lease for any portion of the property	Exhibit B
3013.4	Proposed First Source Employment Agreement with Department of Employment Services	Exhibit G
3013.4	Proposed Certified Business Enterprise Agreement with Department of Small and Local Business Development	Exhibit H

Respectfully submitted,
Pillsbury Winthrop Shaw Pittman LLP


Paul A. Tummonds, Jr

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

WITNESSES:

Michael Dickens and/or James Glennon, Representative of the Applicant

Sean Stadler, Associated Project Architect, WDG Architecture, PLLC – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Theodore Mariani, Associated Project Architect, Mariani Architects, LLC – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Robert W. Good, Stephenson + Good, Landscape Architecture, TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF LANDSCAPE ARCHITECTURE

Cullen Elias, Traffic Engineer, Gorove/Slade Associates – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF TRAFFIC ENGINEERING

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 HOUR

I. INTRODUCTION

A. Summary of Requested Action

Conference Center Associates I, LLC¹ (the “**Applicant**”) hereby submits its pre-hearing statement to the Zoning Commission of the District of Columbia (“**Commission**”) for the consolidated review and one-step approval of a consolidated Planned Unit Development (“**PUD**”), the first stage approval of a PUD, and a corresponding amendment to the Zoning Map of the District of Columbia. The project site consists of Parcel 121/31 (the “**Subject Property**”).

The Subject Property is located at the intersection of Michigan Avenue, NE and Irving Street, NE. The Subject Property is improved with a surface parking lot that includes approximately 400 parking spaces that help serve the parking needs of the staff of the Washington Hospital Center. The Subject Property is currently unzoned. Advisory Neighborhood Commission (“**ANC**”) 5C includes the Subject Property within its boundaries.

The Applicant proposes a two-stage PUD for the Subject Property. The consolidated PUD component of the application proposes the construction of a 314 room suite hotel (built in two stages, the first stage includes 233 rooms and will be constructed immediately, the remaining 81 rooms will be constructed based on market demand) and conference center on the portion of the Subject Property that has frontage along Michigan Avenue and Irving Street. The proposed hotel and conference center will offer hotel lodging and conference facilities that are currently unavailable in the neighborhood and will be beneficial to the many large institutions nearby. Also included in the consolidated PUD application is a four story above-grade structure along Michigan Avenue that provides retail uses at the ground floor and in the basement level. Approximately 400

¹ The owner of the Subject Property is the Federal Government. Jurisdictional authority over the property was transferred to the District of Columbia. The District of Columbia Department of Housing and Community Development (DHCD) is the District agency responsible for this property. The Applicant and DHCD have entered into a long-term ground lease for the use of the Subject Property.

parking spaces will be provided in this structure as well. The northern portion of the Subject Property will remain as a surface parking lot (providing approximately 200 parking spaces) until development of the second phase of the PUD project begins. Thus, upon completion of the development of the consolidated PUD application, 600 parking spaces will be provided on the Subject Property. The initial application sought approval to construct a three story above-grade parking garage along Michigan Avenue (which included 300 parking spaces) and to retain 280 parking spaces on the surface lot in the consolidated PUD approval. An additional level of the parking garage would have been added in the second stage PUD approval. The Applicant is now seeking permission to construct the entire parking garage in one step, rather than in phases. The total number of parking spaces to be provided in the PUD project at its completion, approximately 695 parking spaces, will be the same as in the application that was originally filed with the Commission.

The Applicant is also seeking first stage PUD approval for two additional buildings on the northern portion of the Subject Property. These buildings will be dedicated to either additional hotel use and/or residential units and may include more space for conference center uses. Below-grade parking spaces will be included in this phase of the PUD project.

In response to issues raised by members of the Zoning Commission, representatives of the Office of Planning (“OP”) and representatives of the District Department of Transportation (“DDOT”), the Applicant has made the following refinements and modifications to the project:

- A dedicated pedestrian entrance to the hotel lobby from Michigan Avenue has been added and further refinements and enhancements to the Michigan Avenue streetscape have been made;
- a 55 foot loading dock has been included in the retail structure to address the loading needs for the proposed retail space and a detailed analysis of the sufficiency of the loading facilities provided in the project is included in the Traffic Impact Study Addendum included in Exhibit A;

- Low-impact development and various sustainable design strategies have been incorporated into the project such that the project will be able to obtain LEED certification, with the Applicant hopeful that a LEED Silver classification can be obtained;
- the above-grade parking structure in the consolidated PUD application will now have four above-grade stories and will provide approximately 400 parking spaces, with the amount of parking spaces allocated for off-site use reduced from 400 spaces to 280 spaces; and
- revisions to the site plan, location and massing of the structures to be constructed in the second phase of development on the Subject Property (the portion of the project that is the subject of the first-stage PUD approval) to address concerns raised about the “suburban” appearance of the project.

The Subject Property is located in the Government land use category on the District of Columbia Comprehensive Plan Future Land Use Map. The Applicant requests a Zoning Map amendment to the C-3-A Zone District for the Subject Property. The proposed rezoning is consistent with the overarching goals and policies of the Comprehensive Plan of the District of Columbia, as discussed in detail herein.

B. The Applicant

Conference Center Associates I, LLC consists of Hospitality Partners LLC, Mariani Family LLC, and H Street Investment Corporation. Founded in 1986, Hospitality Partners is a hotel management and development company based in Bethesda, Maryland. Hospitality Partners has a broad range of experience in managing all types of hotels. Hospitality Partners’ portfolio of hotels currently includes the following: two hotels in the District of Columbia; three in Northern Virginia; two in Maryland (with two additional hotels scheduled to open in 2009 and one in 2010), and one in California. Many of Hospitality Partners’ hotels are nationally-recognized brands such as Courtyard by Marriott and Marriott Residence Inn. In addition to managing hotels, Hospitality Partners provides consulting and technical services to developers and lenders concerning hotel properties.

Theodore F. Mariani FAIA, PE, is Mariani Family, LLC's representative on the Applicant's development team. Mr. Mariani has maintained an architectural and engineering practice in Washington, DC since 1957. Mr. Mariani was a member of the Zoning Commission from 1975-1981 and served as Chairman of the Zoning Commission in 1977 and in 1980.

H Street Investment Corporation, a subsidiary of the H Street Community Development Corporation, is a Certified Business Enterprise (CBE) in the District of Columbia and an equity investor in the project. One of the roles that H Street Investment Corporation will play is helping implement and monitor the First Source Employment Agreement and the CBE Agreement that are proffered as part of this PUD application (See Exhibits G and H).

II. THE PROPOSED PUD PROJECT

A. Description of Subject Property and Surrounding Area and Uses

Containing approximately 238,909 square feet of land area, the Subject Property is approximately 5.48 acres in size. The Subject Property includes a large setback averaging approximately 60 feet from the street curb along Michigan Avenue and 38 feet from the street curb along Irving Street. A change of grade of approximately one to three feet exists from the Subject Property's lot line to the street curb along Irving Street. (See discussion of the flexibility requested for the proposed building height on p. 16-17.) Vehicular access to the Subject Property is currently available from both Irving Street and Michigan Avenue. The current surface parking lot use, which provides approximately 400 parking spaces, occupies approximately 60% of the Subject Property. As shown in the pictures of the current state of the Subject Property, the remaining portion of the Subject Property contains overgrown scrub trees and bushes. The Subject Property is located approximately 0.5 miles from the Brookland/CUA Metro Station.

Large institutional, educational, and healthcare uses dominate the area surrounding the Subject Property. To the east across Irving Street stands Catholic University and the National Shrine of the Immaculate Conception. To the south across Michigan Avenue sits Trinity University, St. Paul's College and the U.S. Conference of Catholic Bishops further to the east. The United States Soldiers Home is located across Irving Street and North Capitol Street to the northwest of the Subject Property. The Veterans Affairs Medical Center, the Washington Hospital Center, and the Washington Children's Hospital are located west of the Subject Property past North Capitol Street along Michigan Avenue. Immediately to the west of the Subject Property is the Trinity Square shopping center and further to the west of the Subject Property is the Cloisters, a multi-family residential development. Generally, the area surrounding the Subject Property is either unzoned (GOV) or included in the R-5-A Zone District. A small parcel to the south of the Subject Property is zoned C-1. A Zoning Map depicting the Subject Property and surrounding area is included in the Appendix.

B. Zoning History of the Subject Property

On March 11, 1991, pursuant to Order No. 689, the Zoning Commission approved a PUD on the Subject Property for a conference/training center with guest rooms. The conference/training center was intended to serve the needs of the surrounding institutional community. The approved PUD project included a building with a height of 65 feet, a floor area ratio (FAR) of 1.42, and a lot occupancy of 45%. The Zoning Commission granted three time extensions for the PUD project (Z.C. Order Nos. 689A-689C), however, market conditions were not favorable, and that PUD project was never constructed. As a result, the Zoning Commission's approval of ZC Order Nos. 689A-689C has expired.

C. Project Description

The PUD project will transform a currently underutilized property into a vibrant contributor to the urban fabric of the neighborhood that will help connect the uses along Michigan Avenue from the Hospital Center to the Brookland/CUA Metro Station. The PUD project will animate Michigan Avenue through the introduction of retail uses and a hotel and conference center that will provide the opportunity for significant numbers of people to visit and enliven the area. The proposed project will also be an important economic engine for this part of the City and the District of Columbia. The project is expected to create 160 full time equivalent jobs and generate approximately \$4 million dollars per year in revenue to the District of Columbia.

1. Consolidated PUD Application

Proposed Hotel Use

The consolidated component of the PUD application includes the portion of the Subject Property that has frontage along Michigan Avenue and Irving Street. A SpringHill Suites by Marriott hotel will be located at the intersection of Michigan Avenue and Irving Street. This hotel brand is ideally suited for satisfying the demand for the types of hotel rooms and facilities that are generated by the surrounding educational and medical uses. The SpringHill Suites brand was created in 1998 to cater to the vibrant business traveler. The suites are meant to be spacious (25% larger than a standard hotel room), yet functional for both the business and leisure traveler.

The hotel will initially include approximately 233 rooms, with the ability to add an additional 81 rooms in a wing flanking Irving Street if market conditions are favorable. A large pool, spa, and exercise room will be located at the ground level inside the hotel structure at the corner of the structure facing the intersection of Michigan Avenue and Irving Street. These uses

will open onto a large terrace that will be surrounded by appropriate landscaping to buffer the visual and noise impacts of the vehicular traffic on Irving Street and Michigan Avenue.

The façade of the hotel will consist of several types of precast concrete panels of varying hues and texture combined with metal feature panels and energy absorbing glazing. The hotel structure will include approximately 204,561 square feet (approximately 191,268 square feet counts towards the project's FAR). The measured building height of the hotel building will be approximately 94 feet, 6 inches² as measured from the curb on Irving Street, NE at the middle of the building's frontage on Irving Street.

The hotel will include a full-service, white table cloth restaurant accessible from both within the hotel and directly from Michigan Avenue. This area currently does not have such a restaurant, and the surrounding community has continually asked that such a use be included in this project. The Applicant anticipates that a significant percentage of the patrons of the restaurant will be coming from the surrounding area and will come to the Subject Property because of this restaurant. The restaurant will include a large outdoor dining terrace along Michigan Avenue. Due to the large set-back from Michigan Avenue (approximately 80 feet at this point) and the significant amount of landscaping provided on both the Subject Property and the adjacent public space, patrons of the outdoor dining terrace will not be adversely impacted by the vehicular traffic along Michigan Avenue.

Treatment of Michigan Avenue Streetscape

In response to issues raised by the Commission and OP, the Applicant and its design team have significantly enhanced the Michigan Avenue streetscape experience that will be created by this project. As shown on pages A1.06, A5.01, A5.04, and A6.01 of the Appendix, a direct

² The initial application noted that the building height was 94 feet, 4 inches as measured from the curb on Irving Street, NE. The Applicant is requesting an additional 2 inches of building height, for a total measured building height of 94 feet, 6 inches. Just as in the initial application, the building will be no greater than 90 feet tall as measured from the finished grade at the building.

pedestrian entrance to the hotel lobby from Michigan Avenue is now provided in the project. This entrance is marked by a series of 14 foot tall lights that line the walk from the Michigan Avenue sidewalk up to the entrance to the hotel. Enhanced lighting and signage are also proposed for the ground floor uses, including the proposed restaurant use. In addition, the shared use path along the Michigan Avenue and Irving Street frontages has been increased from 6 feet wide to 10 feet wide to further enhance pedestrian and bicycle activity on the Subject Property and in the surrounding area.

Conference Center Use

The project will also include a conference center of approximately 37,346 square feet (approximately 23,915 square feet counts towards the project's FAR), which will contain meeting rooms and banquet/ballroom space. The banquet/ballroom space will open onto a landscaped rooftop garden at the second floor level. At the second floor ballroom level, the conference center will have direct access to the parking garage. The conference center is anticipated to provide meeting space and banquet facilities for events that include approximately 600 people. Because of the large institutions in the area, there is significant demand for this type of use in this neighborhood, but no hotel or conference center satisfies that demand. The façade of the conference center will face east towards the Shrine of the Immaculate Conception and the Catholic University of America Campus. It will have a broad expanse of glass enclosing the pre-function area of the ballroom that will provide unsurpassed views of the Shrine.

A carefully designed plaza has been created in the area between the hotel and the conference center building that effectively incorporates vehicular drop-off needs, while providing safe pedestrian access between the hotel and the conference center. Concrete paver sidewalks and crosswalks delineate the pedestrian areas. A porte cochere is provided for hotel guests as they exit

their vehicles. The addition of in-ground fountains, drive-over lights, planters and landscaped retaining walls all signify a high degree of architectural quality and care of design.

Retail/Parking Garage Structure

To the west of the hotel, along Michigan Avenue, a mixed-use structure will provide approximately 20,000 square feet of retail space (approximately 11,969 square feet are included in the calculation of gross floor area) and 400 parking spaces. It is anticipated that the retailers in this space will provide neighborhood serving retail uses, rather than destination retail uses. The below-grade retail space and loading facilities have been designed in a manner that could accommodate a grocery store use. These retail uses will be located at grade along Michigan Avenue and in one below-grade level. The parking spaces will be provided in four above-grade levels. Parking patrons will have direct above-grade access to the main ballroom level of the conference center. The façade of this structure at the retail level will be marked by a large glazed wall and individual store entrances in order to enliven the street level experience. At the upper levels of this structure, views of cars in the parking spaces will be obscured by decorative precast panels.

Since the original application was filed and the case was set-down for a public hearing, the Applicant has introduced a green screen system on the façade of this structure that faces the adjacent Trinity Square shopping center. This green screen system helps to soften the visual impact of that façade of the structure. Details of the proposed green screen system can be found on pages A3.08 and A4.04 of the Appendix. In order to allow for the proper care and maintenance of the green screen system, the entire retail/garage structure is setback one foot from the property line that is shared with the Trinity Square shopping center. On the roof level of the parking garage, trees and plantings have been included to soften the appearance of the parking spaces and help reduce the urban heat island effect.

Vehicular Access, Sufficiency of Loading Facilities and Continued Off-Site Parking Use

Access to the Subject Property will be available from both Michigan Avenue and Irving Street for all types of vehicular traffic. The shared loading berths for the hotel and the conference center will be accessed from the Michigan Avenue entrance drive. The loading berth for the retail uses will also be accessed from the Michigan Avenue entrance drive. A series of plans depicting the proposed vehicular routes are included in the Appendix at pages A1.07 – A1.11. The conference center extends over the Michigan Avenue entrance drive to provide a direct connection to the parking garage. The Michigan Avenue entrance drive will maintain a clearance height of 14 feet in order to allow delivery trucks to access the loading berths. At the Irving Street entrance drive, the Applicant will pay for the cost of a new signalized intersection and will introduce additional improvements to address the transportation infrastructure deficiencies of the existing entrance.

On March 24, 2009, the Applicant and representatives of the development team met with representatives of DDOT and OP to discuss various aspects of the PUD project. In that meeting, the DDOT representatives requested that the Applicant's traffic engineer (Gorove/Slade Associates) review the possibility of: (a) restricting the Michigan Avenue access point to trucks and buses only; or in the alternative (b) restricting the Michigan Avenue access point to right-in/right-out movements for all vehicles. Gorove/Slade's Traffic Impact Study Addendum, attached as Exhibit A, addresses these issues in detail. Gorove/Slade concluded that maintaining full access at the Michigan Avenue entrance/exit for all vehicles is the best and preferred alternative for vehicular access to the PUD project. This conclusion was based on the expected trip generations for the project (which are anticipated to have minimal impacts during peak traffic periods), the existing left-turn restriction at Irving Street, the limited number of outbound left-

turns, the benefit of having two vehicular access points to the project, and the proposed new Irving Street entrance into the project.

The Traffic Study Addendum also addressed the adequacy and design of the project's loading facilities. The Traffic Study Addendum reviewed the anticipated delivery program of a similar project and determined that the proposed loading facilities would be adequate to meet the practical needs of the project. The Traffic Impact Study Addendum also noted that Autoturn Software analyses were undertaken to ensure that the project provides adequate turning radii and maneuvering space in relation to all loading berths and access to/from Michigan Avenue. The Traffic Study Addendum determined that access to and use of the loading facilities would not have any adverse impacts on the adjacent roadways.

During construction of the hotel, conference center, and parking/retail structures, the northern portion of the Subject Property will provide 200 surface parking spaces for the Washington Hospital Center. The 200 surface parking spaces will remain in use until the second stage of development on the Subject Property is commenced. The Traffic Impact Study Addendum addresses the appropriateness of the parking spaces provided in both the consolidated and first stage PUD approvals. The Traffic Study Addendum notes that the existing 400 space parking lot used by Washington Hospital Center employees is:

“ . . . open only on weekdays and is fully (100%) used daily. Its occupancy pattern is associated with the WHC employee shift changes. As such the facility is fully occupied by 7:15 AM and the greater proportion (85%) of the vehicles leave before 4:00 PM. This situation is quite favorable since access to/from the facility does not coincide or impact the morning and peak hours of the adjacent roadway network”.

The Traffic Study Addendum concludes that:

The proposed parking supply adequately serves the proposed demand in both Phases I and II. This would ensure that the future needs of the site are adequately met and there is no overspill of demand onto adjacent properties or public streets. . . .

Based on the above factors, the proposed parking is reasonable given the planned program and the ability of the proposed development to be flexible for both phases of the development.

Low-Impact Development (LID) Attributes of the Project and Maintenance of Open Space

The Applicant has recently engaged a LEED consultant to work with the design team to review areas in which the project can utilize LID strategies. As a result, the Applicant is able to confirm that the consolidated PUD application will be able to obtain LEED certification and is hopeful that the project will be able to achieve a LEED Silver status. Attached as Exhibit C is an in-depth LEED analysis that notes the points (29) that the project has targeted and also notes the various points that the project can possibly achieve in order to reach LEED Silver status. Page A6.01 of the Appendix highlights the various LID aspects of the project in greater detail. As noted above, plantings and trees have been added to the roof of the parking structure and a green screen system has been added to the façade of the parking structure that faces the Trinity Square shopping center.

As noted above, the current parking lot use occupies approximately 60% of the Subject Property. The remainder of the Subject Property consists of overgrown scrub trees and bushes that do not provide any usable area for passive or active recreation uses. Pictures of this current condition are included in pages A1.02-A1.04 of the Appendix. The Applicant proposes to clear and grade the portions of the Subject Property that are not currently used for surface parking in order to provide more usable open and green spaces than currently exist on the site.

2. First Stage PUD Approval

In response to the comments of the Zoning Commissioners at the February 23, 2009 public meeting, the Applicant has made significant design and site plan changes to the portion of the Subject Property that the Applicant is seeking first-stage PUD approval, Phase II of the PUD project. As shown on the site plan found on page A1.02 of the Appendix, the ring road that

formerly circled the Phase II buildings around the perimeter of the Subject Property has been removed. Phase II of the PUD project proposes the construction of two nine story buildings; Building I is located along Irving Street and mirrors the shape of the hotel in the consolidated PUD application and is expected to be used for hotel and/or residential uses, and Building II is proposed to include a two story base that will be used for additional conference center space and/or residential amenities, with residential and/or hotel uses above. Both buildings will have a height of 94 feet, 6 inches as measured from the curb along Irving Street and, just like the hotel building in the consolidated PUD application, they will be no greater than 90 feet tall as measured from the finished grade at the building. The proposed buildings are now separated by an entrance court that aligns with the Michigan Avenue entrance to the project, with a larger green buffer area between these structures and Irving Street. The Applicant requests that the Zoning Commission approve the location, mass and height of these buildings.

D. Development Data

The pertinent zoning data for the PUD project is provided in the Zoning Tabulations chart included in the Appendix. The total PUD project will have a FAR of 2.98 (1.46 after completion of the consolidated PUD project). The measured building height of the hotel building in the consolidated PUD application will be approximately 94 feet 6 inches as measured from the street curb on Irving Street, at the mid-point of the building's frontage along Irving Street.

E. Flexibility under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment ("BZA"). In order to better meet the project's goals, the Applicant

requests flexibility from the Zoning Regulations with regard to roof structures, side yard, loading requirements, and multiple buildings on a record lot. The Zoning Commission has the authority to grant this requested flexibility pursuant to Section 2405.7 of the Zoning Regulations. Moreover, Section 2405.8 of the Zoning Regulations states that “the Commission shall not be required to apply the special exception standards normally applied by the Board [of Zoning Adjustment]”. In addition, the Applicant requests that the Zoning Commission use its authority to approve a measured building height that is 5% more than the C-3-A PUD guidelines.

The Applicant requests flexibility from the roof structure requirements outlined in Section 411 of the Zoning Regulations. Specifically, the Applicant is requesting relief from the requirements that (i) there be a single roof structure for each building, (ii) that the roof structures all be the same height, and (iii) that the roof structures be set-back from all exterior walls of the building at a ratio of 1:1. The hotel, conference center and retail/garage structures can be considered one building for zoning purposes as they have significant above-grade connections between all three structures. The different uses require separate roof structures to address different needs. The hotel has one continuous roof structure to house all mechanical equipment and separate roof structures for required stair access to the roof level. The conference center has a screen wall that surrounds HVAC equipment that is approximately 11 feet tall and the retail/parking garage has multiple stair access structures on its roof. The mechanical penthouse structures are all 18 feet 6 inches tall, while the stair towers range in height from 11.2 feet tall on the hotel to 14.3 feet tall on the parking structure. The screen wall enclosing the HVAC equipment on the conference center roof will be 11 feet tall. Due to shape of the hotel building and the required location of the elevator core, the proposed mechanical penthouse is not set-back 18 feet, 6 inches from all exterior walls of the hotel. The various stair towers are also not set back at a ratio of 1:1 from all exterior walls.

The proposed roof structures have been designed to minimize their visual impact and to satisfy the mechanical system needs for a hotel and conference center. Enclosing all of the proposed roof structures in a single enclosure would require an overly large and obtrusive roof structure. Similarly, requiring that all of the roof structures be 18 feet 6 inches tall would be contrary to the goal of minimizing the visual appearance of these structures. The location of the proposed stair tower enclosures and the mechanical penthouse structures is dictated by various code requirements and the desire to create the most efficient layout for the separate and distinct uses in these structures. Due to the large size of the Subject Property and the significant distance that exists between these roof structures and any adjoining properties, the granting of this requested flexibility will not adversely affect the use of any nearby properties.

The retail/parking garage structure was moved back one foot from the property line that is shared with the adjacent Trinity Square shopping center. This creates a one foot side yard which requires that the Zoning Commission grant flexibility from the side yard requirements of the C-3-A Zone District. This one foot space is necessary to allow the installation and maintenance of the green screen system discussed in detail above. The initial proposal for this façade of the retail/parking structure did not include the green screen system and was located on the property line. No side yard is required in the C-3-A Zone District so this was permitted without the need for flexibility. The Applicant believes that the introduction of the green screen system is a benefit to the adjoining property owner as it will now face an organic, landscaped façade. Therefore, the Applicant believes that it is appropriate to grant this flexibility. In addition, the Applicant notes that the hotel building is providing a side yard of 19.75 feet towards Irving Street, rather than the required 23.75 foot side yard. The Applicant believes that the proposed side yard is more than adequate to provide open space on the Subject Property and that the granting of this side yard

relief will not impact any adjacent property owners, as this side yard abuts multi-lane Irving Street.

The Applicant requests flexibility from the loading requirements outlined in Section 2201.1 of the Zoning Regulations. For the hotel, conference center, and retail uses in the project, the Zoning Regulations require three - 30 foot loading berths, one - 55 foot loading berth, three - 100 square foot loading platforms, one 200 square foot loading platform, and one delivery space. The project will provide one - 55 foot loading berth, one - 30 foot loading berth and a trash area for the hotel and conference center uses. For the retail uses, one - 55 foot loading berth and a designated trash area will be provided. The Applicant satisfies the loading platform requirements pursuant to Section 2201.3, which notes that no loading platform is needed if the required loading berth is increased in depth for the full width of the loading berth and the resulting enlarged loading berth is equal in area to the combined area of a required loading berth and a required loading platform. As noted in Traffic Study Addendum, attached as Exhibit A, and described above, the Applicant's traffic engineer has determined that the loading berths provided in the project will adequately address the loading and delivery needs of the various uses in the project.

The Applicant will construct more than one building on a single record lot. Pursuant to Section 2517.2 of the Zoning Regulations, multiple buildings are permitted on a single record lot as a matter-of-right, provided that each building satisfies applicable zoning requirements (such as use, height, bulk, and open spaces around each building). In order to locate the multiple structures on the Subject Property, it is necessary to obtain relief from Section 2517 of the Zoning Regulations. The Zoning Commission has the authority to grant this requested flexibility pursuant to Section 2405.7 of the Zoning Regulations.

The Applicant requests that the Zoning Commission use its authority to approve a height increase of up to 5% over the PUD guidelines for the C-3-A Zone District pursuant to Section

2405.3. In order for the Zoning Commission to approve this request, the Applicant must prove that the increase in height “is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter”. The Applicant is requesting that the measured building height of the hotel structure be 94 feet, 6 inches, an increase of 5% over the 90 foot height guideline for a PUD in the C-3-A Zone District. The additional 4 feet, 6 inches is necessary to provide proper floor to ceiling heights for the hotel rooms so that the hotel rooms are not of a diminished quality. Granting the requested flexibility is consistent with the purpose and evaluation standards of this chapter because the appearance of this building, with the additional 4 feet, 6 inches, is not out of context with buildings in the general area. In addition, the measured building height of 94 feet, 6 inches is attributable in part to the change in grade from the property line of the Subject Property to the Irving Street curb. If the building height could be measured from the finished grade at the building, it would have a building height no greater than 90 feet.

F. Development Timetable

The Applicant anticipates that it will begin site development of the northern portion of the Subject Property for the 200 parking spaces in the fall of 2009. In order to develop this project the Applicant is required to relocate an existing 66 inch storm sewer line that cuts through the Subject Property. The Applicant anticipates this sewer relocation work will occur in the winter of 2009-2010. The Applicant anticipates beginning construction of the first phase of the project (the consolidated PUD) in late spring of 2010 with the hotel open for business in September of 2011. Given this development timetable, the Applicant requests that the Commission make the first stage PUD approval effective for five years from the date of approval of the consolidated PUD, in order to allow the Applicant an appropriate amount of time to gauge the market conditions for additional

hotel rooms or residential uses after the hotel and conference center use has been operational for an appropriate period of time.

III. PLANNING ANALYSIS

Through the PUD process, the Applicant will construct a hotel and conference center and will introduce additional retail uses in an area that lacks hotel rooms and retail opportunities. The proposed project supports numerous policies of the Comprehensive Plan.

A. Land Use Impact

The proposed project will have negligible adverse impacts on the land use of the area adjacent to the Subject Property. The Subject Property is surrounded by large institutional uses and some moderate density residential uses. A hotel/conference center will easily integrate with the large institutional buildings nearby while providing a transition to the moderate density residential buildings to the northwest. Further, the project's addition of ground floor retail in the parking structure, a restaurant in the hotel, and improvements in the public space adjacent to the Subject Property will enhance the aesthetic of the area by making it more pedestrian friendly. These additions will have positive impacts on the surrounding neighborhood by providing retail choices and a restaurant option that otherwise do not exist in the immediate area.

B. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. As noted above, the Subject Property is adjacent to C-1, R-5-A, and GOV (unzoned) Zone Districts. The inclusion of the Subject Property in the C-3-A Zone District will allow the project to easily integrate into the nearby commercial and residential zones by providing a transition from institutional uses to residential. The hotel,

conference center, retail, residential and restaurant uses are all matter-of-right uses in the C-3-A Zone District.

C. Environmental Impact

As noted above, the Applicant will design the project so that it can achieve LEED certification. Exhibit C includes an enhanced LEED checklist and page A6.01 of the Appendix notes the various LID aspects of the project.

D. Facilities Impact

The proposed project will not have an adverse impact on the public facilities that it will rely on for service.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards for evaluating a PUD application. In deciding a PUD application, the 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” (See Section 2403.8). In order to approve a PUD application, the Commission must find that the impact of the project on the surrounding area is either favorable, capable of being mitigated, or acceptable given the quality of the public benefits in the project. (See Section 2403.3.)

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning.

A. Site Planning

Section 2403.9(b) lists site planning, and efficient and economical land utilization as one category of public benefits and project amenities for a PUD. As shown in the detailed plans, elevations, and renderings included in the Appendix, the proposed project exhibits efficient land use and exceptional site planning. The PUD combines a hotel, a conference center, a restaurant, and retail space into one project. For instance, the conference center ballroom extends over a driveway to connect with the garage, thereby allowing a full size ballroom without sacrificing access to the site. Similarly, the parking structure incorporates ground floor retail along Michigan Avenue in order to offer a project that is both pedestrian friendly and adequate to accommodate cars for hotel guests and conference attendees.

B. Urban Design, Architecture, Landscaping, Creation of Open Spaces

Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. The inclusion of the direct pedestrian entrance from Michigan Avenue to the hotel lobby, the treatment of the plaza between the hotel and the conference center, the outdoor dining terrace, and the sunbathing terrace are all project amenities resulting from the urban design, landscaping and creation of open spaces found in this project. The project architects and landscape architects have located benches, lighting, and landscaping on the Subject Property and in the adjacent public space in a manner that both provides respite and seclusion from the vehicular traffic along Michigan Avenue, yet also animates the Michigan Avenue pedestrian experience. The Applicant will pay for the cost of these improvements in public space and will continue to work with DDOT representatives to obtain feedback regarding the public space improvements.

C. Effective and Safe Vehicular and Pedestrian Access

The Zoning Regulations, pursuant to Section 2403.9(c), state that “effective and safe vehicular and pedestrian access” can be considered public benefits and project amenities. The project will result in the relocation of the Irving Street vehicular entrance into the Subject Property. The current location of this entrance creates sight distance and operational constraints for left-turn movements from the Subject Property. As a result of this project, the Applicant will undertake the following improvements: relocate the Irving Street entrance drive into the Subject Property; install a traffic signal and advanced flashing beacon on Irving Street; provide a separate left turn-lane along the westbound approach of Irving Street; and provide improved roadway striping and signage to allow efficient and safe merging of mainline and ramp vehicles approaching from the west. These transportation infrastructure improvements are expected to cost \$750,000 - \$900,000. The Applicant is also participating in the North Capitol Street transportation study, a comprehensive analysis of future transit needs in Northeast, Washington, DC.

The original application materials filed with the Zoning Commission included Gorove/Slade’s Transportation Impact Study for the project. This study concluded that the vehicular trips generated by this project “would not degrade intersection levels of service or significantly increase average delay beyond what would occur in the future without development. Therefore, the development in and of itself would have minimal impacts on the study area roadway network.” At the request of DDOT, Gorove/Slade conducted a Pedestrian Level of Service Analysis and a Bicycle Level of Service Analysis for the Project. Both of these analyses are found in Traffic Impact Study Addendum (Exhibit A). These analyses concluded:

The proposed development would not adversely affect the operational efficiency and comfort of pedestrian and bicycle traffic movements within the study area. The project would include special entranceway design treatments at both entrances and signalization (at the Irving Street entrance) to minimize impacts and enhance the quality of the walking and bicycling environment and experience along and into the site. . . . This study projects

that favorable pedestrian and bicyclist travel conditions would continue with the proposed development.

The Applicant and Gorove Slade have also created a Transportation Management Plan (“TMP”) for the project. The TMP is also included in Exhibit A. The primary objective of the TMP is to reduce the potential impacts of the project by managing traffic and parking demand. The TMP includes the following measures.

- Transportation Services Coordinator – This task will be the responsibility of the Hotel’s General Manager, who will coordinate administering the TMP.
- Transit Services – The Applicant will continue to work with the Washington Hospital Center to allow shuttle bus stops on/adjacent to the Subject Property throughout all phases of development. The Applicant will support efforts by DDOT to create a consolidated shuttle bus system for the various institutional uses in the area and will support DDOT’s plans for Bus Rapid Transit routes in the area. The Applicant will also recommend that all of its employers enroll for SmarTrip benefits for their employees.
- Shared Vehicles – The Applicant will reserve 3 parking spaces on the Subject Property for use by a car-sharing service.
- Ride-Matching/Ridesharing Program – The Transportation Services Coordinator will maintain a comprehensive list of carpool seeking employees. Carpool parking spaces will be provided in close-in and convenient parking spaces.
- Guaranteed Ride Home Program – The Applicant will participate in this program which provides commuters who regularly carpool, vanpool, or take alternative means of transportation to work a reliable ride home when those employees need to work late or other unexpected issues arise.

The Applicant has also agreed to pay the costs for the expanded new 10 foot sidewalks in the public space adjacent to the Subject Property and to replace and enhance the bus shelter located on Michigan Avenue adjacent to the Subject Property. The new sidewalks and enhanced bus shelters will enhance pedestrian safety in the area and will also help encourage the use of public transportation.

D. Employment

According to Section 2403.9(b) of the Zoning Regulations, the use of local firms in the development and construction of the project is a representative public benefit and project amenity. Therefore, the Applicant will enter into a Certified Business Enterprise Agreement (“**CBE Agreement**”) with the Department of Small and Local Business Development. A draft CBE Agreement is attached as Exhibit H.

According to Section 2403.9(b) of the Zoning Regulations, “employment and training opportunities” are public benefits and project amenities that a PUD may offer. The Applicant will enter into an agreement to participate in the Department of Employment Services (**DOES**) First Source Employment Program to promote and encourage the hiring of District of Columbia residents. A draft First Source Employment Agreement is attached as Exhibit G. The Applicant estimates that the hotel and restaurant operations will generate 160 full time equivalent jobs.

E. Use of Special Value to the Neighborhood and Revenue for the District

Pursuant to Section 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are public benefits and project amenities to be evaluated by the Zoning Commission. The proposed 314 room hotel will generate income to the District of Columbia through various taxes and payments. The estimated amount of annual revenue generated by this project is 4 million dollars.

The Applicant has met with representatives of ANC 5C to discuss the PUD project on numerous occasions. The Applicant, ANC 5C representatives, and neighborhood organizations will continue to develop a community amenities plan that will be submitted to the Zoning

Commission well in advance of the public hearing for this application. The Applicant anticipates that the community amenities plan will include the following attributes:

- meeting room space for ANC 5C and community organizations;
- discounted hotel room rates for residents of nearby neighborhoods; and
- preferences will be provided for qualified job applicants that live in nearby neighborhoods.

F. Comprehensive Plan

According to Section 2403.9(j), public benefits and project amenities include “other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V, the PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.

G. Public Benefits of the Project

Sections 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Zoning Commission, including:

- significant economic development potential for the area and the District as a whole;
- ground floor retail uses;
- significant job creation;
- high quality public open spaces;
- vehicular and pedestrian infrastructure improvements; and
- environmentally sensitive design.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous policies and action items enumerated in the Comprehensive Plan. The Comprehensive Plan includes the Subject Property

in the area known as Upper Northeast. The Comprehensive Plan's Upper Northeast Element includes the following pertinent provisions:

Policy UNE-1.2.1: Streetscape Improvements

Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways.

Policy UNE-1.2.4: Linking Residents to Jobs

Improve linkages between residents and jobs within Upper Northeast so that more of the area's 40,000 working age adults fill the approximately 40,000 jobs located within the Planning Area. Achieve this linkage by developing additional vocational and trade schools within Upper Northeast, encouraging apprenticeships and internships, and creating new partnerships between the area's major employers, the District, the public and charter schools, local churches, and major institutions.

Policy UNE-1.2.5: Increasing Economic Opportunity

Create new opportunities for small, local, and minority businesses within the Planning Area, and additional community equity investment opportunities as development takes place along New York Avenue, Bladensburg Road, Benning Road, and around the Metro stations.

The proposed project furthers these goals and policies of the Upper Northeast Area Element of the Comprehensive Plan. The project's focus on enhancing the vibrancy and appearance of Michigan Avenue is entirely consistent with Policy 1.2.1. The significant landscaping proposed on the Subject Property and the public space along Michigan Avenue will create a more attractive and vibrant stretch of this gateway avenue. As noted above, the project will result in the creation of 160 new jobs that can be filled by residents of the surrounding communities. This project will also provide for increased economic opportunity for District residents. The Applicant will enter into a First Source Employment Agreement and a CBE Agreement as a result of this project.

The Comprehensive Plan's Land Use Element includes the following policies that are supported by this project:

Policy LU-1.4.1: Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy LU-1.4.3: Zoning of Infill Sites

Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development.

Policy LU-2.4.6: Scale and Design of New Commercial Uses

Ensure that new uses within commercial districts are developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.

The proposed commercial uses and proposed C-3-A Zone District are consistent with these policies of the Land Use Element of the Comprehensive Plan. The proposed project will replace a surface parking lot – a “gap” in the urban fabric of Michigan Avenue – with a project that will further pedestrian activity by creating uses that will attract people to come to the Subject Property and by creating an attractive and inviting physical environment that will encourage people to stroll along Michigan Avenue. The proposed hotel, conference center, and retail uses are entirely complementary to the surrounding institutional and educational uses, and the proposed height, mass, scale and design of the structures are compatible with the surrounding buildings and structures and the proposed development.

The Comprehensive Plan’s Economic Development Element includes the following policies that this project supports:

Policy ED-2.2.3: Neighborhood Shopping

Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences.

Policy ED-2.3.4: Lodging and Accommodation

Support the development of a diverse range of hotel types, serving travelers with varying needs, tastes, and budgets. New hotels should be encouraged both within Central Washington and in outlying commercial areas of the city, particularly in areas which presently lack quality accommodation.

Policy ED-2.3.9: Hospitality Workforce Development

Recognize the potential for the hospitality sector to generate entry level jobs and opportunities for upward mobility for District residents by promoting vocational, job training, and job placement initiatives in this sector, and by working with local hotels, the District of Columbia Hotel Association, the Washington Convention and Tourism Corporation, and others.

Policy ED-3.2.8: LSDBE Programs

Expand opportunities for local, small, and disadvantaged business enterprises through city programs, incentives, contracting requirements, and other activities.

Policy ED-4.2.12: Local Hiring Incentives

Maintain requirements for resident job training and placement for projects built and/or operated with any form of public subsidy/loan, grant or other incentives. Promote incentives for similar training and hiring programs by the private sector.

The Applicant expects that the demand for the retail space provided in this project will come from predominantly neighborhood serving retailers that will provide basic goods and services. The creation of an all suites hotel at this location is entirely consistent with the policy of creating a range of hotel types in various parts of the District of Columbia. The project will also provide significant job opportunities in the hospitality sector. As noted above, the Applicant has agreed to enter into First Source Employment and CBE Agreements related to this project.

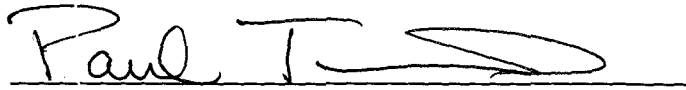
VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the consolidated PUD, the first stage PUD, and Zoning Map Amendment applications meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; will satisfy the requirements for approval of a consolidated PUD and Zoning Map amendment;

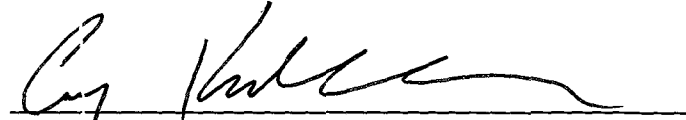
will provide significant public benefits; and will advance important goals and policies of the District of Columbia. Therefore, the consolidated PUD application, the first stage PUD application, and the Zoning Map amendment should be approved and adopted by the Zoning Commission.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

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Paul Tummonds

A handwritten signature in black ink, appearing to read "Cary Kadlec", written over a horizontal line.

Cary Kadlec