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MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: June 29, 2009
SUBJECT: Final Report - ZC #08-33 (Conference Center)
Consolidated PUD, Related Map Amendment and First Stage PUD

I. APPLICATION

The applicant, Conference Center Associates I, LLC proposes a Consolidated Planned Unit Development (PUD) and first stage PUD for the redevelopment of the site known as the Fringe Parking Lot (Parcel 121/31) at the corner of Michigan Avenue and Irving Street NE, with a mixed use development consisting of a hotel, conference center, and retail uses. To accommodate this development, the applicant is also requesting an accompanying zoning map amendment for the entire parcel from GOV (unzoned) to the C-3-A district.

The proposal set down by the Zoning Commission on February 23, 2009 for the public hearing would be reviewed as two phases:

1. Phase 1 - Consolidated Planned Unit Development (PUD) with a related map amendment to zone the property from the GOV district (unzoned) to the C-3-A district, with a height of 94' 6" and a total 2.98 FAR; and
2. Phase 2 - A First Stage PUD, for the remainder of the parcel's development.

II. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval of Phases I and II** proposed for the Fringe Parking Lot's redevelopment. The Consolidated PUD and Related Map Amendment from the GOV district to the C-3-A district represents Phase I and a First Stage PUD, Phase II, would be applicable to the remainder of the parcel to the rear of the site.

The redevelopment of the property would provide improved neighborhood serving retail and the hotel and conference uses would support the many institutions in the immediate area. The project would be at a compatible scale with surrounding institutional development.

The applicant is requesting an additional 5% in height under §2405.3 subject to a showing that the increase is essential to successful functioning of the project and consistent with the purpose and evaluation standards of Chapter 24.

III. SITE AND SURROUNDING AREA

The 5.48-acre PUD site located at the corner of Michigan Avenue and Irving Street, NE. is improved with a parking lot. The site commonly known as the "fringe parking lot" was paved for commuter parking prior to the opening of the Metrorail in the 1970's. It is currently used as off-site parking for the Washington



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Hospital Center. Land uses in the vicinity of the site are predominantly institutional and residential. Uses adjacent to and within the same square as the proposed project include the Shrine of the Immaculate Conception to the east of the site and residential uses to the west (Cloisters and Park Place). Surrounding educational and healthcare institutions within a one-mile radius of the site include: Catholic University, Trinity College, the National Conference of Catholic Bishops/US Catholic Conference headquarters Building, the Washington Hospital Center, Children's Hospital, the Veteran's Administration Hospital, US Soldiers and Airmen's Home and the National Rehabilitation Hospital.

IV. PROPOSAL

The current proposal would redevelop the 400-space parking lot with a hotel/restaurant, conference center and a 400-space above-grade parking structure with ground floor retail focused along Michigan Avenue. The surface lot would be relocated towards the rear of the site and would provide 200 parking spaces for the Washington Hospital Center's employees. At a proposed 2.98 FAR and 94 feet 6 inches in height, the project would occur in two phases, as a Consolidated (Phase I) and 1st Stage PUD (Phase II) as follows:

Use	Consolidated PUD (gfa)	1 st Stage PUD (Phase II) (gfa)	TOTAL (GFA)	FAR
Hotel/ Restaurant	191,268 sq. ft. (233 rooms)	205,200 sq. ft. (hotel/residential)	396,468 sq. ft.	1.66
Conference Ctr	23,915 sq. ft.	157,800 sq. ft (hotel/resid./conf.)	181,715 sq. ft.	0.76
Retail	11,969 sq. ft.	N/A	11, 969 sq. ft.	0.05
Parking garage	121,813 sq. ft. 400 spaces and 200 surface spaces for Wash. Hosp. Ctr.	295 spaces (below grade)	121,813 sq. ft.	0.51
Total	348,965 sq. ft.	363,000 sq. ft.	711,965 sq. ft.	2.98

The Commission is being asked to approve the zoning, height, density, overall form of development, and use mix for the entire site, but to consider detailed building and site design for the consolidated (Phase I) portion only.

Phase I

As shown from the table above, Phase I would include a 233-room hotel (including a conference center), with approximately 5,000 square feet of space dedicated to restaurant use. Retail space would be located on the ground floor of the proposed 400-space parking structure with frontage along Michigan Avenue. Phase I's build-out is proposed for 2011.

Stage I (Phase II)

Under the PUD process, the Commission has the authority to also consider this application as a first stage PUD. Phase II includes the addition of two buildings separated by an open plaza with the option to dedicate the buildings to hotel use and/or residential units with potentially more space for the conference center use. In any event, the 200 above-grade parking spaces would be eliminated and any development option pursued would be supported by a 295-space below-grade parking garage. Any residential uses in the future would be concentrated on the western portion of the property and would be of a height and density that is compatible to the existing, adjacent residences. Depending on market conditions, this phase is expected to be built out by 2016.

The Commission and OP requested additional information and further refinement of the plan, including:

- The project's relationship to and animation of Michigan Avenue;
- The environmental elements of the project;
- The transportation management plan and the adequacy of the loading program;

- Architectural refinements and;
- The requested flexibility, including from the loading requirement, the roof structure requirements, building height and multiple buildings on a record lot.

The plan has since been revised based on comments and feedback from the Office of Planning (OP), and the District Department of Transportation (DDOT). The revised site plan includes hotel access from Michigan Avenue and an outside seating area for the restaurant intended to animate the street. Modifications also included changing the original design from its inward focus to a more pedestrian accessible complex. Secondly, the façade and architectural details of the mixed use buildings have also been changed.

V. ZONING

The site is currently unzoned (GOV). The C-3-A district permits matter-of-right, medium density mixed use development, including office, retail and residential uses, to a maximum of FAR of 4.0, with non-residential uses limited to 2.5 FAR, a maximum height of 90 feet and a maximum lot occupancy of 100 percent for commercial and 70 percent for residential. The site is proposed to be developed at a 2.98 FAR for both phases, at a height of 94 feet 6 inches and maximum lot occupancy of 53% under the PUD standards. The applicant is requesting an additional 5% for height under § 2405.3 whereby *“the Commission may authorize an increase of not more than five percent (5%) in the maximum height or floor area ration; provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter.”* The additional five percent (5%) of height is solely at the prerogative of the Commission and the applicant must demonstrate that it is essential to the functioning of the project.

The following table is a comparison of the C-3-A and the C-3-A/PUD standards and the development proposal based on information provided by the applicant.

	C-3-A Standards	C-3-A PUD	Proposal	Deviation
Area 238,909 sq.ft (5.48 acres)	GFA Allowed: 955,636 sq. ft 597,273 sq. ft. (commercial)	GFA Allowed 1,075,090 sq. ft 716,727 sq. ft (commercial)	711,965 sq. ft. total GFA 348,965 sq. ft. – Phase I 363,000 sq. ft – Phase II	N/A
Height	65 ft.	130 ft.	94 ft. 6 ins	N/A
FAR	4.0 (2.5 commercial)	4.5 (3.0 commercial)	2.98 (entire site) 1.46 in Phase I 1.52 in Phase II	N/A
Lot Occupancy	75% for residential 100% for commercial	75% for residential except hotels 100% for commercial	Overall – 53% 31 % - Phase I 22 % - Phase II	N/A
Rear Yard	2.5 in./ft. of height or 12 feet, whichever is greater Minimum – 18.75 ft.	2.5 in./ft. of height or 12 feet, whichever is greater Minimum – 18.75 ft.	Varies throughout 330 feet Phase I 28 feet Phase II	N/A
Side Yard	If provided, must be a min. of 2 in./ft. of height or 6 feet, whichever is greater 23 ft 6in min.	If provided, must be a min. of 2 in./ft. of height or 6 feet, whichever is greater 23 ft. 6ins min	Varies throughout 19 feet 9.25 inches on Irving Street; 1 foot to abutting commercial property. (Phase I) 17.73 ft from Irving Street 1 foot to abutting commercial property (Phase II)	<u>Needs relief</u>

	C-3-A Standards	C-3-A PUD	Proposal	Deviation
Open Court	4 inches per foot of height – 23' 6" min. required	4 inches per foot of height 23' 6" min. required Phase I: Court 1: 23 ft 1" required Court 2: 22 ft 4" required Court 3: 23 ft 1" required Phase II Court 4 : 21 ft 10" required Court 5: 21 ft. 10" required	Phase I: Court 1: 59 ft. Court 2: 86 ft. Court 3: 52 ft. 11.75" Phase II Court 4: 98 ft 9" Court 5: 85 ft.	N/A
Parking	<u>Hotel/Conf Ctr:</u> 1 per 2 rms, plus 1 per 150 sq.ft floor area in largest function room or exhibit space <u>Restaurant + Retail:</u> In excess of 3,000 sq.ft, 1 per 300 sq.ft of gfa and cellar area.	<u>Hotel/Conf Ctr:</u> 1 per 2 rms, plus 1 per 150 sq.ft floor area in largest function room or exhibit space 157 + 50 = 207 (Phase I) Phase II = 160 <u>Rest.+Retail:</u> In excess of 3,000 sq.ft, 1 per 300 sq.ft of gfa and cellar area. = 67	Required (Phase I) = 274 Total Proposed = 400 + 200 = 600 (includes 200 surface spaces) Required (Phase II) = 160 Total Proposed = 295 (underground spaces) Final Proposed Phase I + II = 695	N/A
Loading	<u>Hotel/Conf Ctr:</u> 1 loading berth @ 55 ft. 1 loading platform @ 200 sq. ft 1 service/delivery space @ 20 ft. <u>Retail:</u> 2 loading berths: 1 @ 30 ft. + 1 @ 55 ft 2 loading platforms: 1 @ 100 sq. ft + 1 @ 200 sq. ft. 1 service/delivery space @ 20 ft.	<u>Hotel/Conf Ctr:</u> 1 loading berth @ 55 ft. 1 loading platform @ 200 sq. ft 1 service/delivery space @ 20 ft. <u>Retail:</u> 3 loading berths: 1 @ 30 ft. + 1 @ 55 ft 3 loading platforms: 1 @ 100 sq. ft + 1 @ 200 sq. ft. 1 service/delivery space @ 20 ft.	<u>Total Required:</u> <u>Berths</u> 2 @ 30 ft., 1 @ 55 ft. <u>Platforms, Service/Delivery Spaces</u> <u>Total Proposed:</u> <u>Berths</u> Phase I 2 @ 30 ft., 1 @ 55 ft. (I) Phase II: (for hotel I with more than 300 rooms) 1 @ 55 ft, 1 @ 30 ft and 1 trash area @ 20 ft deep. Hotel 2 with conf. space 1 @ 55 ft, 1 @ 30 ft and 1 trash area @ 20 ft deep.	<u>Needs Relief</u>

Previously, a similar development was approved through a PUD (Order No. 689) but due to market conditions the project was not constructed and the order expired.

FLEXIBILITY

The applicant has requested flexibility where the proposal does not meet all the zoning requirements, plus an additional 5% of height under §2405.3.

Phase I

Roof Structure

The conference center and hotel building would not meet the requirement of Section 411 for all roof structures to be the same height, within one enclosure, and setback a distance equal to the height from the exterior walls.

The separation of the stair towers and elevators is required because of functional and aesthetic reasons. The plan (A2.06) shows that the proposed buildings have multiple structures which have different uses and are considered one building, as they have above-grade connections among the three structures. Therefore, it would be impractical to house all mechanical equipment in one area or provide one

enclosure which encompasses the stair towers and elevator penthouses. The reduction in the required setback reflects the design attempts to maximize the internal space of the buildings. The proposed external architectural materials for the stair tower enclosures shown on A3.01 and A3.03 would enable those structures to appear as part of the building and not as separate roof structures. The proposed deviations would not impact light and air as there are no existing adjacent buildings.

Loading

The Zoning Regulations would require this complex to have 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 applicant has proposed a reduction in the loading requirements. The loading area for the restaurant, hotel and conference center shows one 55- foot loading berth and one -30 foot loading berth with a trash area, while the retail portion located in the garage structure would provide one 55-foot loading berth and a trash area.

The buildings have various uses which can feasibly utilize the loading facilities at different times, and therefore appropriate arrangements can be made for sharing the loading facilities. The conference center and hotel would have its own loading area, apart from that required for the retail use(s).

The applicant's traffic study assessed that the proposed loading area would be programmed to have access along the Michigan Avenue entrance way. The traffic study evaluated proposed delivery times for the uses, as well as trash collection and anticipated the demand for 3-5 trucks, including one 55-foot truck. The study indicated that the demand would be adequately satisfied by the proposed facilities, with management of the 55-foot berths for use by smaller trucks when not occupied. Any queuing could be accommodated on site to minimize loading impacts on Michigan Avenue.

DDOT met with the applicant to discuss the staging and location of the loading areas and while generally supportive, indicated that there were concerns about the Michigan Avenue access. OP is generally supportive of reduced and shared loading facilities.

Height

The proposal would require relief from the height requirement. The applicant requests the Commission to grant relief for an increase of up to 5% over the permitted 90-foot height for structures under the PUD guidelines. The measured height of the building is submitted as 94 feet 6 inches. The floor-to-ceiling height measurement has been submitted as an important element of contemporary design and the applicant would like to include this element in its room offerings.

The buildings' height would be measured from Irving Street and the property changes grade from the property line to the Irving Street curb. The buildings' actual height, measured from finished grade to roof would be no greater than 90 feet. OP has no objection to this request, as the buildings would still be of compatible height with existing structures in the neighborhood.

Side Yard

No side yard is required in the C-3-A district, but if provided, would require a minimum width of 3 inches per foot of height. In this case, 23.58 feet is required. A side yard measuring 9-foot 9.25 inches in width and a one-foot wide side yard are provided as shown in the site plan (A1.00). The larger of the two side yards are located along the Irving Street frontage and the deviation of 3 feet 2.75 inches is minimal, as the design provides additional space to the hotel building and would eliminate the need for additional relief

from court requirements or could result in a smaller entryway. The reduced setback would have no adverse impact to light and air as there are no abutting properties along Irving Street. The 1-foot setback abutting Lot 3 (A 1.00) was included as part of the revised site plan to allow for the installation and maintenance of a green screen/wall for the parking structure. Providing the full side yard would reduce the parking structure's space from 123 feet in width to 99.42 feet and more importantly reduce the proposed retail space that could potentially accommodate a grocery store's size requirements.

Multiple Buildings on a Single Lot

The proposed buildings of the Consolidated PUD and Stage I are located on one lot that would be divided into two theoretical lots that need to meet the requirements of Section 2517. OP supports the spatial development as proposed, since it breaks up the massing on the lot and provides open space for light and air to the buildings. Therefore, multiple buildings on the subject lot are preferred to massive, denser structures which are not ideal to accommodate the proposed uses.

2517 EXCEPTIONS TO BUILDING LOT CONTROL (Other Than Residence Districts)

The proposal is build the hotel, conference center and parking structure with retail on the same record lot. The applicant is therefore requesting to build multiple buildings on a single lot.

2517.1 This section shall permit two (2) or more principal buildings or structures to be erected as a matter of right on a single subdivided lot that is not located in, or within twenty-five feet (25 ft.) of, a Residence District.

The lot is not located in or within 25 feet of a residence district.

2517.2 The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, and open spaces around each building), as provided by §§ 3202.2 and 3202.3 are met.

The applicant would provide the required evidence at the time of building permit review.

2517.3 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building:

- (a) The front of the building shall be the side upon which the principal entrance is located;**
- (b) Open space in front of the entrance shall be provided that is equivalent to the required rear yard in the zone district in which the building is located; and**
- (c) A rear yard shall be required.**

The principal building has two frontages, including Michigan Avenue, the main entrance and Irving Street, which also has proposed access to the buildings.

OP recommends flexibility from this requirement as it satisfies the conditions and would enable a better site design for the proposed uses as it breaks up the building's mass and scale on the site.

Phase II

Initially, the application proposed a range of 120 to 240 residential units tentatively proposed for Stage I (Phase II) of the project. Since setdown, the applicant has revised the plan and has stated that the proposal for additional development would include a 9-story hotel/residential building, and a 7-story hotel/residential building over a two-story conference center. (A1.00 – Phase II).

Based on the April 23, 2009 submission, flexibility from the side yards and roof structure requirements would also require the Commission's approval. The applicant has also requested that the first stage approval be extended for five years from the date of the consolidated PUD (Phase I) to allow for market conditions.

VI. PUD EVALUATION STANDARDS

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is "designed to encourage high quality developments that provide public benefits." In order to maximize the use of the site consistent with the zoning regulations and to utilize opportunities for additional FAR the applicant is requesting that the proposal be reviewed as a consolidated PUD. This would allow the utilization of the flexibility stated in Section 2400.2.

The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number of quality public benefits and that it protects and advances the public health, safety, welfare, and convenience."

Section 2403 further outlines the standards under which the application is evaluated.

2403.3 The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.

Land Use and Urban Design

The PUD design represents a mixed use complex, combining a hotel, conference center, restaurant, parking and retail space into one project. The conference center connects to the hotel as it extends over a driveway and the parking structure incorporates ground floor retail which fronts Michigan Avenue. The currently unzoned property would be developed in support of the District's policy regarding mixed uses on large sites.

The proposed hotel and conference center would support the variety of institutional uses in the vicinity. Retail use would occupy the ground floor of the garage structure and a restaurant and the hotel would all have access on Michigan Avenue to provide an active pedestrian experience. Adequate on-site parking and loading would minimize the traffic impacts on the surrounding neighborhood streets.

The site's design varies in its architectural expressions and scale. Phase I's designs fronting Michigan Avenue would be a mixture of architectural precast of varied finishes, stone and aluminum. Thus the building style and materials would be more contemporary than the surrounding architectural materials of stone and brick of the neighboring colleges and institutions.

Since the setdown meeting, the applicant has made significant design changes to the hotel based on comments by the Commission, including its earlier impression of a suburban office park and institutional appearance. In response, the present design no longer includes a “ring road”. Further, the attempt has been made to animate the street with pedestrian activity with the addition of a lobby and retail entrance from Michigan Avenue. A bus stop is also included at the Michigan Avenue frontage. The pedestrian/retail experience could be further enhanced and animated if the garage structure incorporated some projecting storefront windows rather than a flat store front, even if it were to be a grocery.

Varied architectural and textured materials would provide variation and hierarchy in height, materials, setbacks, window types, and projections to break up an otherwise monolithic mass along Michigan Avenue and Irving Street. The elevations between the conference center and hotel would be further broken down into different façade components such as glass and aluminum to provide variety in appearance and scale (A4.02). The portions of roof structures that are not setback from the roof’s edges, including the stairwells are seamless with the building’s façade treatments (A3.01).

The setback from Michigan Avenue provides an opportunity for proposed landscaping to soften the edges of the garage structure, as well as the hotel. Plazas would be integrated throughout the development in both phases. Each area would be enhanced with different elements that could include benches, planters, tables and chairs, and trees to create both active and passive spaces.

Retail

The provision of new retail space would improve the urban fabric and increase pedestrian activity to create a livelier and more inviting streetscape experience for residents and visitors. The new retail would be neighborhood serving and could potentially include a grocery store (although there is no commitment to a grocery) which would be of great benefit to the surrounding neighborhood, as it would improve the current range of goods and services. If this type of retail is not forthcoming, the new retail space could still provide more variety in uses.

Restaurant

The applicant has responded to the community’s desire to have a restaurant available in the neighborhood through this project. Subsequent to setdown, pedestrian access to the hotel from Michigan Avenue, as well as the provision of an outdoor seating area would add appeal to the neighborhood, as it would no longer be inward focused or appear to be accessible only to hotel guests.

Transportation and Traffic

The proposal exceeds the parking requirements for the uses. However, the 400-space garage and 200-space surface lot to be provided on the site in Phase I would be more than sufficient to serve the proposed uses and would discourage patrons or visitors to the site from parking on neighborhood streets. The development would encourage and facilitate pedestrians use through improved landscaping and a widened shared use path along the Michigan Avenue and Irving Street frontages. A pedestrian entrance to the hotel lobby has been included and is highlighted by 14-foot lights that would line the Michigan Avenue sidewalk up to the hotel’s entrance. A temporary shuttle stop would be retained on site near the temporary parking lot to accommodate the existing shuttle service for the Washington Hospital Center’s (WHC) staff.

Parking would be provided in excess of the requirements of the current zoning regulations. However, OP understands that the parking arrangement between the hospital and the current lot’s owners would continue due to contractual obligations. Therefore, the 200-space temporary surface lot would be occupied during the daytime for WHC’s staff and would be shared during the off-peak period for the conference centers use. OP is not supportive of excessive parking supply particularly near metro-

accessible sites. OP encourages the applicant to revise its supply for the Phase II portion of the project, including providing less parking or shared parking arrangements with future development or surrounding institutions. Three parking spaces would be assigned for use by a car-sharing service.

The applicant has met with DDOT to address the traffic and parking issues that they envision may occur and mitigation measures that would be implemented concurrent with the development of the site. The applicant has committed to install a traffic signal as mitigation of concerns about traffic entering and exiting from the Irving Street entrance. A traffic light would also be installed with a separate left-turn lane on the westbound approach of Irving Street. These improvements along with the applicant's participation in DDOT's ongoing transportation study of North Capitol Street would lead to a significant improvement in pedestrian circulation and vehicular traffic around and through the site. DDOT also recommended a Smart Bike Station on the Michigan Avenue frontage but the applicant has not committed to that option.

A Transportation Management Plan has been provided to reduce congestion and related pollution problems. A Transportation Services Coordinator is included in the plan to administer the TMP and coordinate the transit services outlined in the TMP.

The applicant's traffic study included a pedestrian and bicycle level of service which quantifies the perception of comfort and safety for pedestrian and cyclists. The study takes into consideration the conditions of the site entrances and the Michigan Avenue Irving Street intersection and concluded that the proposed development would not adversely affect the operational efficiency and comfort of pedestrian and bicycle traffic movements within the study area.

Environmental

The developer proposes to include a number of environmentally sensitive elements consistent with the applicant's emphasis on construction to LEED Silver certification standards. Sustainable elements such as water efficient landscaping, green roof and tree box filters would be included. A checklist for the LEED Pilot Project has been submitted and shows the elements and points that would be incorporated into the development (A6.01).

OP supports the green screen elements proposed for the garage structure to reduce the visual impact to the abutting property. However, no surface heat reduction elements are seen to be proposed for the upper deck area of the garage or the temporary parking lot. While trees or landscaping features have been included, it may not have a substantial effect in heat reduction due to the large surface of the upper deck.

Additional features could also be included to affect energy efficiency of the buildings through water efficient fixtures, low-e insulated glass, ultra-efficient refrigeration and HVAC units, heat recovery for space and domestic water heating, high tech and efficient lighting fixtures, and possibly solar heating. Room lighting could be controlled and equipped with photoelectric sensors that adjust to daylight and occupancy.

DDOT's Urban Forestry Administration (UFA) June 19, 2009 report provided comments, as the site plan would involve the removal of trees to accommodate the proposed surface parking to the north of the site (attached). The report expressed some concerns and provided recommendations, including consideration of:

- porous pavers and pavements to help reduce the amount of impervious surfaces;
- bio-retention areas and bio-swales to help collect and treat the stormwater; and
- additional tree plantings in order to minimize the tremendous loss of canopy coverage.

The report further suggests that other sustainable methods in design and LEED Gold or Platinum certification should be considered. The applicant intends to supplement its submission with an arborist report at the hearing.

OP suggests the applicant consider additional stormwater management standards to address the surface lot's permeability and consider bio-retention options such as swales and rain gardens, appropriate tree and plant species selection for water retention, water flow to landscaped areas and/or retention areas, catch basin specifications for oil/grit separation, and snow storage requirements. These sustainability elements are included for consideration under OP's review of the current regulations. UFA's report is attached for reference.

First Source Agreement

The applicant has committed to participation in a First Source Agreement with the District of Columbia Department of Employment Services with a draft submission (Appendix H- April 23, 2009) and should provide a signed agreement prior to the Commission's vote on the Final Order.

Local Business Opportunities

The applicant has also indicated that they would be participating in the Certified Business Enterprise (CBE) program offered by the Department of Small and Local Business Development to engage the District's small and local businesses in the proposed development. OP strongly encourages participation in this program, especially for projects that are requiring PUD approval.

VII. PUBLIC BENEFITS AND AMENITIES

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan.

Public amenities are defined in Section 2407.3 as including *"one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors"*.

The proposed redevelopment targets an under-utilized site in an already mixed-use neighborhood. The amenity package evaluation is partially based on an assessment of the additional development gained through the application process. The proposal requests a PUD related change in the zone designation to C-3-A to permit a 2.98 FAR and to utilize the height benefit permitted by the C-3-A zone on the portions of the site that are closer to Irving Street. OP estimates the following density and height increases would be achieved through this PUD:

	Existing (Unzoned)	Proposal	Difference
Total square footage	238,909 sq. ft.	348,965 sq. ft. (Phase I –GFA) 363,000 sq. ft. (Phase II)	110,056 sq. ft. 124,091 sq. ft. 473,056 sq. ft. (Total)
Non-residential square footage	400 parking spaces	Phase I Hotel/Restaurant Bldg – 191,268 sq.ft Conference Center – 23,915 sq. ft. Garage Building – 121,813 sq. ft. Retail – 11,969 sq. ft. Total: 348,965 sq. ft.	As above.

	Existing (Unzoned)	Proposal	Difference
		Phase II Hotel residential (bldg. 1) 205, 200 sq. ft. Hotel residential w conf. ctr. (bldg. 2) 157,800 sq. ft. Total 363,000 sq. ft.	
Height	N/A	94 ft. 6 ins.	94 ft. 6ins.

In addition, the proposed zoning of the property from unzoned to C-3-A permits a range of uses on the parcel, including the potential for residential development. The applicant has listed a number of areas which they believe contribute towards their amenity package:

Public Benefits

Job creation and employment opportunities in the community:

Throughout the life of the project, the applicant anticipates that qualified Ward 5 residents would have priority in obtaining these new employment opportunities through construction-related jobs and the hotel and restaurant operations for approximately 160 permanent full time equivalent jobs.

On-site job training and educational opportunities:

The community will benefit from job readiness and job training programs related to the project's development and the hospitality industry in possible partnership with the new Community College hospitality program (which is a joint effort of the University of the District Columbia [UDC] and the Hotel Association of Washington, DC [HAWDC]) and the Hospitality High School of Washington, DC, a Public Charter School, for residents who are interested in the hospitality industry and assist in their placement.

Training efforts would be coordinated with DOES, the project's hotel and restaurant management companies, and Marriott International, and would be available for hotel entry-level positions and for those seeking further advancement in the hospitality industry.

Scholarships and internships for Ward 5 students at the Community College hospitality program of UDC/HAWDC.

The hotel business will fund a \$1,000 scholarship each year for 20 years to a student selected by the school. In addition, the hotel will commit to hiring two students from the school as interns each summer

Internships at one of Washington, DC's three Career Technical Education (CTE)-based Culinary Arts Programs

These programs were developed in conjunction with the Restaurant Association Metropolitan Washington Education Foundation (RAMW-EF) to provide students with academic/professional instructors in commercially designed facilities to encourage careers in the restaurant and foodservice industry. The restaurant business located in the project will commit to hiring two students from these programs as interns each summer.

Business opportunities for the community

Qualified Ward 5 businesses will be afforded opportunities to bid on service and construction contracts. Competitive bids from Ward 5 businesses will be given priority.

Meeting room space for the Advisory Neighborhood Commission 5C

ANC 5C will be provided meeting room space for its monthly public meetings on a scheduled, as-available basis, free of charge.

Seniors Group Lunch Program:

A seniors group consisting of area residents (for up to 25 guests) will be provided lunch, four times per year for twenty years.

Reduced rates for use of the hotel and conference facilities

Programs will be established to provide reduced charges for reasonable use of the hotel and conference center by private residents of the area served by ANC 5C, including use of the conference facilities and rooms, as well as the ballroom facility, on a space available basis.

ANC 5C residents Holiday Party

PROJECT AMENITIES

The applicant has suggested the following:

Irving Street Roadway Improvements:

The applicant would fund:

- (i) a new signalized intersection at the Irving Street entrance to the project and an advanced flashing beacon on Irving Street,
- (ii) relocating the Irving Street entrance drive,
- (iii) providing a separate left turn lane along the westbound approach of Irving Street; and
- (iv) improved roadway striping and signage in order to fix the transportation infrastructure and deficiencies of the existing entrance.

The costs of these improvements are expected to be approximately \$750,000 - \$900,000.

Michigan Avenue Streetscape Improvements

The proposed project will provide significant landscaping in the public space along Michigan Avenue and will also result in the widening (to a width of 10 feet) of the Michigan Avenue sidewalk adjacent to the property. The applicant is proposing to replace and enhance the bus shelter located along Michigan Avenue adjacent to the property. These improvements are expected to cost in the range of \$300,000 to \$400,000.

Transportation Management Plan

The project will result in the creation of a transportation management plan that includes the provision of three (3) car-sharing service parking spaces on the property. In order to alleviate demand for parking on neighborhood streets, parking spaces for Washington Hospital Center employees will continue to be provided on the property, with convenient shuttle bus service to the Washington Hospital Center Campus.

DDOT has indicated that the above are required mitigation necessary for a building permit and to meet the requirement of § 2403.3. Therefore, they do not qualify as amenities.

Restaurant

A full-service, white table cloth restaurant that is accessible from both within the hotel and directly from Michigan Avenue is included in the project. The restaurant will include a large outdoor dining terrace.

VIII. 2006 COMPREHENSIVE PLAN

The proposal is not inconsistent with the 2006 Comprehensive Plan Future Land Use and Generalized Policy maps. The Generalized Policy Map and the Future Land Use Map designates the site as Federal Property. However, the property has been transferred to the District and the proposed development would support the residential and institutional uses of abutting and surrounding properties. The map amendment previously approved under ZC Order 689 Order deemed the property consistent for commercial uses under the C-2-A designation but due to market conditions the order expired. After review of the 2006 Comprehensive Plan, OP agrees that the proposed development would meet or further many of the policies of the new Plan as outlined below.

Land Use Element

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-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents.

The parking lot was developed in the late 1970’s and is not representative of the highest and best use for the site. While past proposals have been approved for the site, the current proposal represents a significant improvement and would represent welcome revenue and employment opportunities for District residents. Redevelopment would enhance neighborhood commercial activity on a predominantly institutional section of Michigan Avenue with its provision of improved retail and service to the many institutions in its immediate vicinity.

Economic Development

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.

As previously discussed, the consolidated PUD and the first stage proposals are appropriate to the height scale and massing of surrounding institutions. Measured at 96 feet 6 inches from the Irving Street centerline, the minimal increase in height above 90 feet is negligible to ensure contemporary hotel standards.

The proposal would create an attractive space, unlike an enclosed parking lot with limited opportunities for use by residents. Provision for retail and the restaurant would provide additional employment opportunities for residents in the immediate area as outlined by the applicant's community benefits. The improved landscaping on the site would encourage pedestrian activity from North Capitol Street up to Catholic University and its vicinity, which would also undergo commercial revitalization through another PUD process.

Specific goals and objectives of the Upper Northeast Element would be met, including:

Policy UNE 1.2.4 Linking Residents to Jobs

Improve linkages between residents and jobs within UNE so that more of the areas 40,000 working age adults fill the approximately 40,000 jobs located in the planning area. Achieve this linkage by developing additional vocational and trade schools within Upper Northeast, encouraging apprenticeships and internships and creating 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 area and additional community equity investment opportunities as development takes places in the planning area and additional community equity investment opportunities as development takes place along major avenues and around metro stations.

The applicant is willing to partner with other institutions to provide on-site job training, internships and scholarships in the hospitality industry through the First Source Employment Agreement and the Certified Business Enterprise Agreement. The applicant anticipates employment for 161 residents during construction and through local service contracts.

IX. AGENCY COMMENTS

The applicant met with the District Department of Transportation (DDOT) on several occasions. DDOT will provide a staff report prior to the hearing. DDOT's concerns were highlighted throughout this report. DDOT's Urban Forestry Administration (UFA) provided comments to OP, as the site plan would involve the removal of trees to accommodate the proposed surface parking to the north of the site. DDOT's UFA's report is attached hereto.

The applicant has indicated to OP that representatives of the development team met with WASA on November 20, 2008 to review the project and the relocation of the storm sewer line. It is the Applicant's understanding that WASA has generally agreed with their approach to resolving the storm sewer issue, subject to the normal review of the final engineering plans.

The applicant is willing to meet with the District Department of the Environment (DDOE) prior to its submission for building permit review.

X. COMMUNITY COMMENTS

The property is within ANC 5C and by a resolution dated November 18, 2008, the proposed development received the ANC's support, as evidenced by Appendix B of the applicant's submission. However, the applicant is still finalizing details of the amenity package with the ANC.

XI. RECOMMENDATION

OP concludes that the redevelopment proposal for the site would be beneficial to the District and the immediate neighborhood. It would add commercial activity along a predominantly institutional corridor between North Capitol Street and Catholic University. The project would be at a scale which is compatible with its location, and with surrounding development. Elements are included that are improvements over what could be achieved as a matter-of-right, removal of a large portion of the surface parking in conjunction with the development of neighborhood serving retail, improved pedestrian access, as well as increased hotel revenue for the District.

The proposal is not inconsistent with the 2006 Comprehensive Plan Future Land Use and Policy maps, and furthers many important policies for the Upper Northeast Area.

OP recommends approval of the First Phase, consolidated PUD and Related Map Amendment to C-3-A which would include development of the hotel and conference center, a 5-story garage structure and 200-space temporary surface parking lot, at a height of 94 feet 6 inches and 1.46 FAR.

Approval is also recommended for the First Stage, (Phase II) portion of the project, including a 9-story hotel/residential building, and a 7-story hotel/residential building over a two-story conference center at a height of 94 feet 6 inches and 1.52 FAR. The applicant has requested, and OP has no objection to the request to extend the First Stage approval for a period of five (5) years from the date of Phase I's approval in order to gauge the development proposal's preferred option due to market conditions.

JLS/kt

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



Urban Forestry Administration

To: Anthony J. Hood
Chair, Zoning Commission

From: James S. Walker, UFA Team 3 Arborist
Sharon Dendy, UFA Landscape Architect

Date: June 19, 2009

Subject: Case No. 08-Conference Center Assoc. I, LLC = Parcel 121/31

The District Department of Transportation's Urban Forestry Administration (UFA) would like to take this opportunity to provide comments on the Planned Unit Development (PUD) proposed for parcel 121/31 located on the northwest corner of Michigan Avenue and Irving Street NE. Upon visiting this site it is evident that the vegetated area is more than just "overgrown scrub trees and bushes". Mature oaks, elms and black locust trees as well as other mature tree species are clearly visible from the perimeter of the site and current natural resource management standards would classify this area as a stand, 'a group of forest trees of sufficiently uniform species, composition, age, and condition to be considered a homogeneous unit for management purposes.'

Typically a forest is thought to be just a national park or hundreds of acres of trees with birds, animals, and outdoor activities, however, forests are also wooded areas within an urban environment or city park. They are not always continuous, but can be made up of a collection of wooded areas throughout the city, each referred to as a stand. And when a stand is within an urban area the value of the land becomes more complex and exponentially beneficial and its removal can have significant repercussions for the various habitats being supported.

After reviewing the pre-hearing statement and site plans, many questions still need to be answered about the flora, fauna, and hydrologic processes that occur within this site. What watershed is this vegetated area a part of? Are there sensitive creeks, streams or other bodies of water that would be impacted by clearing and removing this plant material? More importantly what plants, animals, and micro-organisms actually inhabit this space and will it be possible to undo the fragmentation that will result once the vegetative cover is removed?

The District is pursuing methods to reduce the amount of impervious surfaces throughout the

city, decrease storm water run-off that enters our rivers and streams and increase the number of tree plantings. The city is holding developers as well as itself to a higher standard with regards to tree plantings and removals to ensure that trees are planted properly and have a higher survivability rate and removals are not done unnecessarily as shown by the Special Tree Bill. Also the Mayor has set a goal to increase the Districts tree canopy to 40% over the next 25 years. This Urban Tree Canopy (UTC) goal will be achieved by retaining all the healthy existing trees and planting a minimum of 4,150 trees annually. So even though the vegetated space in its current state is not providing “any usable area for passive or active recreation” because of its size and density the social, economic, and environmental issues are bigger than just the number of trees that will be lost. And serious analysis needs to occur in order to understand the benefits this area provides before a final decision can be made.

Therefore the Urban Forestry Administration recommends that the applicant work with a consultant and perform a thorough and complete assessment of the vegetated area to determine the type of tree cover and other species that are growing in this space and what the overall impacts will be if removed. In addition, the applicant should consult with the District Department of Environment (DDOE) Watershed Protection Division, Stormwater Management Division, and Fisheries and Wildlife Division to determine the hydrology of this site, the type of wildlife and micro-organisms that inhabit the space as well as best management practices for managing run-off.

Finally the applicant will need to consider a broader scope of sustainable practices in their proposal such as porous pavers and pavements to help reduce the amount of impervious surfaces, bioretention areas and bio-swales to help collect and treat the stormwater, and additional tree plantings in order to minimize the tremendous loss of canopy coverage. UFA is not sure if any sustainable measures taken will make-up for the loss of this stand, but the applicant should be held to a high standard. And by providing a thorough site assessment, including these other sustainable methods in their design and seeking LEED Gold or Platinum certification, UFA in conjunction with DDOE and other the District agencies will examine the pros and cons of their proposal and make a final decision.

Thank you for taking our comments into consideration during this decision-making process and we look forward to your response.