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July 20, 2009

By Hand Delivery

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

**Re: Zoning Commission Order No. 08-33 – Conference Center
Associates I, LLC – Post-Hearing Submission**

Dear Chairperson Hood and Members of the Commission:

In response to issues that were raised during the July 9, 2009, public hearing in Zoning Commission Case No. 08-33, Conference Center Associates I, LLC (the “Applicant”) hereby submits the following information:

- Revised roof plan depicting the lowering of the height of the main roof structure on the hotel building and the reconfiguration of the main roof structure;
- Additional analysis regarding the proposed treatment of the Michigan Avenue façade of the retail/parking garage structure;
- Revisions to the proposed vehicular access to the site from Michigan Avenue;
- A discussion of the Applicant’s commitment to satisfying the applicable Inclusionary Zoning requirements for the second phase of development of the PUD project; and
- An update on discussions between the Applicant and representatives of the Urban Forestry Administration.

In addition, the Applicant has also attached its proposed Findings of Fact and Conclusions of Law for this application.

REVISED ROOF STRUCTURE

In response to issues raised by Commissioner May at the public hearing, the Applicant and its design team have thoroughly and exhaustively analyzed the ability to reduce the size and appearance of the main roof structure on the hotel building. As a result of this analysis, the Applicant has reduced the height of the main roof structure on the hotel building from 18 feet, six inches to 17 feet, six inches. The configuration of the main roof structure has also been revised so that this roof structure now satisfies the 1:1 setback requirement for the majority of the building's frontage along Michigan Avenue¹. The only portion of the main roof structure that does not satisfy the 1:1 setback requirement along Michigan Avenue occurs at the point that the configuration of the hotel building changes when the Michigan Avenue and Irving Street wings of the hotel meet. A new roof plan depicting the revised main roof structure is attached as Exhibit A.

The revised main roof structure still requires flexibility from the roof structure setback requirements of 11 DCMR §§ 777 and 411 for the portion of the main roof structure noted in the previous paragraph and for the interior edge of the hotel building. However, the Applicant believes that the revised roof structure plan minimizes the appearance of the height and bulk of the roof structure from Michigan Avenue. Granting this requested flexibility will not adversely affect the use of any nearby properties.

PROPOSED TREATMENT OF THE RETAIL/GARAGE STRUCTURE'S MICHIGAN AVENUE FAÇADE

The Applicant and its design team understand the comments made by the Commissioners regarding the importance of the Michigan Avenue façade of the retail/parking garage structure to the overall project. In response to this request, the Applicant's architectural team will continue to work on the design of the Michigan Avenue façade in order to enliven the appearance of this structure and maintain the high level of architectural design and quality that is present throughout the project.

In the development of the construction drawings for this structure, the Applicant will: (i) attempt to bring more of the texture and articulation of the hotel façade to the parking structure; (ii) soften the appearance of the parking deck through

¹ The proposed main roof structure satisfies the 1:1 setback requirement for approximately 94% of the Michigan Avenue frontage of the building.

additional appropriate plantings, or possibly a structured planting bed at the top of the structure; (iii) investigate the potential for adding a screen grid or louvers at the openings of the precast façade; and (iv) once the tenants for the retail uses are finalized, create a more detailed ground floor façade elevation that will enliven the façade's appearance through one or more store fronts, signage and canopies.

MICHIGAN AVENUE VEHICULAR ACCESS

The Applicant and members of the District Department of Transportation (DDOT) met on July 16, 2009 to review the issue of vehicular access to the site from Michigan Avenue. In that meeting, and in discussions with DDOT staff prior to that meeting, the Applicant gained further insight into DDOT's concerns regarding the ability of all vehicles (not just personal vehicles) to make left turns from Michigan Avenue into the site. The Applicant now understands that DDOT's concern with this movement is due to the speed of traffic along Michigan Avenue during non-peak hour traffic periods, particularly the speed of traffic that is achieved by the "slip lane" that allows vehicles to enter Michigan Avenue from Irving Street without having to come to a stop.

The Applicant understands the importance of providing a safe and efficient transportation system that acknowledges the needs of pedestrians, bicyclists and drivers. The Applicant believes that maintaining the ability for all vehicles to take left turns into the site from Michigan Avenue, just as vehicles are able to do today into the Washington Hospital Center parking lot on the site and as they are able to do at the adjacent Trinity Square Shopping Center, is of paramount importance to the viability of the proposed restaurant and retail uses along Michigan Avenue. As noted in the testimony of the ANC 5C representatives at the July 9, 2009, public hearing, the success of the retail and restaurant components of the project are very important to the surrounding community.

In response to the concerns raised by DDOT and representatives of ANC 5C (including the Single Member District Commissioner and the Chairperson), the Applicant is proposing to make the following changes to the PUD project:

- All Washington Hospital Center employees utilizing the parking spaces provided on the site will be required to enter and access the site from Irving Street;
- All directions to the hotel and conference center (whether on websites, printed materials, or from hotel employees) will direct guests to the Irving Street entrance;

- No vehicles will be able to make a left turn out of the Michigan Avenue exit (this will be accomplished through signage at the Michigan Avenue exit); and
- The Applicant will pay for all costs associated with the removal of the “slip lane” from Irving Street to Michigan Avenue, by redesigning and constructing a revised intersection of Michigan Avenue and Irving Street (as shown in the attached Exhibit B) at the same time that the Applicant undertakes the construction of the new signalized intersection at the Irving Street entrance into the site.

Thus, for the Michigan Avenue entrance, the Applicant is proposing a right and left turn in for all vehicles and a right turn only out for all vehicles.

The Applicant believes that these new conditions are an appropriate compromise that responds to the concerns raised by DDOT and ANC 5C, and maintains the economic viability of the retail and restaurant uses. Pedestrian, bicycle and vehicular safety are furthered through the reduction of vehicles using the Michigan Avenue entrance, the prohibition of left turns out of the Michigan Avenue exit and the potential for a significant reduction of vehicular speed along Michigan Avenue in front of the site (in keeping with the posted 25 MPH speed limit).

INCLUSIONARY ZONING

The Applicant agrees that if a residential component is included in the second phase of development of the PUD project, that portion of the PUD project will satisfy all applicable Inclusionary Zoning requirements.

DIALOGUE WITH URBAN FORESTRY ADMINISTRATION

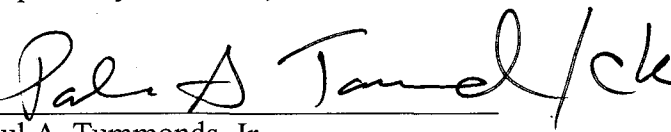
Representatives of the Applicant met with representatives of the Urban Forestry Administration (UFA) on July 17, 2009. At that meeting, the attendees reviewed the report of the Applicant’s arborist and discussed the importance of the Applicant receiving comment and input from UFA at this stage of the development process. The Applicant’s representatives discussed the history of the site and its former use as a staging and storage area for the construction of the North Capitol Street cloverleaf roadway network. As a result of this prior use, the site includes significant depths of construction fill and lacks topsoil. The Applicant’s representatives noted that these conditions result in the overall poor quality and condition of the existing trees on the site.

In addition to a discussion of the vegetated area of the site, the Applicant and UFA representatives discussed issues related to the stormwater management infrastructure that will be incorporated into the development of the project. In regard to next steps, the Applicant agreed that it would provide UFA's landscape architect with copies of all EISF and building permit application materials and would utilize UFA's landscape architect as a point-of-contact.

CONCLUSION

This post-hearing submission addresses all of the information requested by the Zoning Commissioners at the July 9, 2009, public hearing. The Applicant looks forward to the Zoning Commission taking Proposed Action on this case at the July 27, 2009, public meeting.

Respectfully submitted,



Paul A. Tummonds, Jr.



Cary Kadlec

Enclosures

Certificate of Service

I certify that on July 20, 2009, a copy of the foregoing document was hand delivered to the addressees listed below.


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