



Pillsbury
Winthrop
Shaw
Pittman LLP

2300 N Street, N.W.
Washington, D.C. 20037-1128

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

June 21, 2005

Phil Feola
202-663-8789
phil.feola@pillsburylaw.com

By Hand Delivery

Carol Mitten
Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Second Floor
Washington, D.C. 20001

**Re: Zoning Commission Order No. 02-51A;
PUD Modification for 1616 Rhode Island Avenue, N.W.**

Dear Chairperson Mitten and Members of the Zoning Commission:

Enclosed please find an original and twenty (20) copies of the Pre-Hearing Submission in support of a Modification to an Approved Planned Unit Development at 1616 Rhode Island Avenue, NW in the above-captioned matter. The Applicant, Rhode Island Associates Limited Partnership, respectfully requests the Commission to schedule this matter for a public hearing as soon as possible.

If you or your staff have any questions or concerns, kindly contact the undersigned.

Sincerely,

Phil Feola

Attachment

cc: ANC 2B
Mark Bjorge
Gordon J. Schank
Office of Planning
Kingdon Gould
Garrett Preis

Document #: 1472358 v.3

ZONING COMMISSION
District of Columbia
CASE NO. 02-51A
EXHIBIT NO. 12

RECEIVED
D.C. OFFICE OF ZONING
2005 JUN 22 AM 10:04

ZONING COMMISSION
District of Columbia
CASE NO.02-51A
EXHIBIT NO.12

**BEFORE THE ZONING COMMISSION
OF
THE DISTRICT OF COLUMBIA**

**MODIFICATION TO AN
APPROVED PLANNED UNIT DEVELOPMENT**

1616 RHODE ISLAND AVENUE, N.W.

RHODE ISLAND ASSOCIATES LIMITED PARTNERSHIP

PRE-HEARING SUBMISSION

**PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N STREET, N.W.
WASHINGTON, D.C. 20037**

JUNE 21, 2005

DEVELOPMENT TEAM

APPLICANT: Rhode Island Associates Limited Partnership
c/o Gould Property Company
1725 DeSales Street, N.W., Suite 900
Washington, D.C. 20036

ARCHITECTS: STUDIOS Architecture DCPC
1625 M Street, N.W.
Washington, D.C. 20036

LAND USE COUNSEL: Pillsbury Winthrop Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037

TABLE OF CONTENTS

	Page
PREFACE	i
LIST OF EXHIBITS	iii
LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE.....	iv
I. INTRODUCTION.....	1
A. Summary of Requested Action	1
B. History of Project and Site	1
C. Project Goals and Objectives	3
D. Development Timetable.....	4
E. Appropriateness of the PUD Process.....	4
II. THE PUD PROJECT	5
A. Site Location and Description.....	5
B. Existing Zoning.....	6
C. Project Description.....	7
1. Project Description	7
2. Effect of Modification	8
3. Development Parameters Under Existing and Proposed Zoning ..	13
4. Tabulation of Development Data.....	13
III. PLANNING ANALYSIS	14
A. Land Use Impact	14
B. Zoning Impact.....	15
C. Environmental Impact	15
D. Facilities Impact.....	15
IV. ENVIRONMENTAL ANALYSIS	15
A. Water Demand	15
B. Sanitary Sewer Demand	16
C. Storm Water Management	16
D. Solid Waste Services.....	16
E. Electrical Service	16
F. Energy Conservation	17
G. Erosion Control.....	17
V. EVALUATION STANDARDS	17
A. Urban Design and Architecture.....	18
B. Site Planning.....	18
C. Effective and Safe Vehicular and Pedestrian Access	19

D.	Employment and Training Opportunities	20
E.	Special Value for the Neighborhood	21
F.	First Source Employment Program	21
G.	Local Business Opportunity Program.....	21
H.	Construction Management Plan	21
I.	Comprehensive Plan.....	21
J.	Public Benefits of the Project	22
VI.	COMPLIANCE WITH THE COMPREHENSIVE PLAN	23
A.	Compliance with Major Themes	25
1.	Stabilizing the District’s Neighborhoods.....	25
2.	Increasing the Quantity and Quality of Employment Opportunities	26
3.	Developing a Living Downtown	26
4.	Requesting and Improving the Physical Character of the District	26
5.	Preserving and Ensuring Community Input	26
6.	Reaffirm and Strengthening the District’s Role as the Economic Hub of the National Capitol Region	27
B.	Compliance with Major Elements	27
1.	Generalized Land Use Maps	27
2.	Economic Development Element	28
3.	Land Use Element	28
4.	Urban Design Element.....	29
5.	Environmental Protection	30
6.	Ward 2 Goals and Policies	30
VII.	CONCLUSION	31

PREFACE

This statement is submitted by Rhode Island Associates Limited Partnership (“Partnership”) in support of an application to modify an approved Planned Unit Development (“PUD”) at 1616 Rhode Island Avenue, N.W. The Partnership requests a change in use of a previously approved PUD building from commercial hotel to commercial office with requisite design changes inherent in the change of use.

The PUD site is located on the south side of Rhode Island Avenue, N.W., at 1616 Rhode Island Avenue, N.W. (Square 182, Lots 82 and 83) (“**PUD Site**”). This modification request is for the unfinished portion (Lot 82) of a PUD Modification granted by the Zoning Commission in 1998 in Commission Order Nos. 638 and 638-F. It is before the District of Columbia Zoning Commission in conformity with Chapter 24 and Section 102 of the District of Columbia Zoning Regulations. The total land area of the PUD Site is 32,726 square feet. The site area of this modification request, Lot 82 (“**Project Site**”), is 15,394 square feet. The requested modification to the approved PUD consists of a new architectural design and a change in use from commercial hotel to an office building for the second of two buildings previously approved. The first of such buildings was constructed as approved. The overall floor area ratio (“FAR”) for the modified project will remain at 8.5, of which 3.05 is residential.

The Partnership proposes to develop the Property with a 10 story office building (“**Project**”), which will provide approximately 130,870 square feet of commercial office space (including approximately 7,000 square feet that could be used for retail) and approximately 120

parking spaces below grade. The Project has been thoughtfully designed to complement the existing structures and properties near the site.

The Partnership requests that the record in Case No. 01-04M-20F/98-12M/88-32C be incorporated into the record of this modification request. This Pre-hearing Submission, as well as the materials submitted in support with the application, meet the filing requirements for a modification of a PUD under Chapter 24 of the District of Columbia Zoning Regulations.

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Plans	A
First Source Employment Agreement	B
MBE (LSDBE) Memorandum of Understanding	C
Economic Analysis	D
Outline of Witness Testimonies	E
List of Publicly Available Maps	F
Property Owners List	G
Compliance with PUD Filing Requirements	H

LIST OF WITNESSES AND ESTIMATE OF TIME

REQUIRED TO PRESENT CASE

WITNESS:

Kingdon Gould, III and/or Garrett Preis, Rhode Island Associates Limited Partnership

Guy Martin, STUDIOS Architect DCPC. To be proffered as an expert witness in the field of architecture.

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 hour

I. INTRODUCTION

A. Summary of Requested Action.

The modification seeks to permit the redesign of the unbuilt portion of the PUD and a change in use from commercial hotel to commercial office. The proposed building plans, designed by STUDIOS Architecture DCPC, are attached hereto as Exhibit A (“**Plans**”).

This Pre-hearing Submission supports the application of the Partnership to the Zoning Commission, pursuant to Chapter 24 of the Zoning Regulations, for a modification to an approved mixed-use (residential/commercial) PUD for the Property. The original PUD was approved by Zoning Commission Order No. 638 (“Original PUD”). The PUD was modified by Zoning Commission Order No. 638-F (“First Modification”). The entire PUD Site consists of 32,726 square feet of land area. The First Modification approved the construction of two buildings, one a mixed use residential/academic facility, and the second, a suites hotel. One of these buildings was constructed, but the second building was not. The unbuilt portion of the PUD site (“Project Site”), approximately 15,394 square feet of land area, is the subject of this modification request. The Project Site is currently used as a surface parking lot.

B. History of the Project and Site

The Original PUD was approved by Zoning Commission Order No. 638, dated December 15, 1989. It approved a consolidated PUD and map amendment from SP-2 to C-4 at the PUD Site for the construction of a mixed-use building containing residential, office and retail space to a maximum height of 106 feet and a FAR of 8.5 FAR. The residential component was arranged to occupy the top two floors of the building. The Original PUD permitted a commercial density

of 6.86 FAR and a residential component of 1.64 FAR. The conditions of the previous PUD approval including amenities are discussed below. Zoning Commission Orders No. 638-A, 638-B, 638-C, 638-D and 638-E approved an interim use of the site, minor modifications and extensions of the Original PUD until March 9, 1999.

In Zoning Commission Order No. 638-F (871), the Commission approved the subdivision of the PUD Site and authorized two discrete buildings. The eastern half of the site was approved to allow the University of California (“**University**”) to construct a mixed-use building for office, academic and residential uses (on a portion of the site now known as Lot 83). The western half of the PUD Site (now known as Lot 82) was approved for the construction of a suites hotel. In totality, Zoning Commission Order No. 638-F (871) approved a combined density for the two new PUD lots of 8.2 FAR, with 3.05 FAR allocated to residential uses and 5.15 FAR for office, academic and commercial hotel uses.

The University purchased its one-half of the PUD Site and constructed its project. Its building is currently occupied as approved under Zoning Commission Order No. 638-F and used by the University for its “Washington Center.” The hotel developer, however, decided not to build the approved hotel on Lot 82 and did not purchase the Project Site from the Partnership.

In 2000, the Human Rights Campaign (“**HRC**”) and its affiliate, the Human Rights Campaign Foundation, entered into a contract to purchase Lot 82 from the Partnership. In February 2001, HRC filed an application to modify the portion of the PUD affecting Lot 82 so as to change the permitted use from hotel to office building and substitute a new design and plans for the proposed headquarters building of HRC. A public hearing was conducted by the Commission on July 12, 2001 regarding the HRC PUD modification application. After the

public hearing, HRC decided not to pursue its proposed development. HRC subsequently informed the Commission that it was finalizing an offer from a hotel developer who would construct a hotel project that satisfied the requirements of ZC Order No. 638-F (871). In order to facilitate those negotiations, HRC requested a one year extension of Order No. 638-F.

On September 17, 2001, the Commission considered HRC's extension and voted to grant the request and further tabled any action on HRC's request to modify the approved PUD. Zoning Commission Order No. 871-A was published in the D.C. Register on October 12, 2001, and extended the validity of the PUD approved ZC Order No. 638-F (871) until December 31, 2002. However, HRC's hotel developer/purchaser did not consummate the transaction and the Project Site was retained by the Partnership.

On September 5, 2003, the Commission granted the Partnership's request for an extension of time until April 14, 2005 to effectuate the hotel element of the PUD. Since that date, the Partnership has attempted to attract a hotel to the site to no avail.

C. Project Goals and Objectives.

The Partnership seeks to construct an office building which will become contribute towards further developing the District's urban core as the center of the metropolitan region for employment and commerce. The Project will bring business opportunities into the downtown area while infilling a currently underutilized property. In addition to adding capacity for the District to act as a headquarters for small organizations, associations, law firms and the like, the Partnership includes a pledge to assist District residents in developing skills and training during the construction of the Project. The Partnership has executed a First Source Employment Agreement with the Department of Employment Services ("DOES"). A copy of the First Source

Agreement between the Partnership and DOES is attached as Exhibit B. The Partnership has also executed a Memorandum of Understanding with the Local Business Opportunity Commission (“**LBOC**”) to stimulate the use of minority and locally-based businesses in the construction of the Project. A copy of the Memorandum of Understanding is attached as Exhibit C.

The Project will assist in completing the urban landscape of the area immediately southwest of Scott Circle. It has been sensitively designed to bring a strong identity and character to the Property while complimenting the urban design characteristics of the immediately-surrounding neighborhood and buildings. The Project will help to continue the sensible development and commercial strength of the Central Employment Area.

D. Development Timetable.

The Partnership plans to start construction in the Summer 2006 and expects that the total construction period will last approximately eighteen (18) months.

E. Appropriateness of the PUD Process.

The PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities.” The notice and hearing requirements of the PUD regulations ensure that adjacent property owners and area residents will have the opportunity to express their views about the application. The use of the PUD process gives the community and District agencies an opportunity to work together with the Partnership to ensure a well-planned development. The

PUD process also provides the Commission with an opportunity to review the design of the Project. Approval of this modification will complete a PUD process begun many years ago.

II. THE PUD PROJECT

A. Site Location and Description

The PUD Site is located on the south side of Rhode Island Avenue, N.W., between 16th Street, N.W., to the east and 17th Street, N.W., to the west. The PUD Site has approximately 230 feet of frontage along Rhode Island Avenue, N.W., and abuts a 10 foot wide alley on its east side, a 20 foot wide alley on its south side, and a 10 foot wide alley on its west side.

The area surrounding the PUD Site contains a wide variety of land uses. Major office development is located to the south of the site while a mix of office, hotel, residential and recreational facilities, at moderate and high densities, are located to the east, west and north. The properties adjacent to the PUD Site on the west and east are buildings which house the headquarters of the HRC and a hotel, respectively. Both of these buildings are 90 feet in height with FARs of 6.0 and 7.6, respectively. To the south of the site is the Sumner-Magruder School office complex, built to a height of 100 feet. Directly to the north across Rhode Island Avenue, N.W., is a hotel and U.S. Reservation No. 62.

The Project Site, Lot 82, is the western one-half of the PUD Site. It is approximately 15,394 square feet in area and is used as a surface parking lot. It is bounded by a public alley and the HRC headquarters office building to the west and the University building, approved in the First Modification, to the east.

The Project Site is convenient to multiple modes of public transportation. Bus stops are located in close proximity to the Project Site and the Farragut North Metrorail station is approximately four blocks away.

B. Existing Zoning

The existing zoning in the vicinity of the site is C-4, SP-1 and SP-2.

The C-4 Zone District, the zoning of the PUD Site and the property abutting the site to the south, is designed for the Downtown core that comprises the retail and office centers of both the District and the metropolitan area. The C-4 Zone District permits high density commercial, residential and mixed-use development. The maximum FAR is 10.0 with a 130 foot building height, if the street abutting the site is at least 110 feet wide.

The SP Zone District is intended to act as a buffer between adjoining commercial and residential areas and to ensure that new development is compatible in use, scale and design with the transitional function of the zone. These areas are designed to preserve and protect areas adjacent to commercial districts, including buildings of historic and architectural merit.

The SP-1 Zone District permits a maximum FAR of 4.0, of which no more than 2.5 FAR can be used for non-residential use. The height limit in the SP-1 Zone District is 65 feet. The SP-2 District permits a maximum 6.0 FAR, with no more than 3.5 FAR for non-residential uses. The height limit in the SP-2 Zone District is 90 feet.

C. Project Description

1. Project

The Partnership now proposes to modify the PUD in order to develop the remainder of the PUD Site with a commercial office building instead of a commercial hotel building. The Plans describing this proposal are attached as Exhibit A.

The Partnership will create a unique and inviting building, proposed to be located on the western half of the site and occupied by general office uses. The building will consist of ten (10) stories with approximately 130,870 square feet of gross floor area. It will have approximately 120 parking spaces in an underground garage accessed via a driveway from Rhode Island Avenue, N.W. Its loading area will be accessed from the 20 foot wide alley on the property's southern boundary. The Project will have a lot occupancy of 92%.

The architectural concept for the Project intends to make a statement with a fresh, innovative design. The building will have a roof terrace and the ground floor will have a substantial amount of open space.

The maximum height of the building is proposed to be 110 feet with a major setback of the Rhode Island Avenue facade at 88 feet. The total FAR for the PUD will be 8.5, consistent with the development guidelines approved in the Original PUD. In addition to the benefits to be derived by the future residents and workers in the PUD, the community will benefit from the Project's superior architectural design and the proposed mixed use of the PUD Site. The PUD also includes a number of additional amenities which will benefit the future residents and workers in the proposed buildings as well as the community.

The building cladding is primarily of aluminum and glass curtainwall. A small portion of the recessed building will be masonry or precast veneer. The intent is to make a memorable building that compliments its neighboring structures and adds to the commercial district in which it sits.

2. Effect of Modification

The modified proposal continues to provide a mixed-use project on the PUD Site. The proposed modification is consistent with the overall concept and intent of the Original PUD and the First Modification as approved by the Commission. The Project as modified would continue to be consistent with the Comprehensive Plan designation of “High Density Commercial” for the Project Site. As stated, the FAR of the PUD Site is maintained at 8.5 FAR. The residential FAR remains at 3.05 FAR, an increase from the 1.64 approved in the Original PUD. The commercial FAR is reduced from 6.86 (in the Original PUD) to 5.45 FAR.

	ORIGINAL PUD	MODIFIED PROPOSAL
Total FAR	8.5	8.5
Residential FAR	1.64	3.05
Commercial FAR	6.86	5.45

The building height of the proposed modification will be increased slightly to 110 feet but will have a significant setback at 88 feet.

The proposed modification meets substantially all of the pertinent requirements of the Original PUD, as contained in the conditions of Order No. 638, as follows:

- **Original:** The PUD Site shall be developed with a mixed-use structure which will contain a mixture of residential, retail and office uses.

First Modification: The project shall be a mixed-use project consisting of the construction of two separate buildings containing academic, office, residential and hotel uses. The PUD Site may be subdivided into two lots of record.

Proposed: The PUD modification will consist of a mixed-use project consisting of the construction of two separate buildings containing academic, residential and commercial uses. The PUD Site has been subdivided into two lots of record.

- **Original:** The floor area ratio of the PUD shall not exceed 8.5, of which a maximum of 6.86 FAR shall be devoted to office/retail use, and a minimum of 1.64 FAR shall be devoted to residential use.

First Modification: The total FAR of the PUD (both buildings combined) was approved to be 8.2, of which 5.15 FAR was to be devoted to non-residential uses including academic/office/hotel uses, and 3.05 FAR was to be devoted to residential use. The University building was to have a total FAR not to exceed 8.5 and the hotel was to have a total FAR not to exceed 7.9.

Proposed: The total FAR of the PUD (both buildings combined) will be 8.5, of which 5.45 FAR will be devoted to non-residential uses including academic/office/commercial use and 3.05 FAR will be devoted to residential use. The modified bulk and massing of the project is consistent with the Original PUD.

- **Original:** The height of the building shall not exceed one hundred six (106) feet.

First Modification: The maximum building height of either building shall not exceed 106 feet.

Proposed: The height of the proposed building will be 110 feet, but with a significant setback at 88 feet.

- **Original:** The lot occupancy of the PUD shall not exceed ninety-three percent (93%) of the site.

First Modification: The lot occupancy of the project (both buildings) shall not exceed seventy-nine percent (79%) of the total site as it exists before subdivision.

Proposed: The total lot occupancy of the project (both buildings) will be ninety-two percent (92%).

- **Original:** The PUD shall be developed with not less than forty-eight (48) residential units on floors 9 and 10 of the project. The total number of residential units on the two floors shall not exceed fifty-two (52).

First Modification: The University's proposed Washington Center will have not less than 77 nor more than 83 residential apartment units. The modified PUD will add considerably to the residential population of the neighborhood.

Proposed: Unchanged.

- **Original:** The Partnership may combine space in the residential units of the development to create larger apartments in response to market conditions.

First Modification: The Partnership will maintain this flexibility.

Proposed: The Partnership will maintain this flexibility.

- **Original:** At least 9,000 square feet of floor area at the street level of the building shall be devoted to retail uses.

First Modification: There was no requirement for retail uses.

Proposed: There will be approximately 7,000 square feet of floor area at the street level in the office building which may be used for retail uses.

- **Original:** There shall be a minimum of 125 on-site parking spaces for the commercial uses in addition to which there shall be not less than one assigned parking space for each residential unit, designated for use by the residential tenants.

First Modification: The University building shall provide a minimum of 44 parking spaces, and the hotel shall provide a minimum of 57 parking spaces.

Proposed: In the University building, there are a total of 44 parking spaces. In the commercial office building there will be a total of approximately 120 parking spaces.

- **Original:** Recreation space shall be provided on the 9th floor of the building.

First Modification: There will be passive as well as active recreation spaces located throughout the project. The University building, as a result of its unique mix of uses (academic & residential), incorporates several recreational opportunities for its users.

Proposed: No change.

- **Original:** No hotel, motel, boarding house and private club uses or activity of any kind, either open or covert, shall be conducted or permitted on floors 9 and 10 of the project, and no portion of these two floors shall be converted to any such use or activity.

First Modification: Since the University owns and occupies all the residential space in the PUD, this condition is no longer applicable.

Proposed: No change.

- **Original:** All leases for the residential units shall be for a minimum of 12 months.

First Modification: Since the University owns and occupies all the residential space in the PUD, this condition is no longer applicable.

Proposed: No change.

- **Original:** No residential unit shall be leased to any corporation, partnership, association, joint venture, government agency, trust, estate, or the like.

First Modification: Since the University owns and occupies all the residential space in the PUD, this condition is no longer applicable.

Proposed: No change.

- **Original:** Landscaping shall be provided as shown in the record.

First Modification: Landscaping shall be provided as shown on the plans in the record. The yards, courts, driveways and loading berths of the PUD shall be as shown on the plans in the record.

Proposed: The Partnership intends to implement the landscape plan submitted in the record, as approved by the Commission.

- **Original:** The Partnership shall relinquish a 2 ½ feet setback at the right-of-way lines of the alleys to the east and west of the PUD Site for a height of not less than two (2) stories. Such setback areas shall be improved at the alley level to allow for unobstructed vehicular use for public purposes.

First Modification: The University building was set back from its east property line by five feet (to a height of fourteen feet) in order to effectively widen the public alley from ten to fifteen feet; additionally, the hotel was to be set back from its western property line by eleven feet (to a height of fourteen feet) thus increasing the effective width of the alley to twenty-one feet.

Proposed: The University building is set back from the east alley by five feet and the commercial building is proposed to be set back 2 ½ feet from the west alley. The PUD Project proposes a 2 ½ foot setback from the alley as was proposed in the Original PUD is appropriate and would create an alley that would be more than sufficient given the use of the Property.

- **Original:** The Partnership was to execute a binding agreement with the D.C. Board of Education or the D.C. Public Schools which provides that the Applicant shall contribute a minimum of \$150,000 towards the renovation or repairs of the John W. Ross Elementary School.

First Modification: The Partnership has complied with this condition and made the required payment to the Board of Education.

Proposed: The Partnership has complied with this condition and made the required payment to the Board of Education.

- **Original:** The Partnership shall enter into a Memorandum of Understanding with the LBOC, to make a bona fide effort to award at least thirty-five percent (35%) of the construction-related contracts for the project to certified minority business enterprises.

First Modification: The Partnership has executed such Memorandum.

Proposed: The Partnership has executed such Memorandum (see Exhibit C).

- **Original:** The Partnership shall enter into a First Source Agreement with DOES which provides that the Partnership will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project.

First Modification: The Partnership has entered into such First Source Agreement with DOES.

Proposed: The Partnership has entered into such First Source Agreement with DOES Exhibit B.

- **Original:** The change of zoning from SP-2 to C-4 for Lot 824 in Square 182 shall be effective upon recordation of a PUD covenant, pursuant to 11 DCMR 2407.3.

First Modification: The Partnership has recorded the PUD Covenant.

Proposed: The Partnership has recorded the PUD Covenant.

In addition, the First Modification added additional requirements. The current proposal meets those requirements as follows:

- **First Modification:** The Partnership shall make a \$10,000 donation to the Dupont Circle Citizens Association for the completion of the Dupont Circle Resource Center prior to the first to occur of (1) the issuance of a building permit for the hotel or (2) the issuance of a building permit for the University Center.

Proposed: The Partnership has made this donation.

- **First Modification:** Prior to the issuance of a building permit for the hotel, a \$25,000 donation shall be made to the National Park Service for improvements to Dupont Circle Park.

Proposed: The Partnership shall make this donation prior to the issuance of a building permit for the commercial office building.

- **First Modification:** Prior to the issuance of a Certificate of Occupancy to the University, a mentoring program between the University of California and Ross Elementary School shall be established.

Proposed: It is the Partnership's understanding that the University has established a mentoring program with Ross Elementary School.

3. Development Parameters Under Existing and Proposed Zoning

There are no changes requested to the zoning previously-approved in the Original PUD and First Modification.

4. Tabulation of Development Data

The proposed development complies with the requirements of the C-4 Zone District as set forth in the tabulation of data below.

	MATTER-OF-RIGHT STANDARDS	PROPOSED
Land Area	15,000 square feet	32,726 square feet
FAR	8.5/8.5 non-residential	8.5/5.45 non-residential
Lot Occupancy	100%	92%
Building Height	130 feet	110 feet
Number of Stories	No limit	Ten
Rear Yard	15 feet	23 feet
Side Yard	None	None

III. PLANNING ANALYSIS

A. Land Use Impact

The Project will create an architecturally significant building that will infill an important downtown commercial neighborhood in the District's main employment area. The proposed height and massing of the Project are consistent with existing zoning in the area and with the District's planning goals for the future of this neighborhood.

The proposed building takes advantage of the Project Site's position between two newly constructed/renovated structures - the University's 11 story building and the HRC's 9 story building. The Project complements these two buildings well. The building is clad in a curtainwall of aluminum and glass in front of a masonry/precast veneer. The uses and design of the proposed Project will have a positive impact on the area surrounding the Project Site.

B. Zoning Impact

Since the application is only the modification of a previously approved PUD, the Partnership does not propose any change in zoning and all uses proposed for the Project are permitted in the C-4 Zone District.

C. Environmental Impact

As more specifically detailed in Section IV, there will be no adverse environmental impacts that will result from the construction of this Project. In addition, the increased use in water and sanitary services that will occur as a result of the Project will have an inconsequential effect on the District's delivery systems. The Project Site is currently served by all major utilities. The Project's proposed stormwater management and erosion control plans will minimize impact on the adjacent property and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project.

D. Facilities Impact

The Project will not have an adverse impact on the public facilities on which it will rely for service.

IV. ENVIRONMENTAL ANALYSIS

A. Water Demand

The Project will contain approximately 130,870 gross square feet of space. The average daily demand for water for the project is estimated to be approximately 27,900 gallons per day.

This demand can be met by the existing District water system. The proposed connection for fire water supply will be made within the existing distribution system and will be coordinated with WASA.

B. Sanitary Sewer Demand

The average daily demand on the sanitary sewer system is estimated to be approximately 27,900 gallons per day. The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with WASA.

C. Storm Water Management

The site's storm water run-off will be accommodated by a storm water management system in compliance with standards set by the Department of Health. The proposed systems will be designed, constructed, and maintained in accordance with standards set by the Department of Health.

D. Solid Waste Services

Solid waste will be collected daily by a private contractor from covered receptacles for appropriate disposal.

E. Electrical Service

Electricity for the project will be provided by the Potomac Electric Power Company in accordance with its usual general terms and conditions of service. All electrical systems will be designed to comply with the District of Columbia Energy Code.

F. Energy Conservation

The project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the buildings.

G. Erosion Control

During excavation and construction, erosion on the project site will be controlled in accordance with District of Columbia Law.

V. EVALUATION STANDARDS

The Project meets the standards of the PUD Regulations, Chapter 24 of 11 DCMR (Zoning). A PUD must be consistent with District plans, it may not be used to circumvent the Zoning Regulations and it must provide “present or future occupants of the planned unit development with a living or working environment and amenities superior to those that could be achieved by applying the provisions of this title.” 11 DCMR §2400.7(c). Section 2403 provides the standards for evaluating a PUD application. Section 2403.9 provides categories of public benefits and project amenities for review by the 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. The instant application will achieve the goals of the PUD process by creating a high quality mixed use project, with significant

employment and training and social services components. As demonstrated herein, the Project provides superior benefits in several of the categories listed in Section 2403.9.

A. Urban Design and Architecture

As shown in the plans and elevations (Exhibit A), the Project exhibits all of the characteristics of exemplary urban design and architecture. The Project is sensitively designed to enhance the sense of place and visual identity of the surrounding neighborhood. The Project's continuation and enhancement of the streetscape on Rhode Island Avenue, N.W., is an important urban design element. The intent is to make a memorable building that offers a great place to work for residents of the D.C. area and an environment in which businesses want to locate. The Project will add a bright enlivened presence to the Rhode Island Avenue vocabulary. The new building will stand as an exemplary structure on a thoroughfare that is an important artery of commerce and business concentration.

B. Site Planning

The Project makes effective use of an underutilized parcel of land by filling a gap in the urban streetscape. The current use of a parking lot for the Property is an underutilization of a well-located District parcel. The Project makes efficient use of the parcel while not overdeveloping it. Further, the building will allow for an interesting and striking structure to improve the setting of the HRC and University buildings. The vehicular access and formal pedestrian entry to the building will be on Rhode Island Avenue.

C. Effective and Safe Vehicular and Pedestrian Access

Transportation measures that mitigate adverse traffic impacts are considered public benefits and amenities of a PUD under 11 DCMR § 2403.9(c). The building has been designed to mitigate adverse traffic impacts. The modified use of the Project Site will not cause an adverse impact on the street network due to traffic nor create a parking problem in the neighborhood.

As detailed in the Transportation Analysis filed with the Original PUD application, users of the Project will rely extensively on the use of mass transit to access the Project. Between 65 — 70% of the users of the Project are anticipated to utilize public transportation. The Property is less than an eight minute walk from the Farragut North Metrorail Station.

The Project will provide a single vehicular point of entry and exit into a parking garage. This garage entrance/exit is located at the northeastern portion of the Property on Rhode Island Avenue, N.W. The parking garage will accommodate 120 parking spaces which will be more than adequate for the intended uses of the Property.

The Project will also provide a separate pedestrian entrance on Rhode Island Avenue, N.W., and the construction of a sidewalk and plaza on the subject property adjacent to Rhode Island Avenue, N.W. The new sidewalk will provide pedestrian access to building and improved walking conditions for the pedestrians who currently use the sidewalk on the Project Site. These separate and distinct entrances/exits will mitigate any potential pedestrian and vehicular conflicts.

D. Employment and Training Opportunities

The Project will provide employment and training opportunities during the development phases that will offer life skills training to prepare participants for jobs that pay a living wage. To further this goal, the Partnership entered into a First Source Agreement to participate with DOES to promote and encourage the hiring of District of Columbia residents. A copy of the First Source Employment Agreement is attached as Exhibit B.

According to a Memorandum dated May 12, 2005 (the “ERA Memorandum,” attached as Exhibit D), prepared by Economics Research Associates (“ERA”), the proposed 130,000 square foot office building will have a more positive economic impact on the District than the 220 all-suites hotel proposal which was approved in the First Modification. The hotel alternative would be expected to generate 243 jobs (in person years), translating into \$628,000 in income tax. The office building would be expected to generate 311 jobs (in person years), translating into \$805,000 in income tax. The ERA Memorandum indicates that the office plan would support 311 full time jobs as compared to only 61 full time jobs of the hotel plan. As a result, annual District resident wages under the office proposal would be higher than under the hotel use. The office scenario is estimated to generate approximately \$22 million in resident wages and the hotel scenario is estimated to generate approximately \$1.4 million in annual District resident wages. ERA estimated the total direct fiscal impacts of a hotel and office use project at the Property by incorporating: new income taxes attributable to full-time employment (as discussed above), retail sales taxes and food and beverage taxes, transient occupancy tax from hotel rooms, real and personal property tax (as discussed above). Based on these taxes, the office development would provide the District with \$1.9 million in recurring revenue, whereas the hotel would provide only \$1.6 million in recurring revenue.

E. Special Value for the Neighborhood

The Project will fill a void in the streetscape and assist in tying together the design character of Rhode Island Avenue, N.W., between 16th and 17th Streets, N.W.

F. First Source Employment Program

According to Section 2403.9(e), “employment and training opportunities” are representative public benefits and project amenities. As mentioned, the Partnership entered into a First Source Agreement with DOES.

G. Local Business Opportunity Program

Pursuant to Section 2403.9(e), the use of local firms in the development and construction of the project is a representative public benefit and project amenity. As discussed, to help further this goal, the Partnership entered into a Memorandum of Understanding with the LBOC to use the resources of the LBOC to utilize local business enterprises in the development of this project. A copy of the Memorandum of Understanding is attached as Exhibit C.

H. Construction Management Plan

The Partnership anticipates building the project in accordance with a Construction Management Plan and is working with ANC 2B on this issue.

I. Comprehensive Plan

As described in greater detail in Section VI below, the PUD is consistent with, and furthers many elements and goals, of the Comprehensive Plan.

J. Public Benefits of the Project

Sections 2403.12 and 2403.13 require that an applicant show how the public benefits offered are superior in quality and quantity to typical development of the type proposed.

The architectural detailing of the proposed Project sets it apart from a matter-of-right building in this Zone District. The architectural concept for the Project is fresh and innovative and allows for a great architectural presence on a site that is presently underutilized. In addition, the building will have a roof terrace and a striking pedestrian area integrated into the sidewalk and landscaped with trees that will add uniqueness to the Project. This Project continues to break the streetscape vertically thereby creating a richer, varied texture on Rhode Island Avenue, N.W. It will complete the streetscape on the south side of Rhode Island Avenue, N.W., tying together the 16th and 17th Street corners of the block.

In addition, a matter-of-right project would not be required to provide any amenities for the community. The Partnership's DOES First Source Agreement and LBOC Memorandum of Understanding demonstrate the Partnership's commitment to working with the community and benefiting the District through this development. The approval of this PUD application will result in a myriad of benefits for the District, including exemplary urban design, job training, and commercial uses and opportunities.

Further, the Partnership executed a binding agreement with the D.C. Board of Education under which it contributed \$150,000 towards the renovation of the John W. Ross Elementary School, made a \$10,000 donation to the Dupont Circle Citizens Association for the completion of the Dupont Circle Resource Center, and will make a \$25,000 donation to the National Park Service ("NPS") for improvements to Dupont Circle Park or other NPS facility.

In addition, the Partnership proposes to contribute \$100,000 for affordable housing to the D.C. Housing Production Trust Fund or a non-profit housing organization. It is working with ANC 2B to determine an appropriate opportunity to assist affordable housing in this area. The Partnership believes it would be sensible to link the contribution to housing and community development in the area immediately surrounding the Property.

VI. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Project is consistent with, and in fact, fosters the goals and policies stated in the elements of the District of Columbia Comprehensive Plan, D.C. Law 5-76, 10 DCMR (Planning and Development) §100 et sec! (1998) (“Comprehensive Plan”), particularly those within the Land Use Element.

The purposes of the Comprehensive Plan Act are to:

(1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions and matters affecting the District and its citizens; (3) Promote economic growth in jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation, stabilization and improvement of each neighborhood and community in the District.

(D.C. Code §1-245(b)(2004 Supp.).)

The Project advances these purposes by promoting economic growth in jobs for District residents, enhancing the architectural assets of the District, and assisting in the stabilization and improvement of its neighborhood and community.

In the Original PUD and in the First Modification, the Partnership submitted an extensive analysis demonstrating the project’s consistency with the Comprehensive Plan. OP

recommended that the Original PUD and the First Modification be approved as fully consistent with the applicable goals and policies of the Comprehensive Plan. In Order No. 638 and in Order No. 638F, the Commission concluded “the approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia and the purposes of the Zoning Act.”

The District of Columbia Generalized Land Use Element Map of the Comprehensive Plan includes the PUD site in an area included in the “High Density Commercial” land use category. Further, the Property is a part of the Central Employment Area which is defined as the heart of the District and metropolitan area. This designation is reinforced in the Ward 2 Element of the Comprehensive Plan.

The subject PUD modification still embodies the Conclusions of Law found in Commission Order No. 638 and 638F:

“2. The development of the PUD, as modified, carries out the purposes of Chapter 24 to encourage the development of well-planned residential, commercial and mixed-use developments, which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.”

“3. The development of this PUD is compatible with city-wide goals, plans and programs and is sensitive to environmental protection and energy conservation.”

“4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.”

“5. The approval of this application is consistent with the purposes of the Zoning Act.”

“6. The proposed application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.”

“7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the text and map of the Zoning Regulations and Map of the District of Columbia.”

The Project is consistent with the plans and policies of the District of Columbia, including the Comprehensive Plan. As described earlier, the modified proposal complies with all of the conditions of the Original PUD and the First Modification, except for the use change from hotel to office and design to accommodate such use change. The Project continues to be consistent with the Comprehensive Plan designation of the property of “High Density Commercial”. The Project is designed to be in conformance with the goals and objectives of the Comprehensive Plan.

A. Compliance with Major Themes

The Project is consistent with the themes of the Plan that are applicable as follows:

1. Stabilizing the District’s Neighborhoods

The construction of a modern and welcoming building that will provide an opportunity for office space for businesses and associations will help stabilize the neighborhood surrounding the Property. Further, the underutilized site will be turned into a productive use that will benefit the residents and the community and generate tax dollars for the District.

2. Increasing the Quantity and Quality of Employment Opportunities

The Project will bring 130,000 square feet of office space into the District. The office space will employ people from the community (an estimated 227 of the jobs that would be held by District residents according to the ERA Memorandum). Further, the Partnership has executed DOES and LBOC agreements and will train district residents and utilize LSDBEs as specified in those agreements.

3. Developing a Living Downtown

It is one of the main priorities of the District, the Mayor and the Comprehensive Plan to develop and enhance a “living downtown.” By filling in a currently under-utilized site with a new office building that would be tenanted with smaller office tenants such as associations, the Project would contribute towards the development of such a “living downtown.” The Property is located in the Central Employment Area and would enhance the business draw of the District, particularly Scott Circle, and its importance to the metropolitan area. Further, the businesses that would locate to the Project would draw people that would patronize the surrounding neighborhood’s hotels and retail establishments. Finally, the building will have 7,000 square feet of space that can be utilized for retail uses on the ground floor.

4. Respecting and Improving the Physical Character of the District

The PUD will ensure the development of an exceptional design that will significantly enhance the neighborhood and improve the appearance of a lot that is currently a gap in the Rhode Island Avenue streetscape. The proposed bulk, height and orientation of the Project is compatible with the surrounding area and the objectives of the neighborhood and the District as a whole, and will even enhance the design of the immediately neighboring buildings of the University and HRC.

5. Preserving and Ensuring Community Input

Given the history of the Property and the approval process for the PUD modifications, the Partnership has been engaged in a significant dialogue process with various community organizations and individuals, including ANC 2B Through the PUD process, the Partnership will

continue to work with representatives of ANC 2B, as well as the surrounding neighborhood, to create a building that is a benefit to the neighborhood and the District.

6. Reaffirming and Strengthening the District's Role as the Economic Hub of the National Capital Region.

As stated, the Project will provide opportunities to bring associations and other small office users into the District that might otherwise face difficulty finding smaller, Class A office space in the Downtown. The Project will allow for the continuation of growth in density of commercial and office uses in the Central Employment Area. Due to the infill development and more efficient use of the Property, the Project will allow for the District area to become increasingly important to the commerce and business environment in the metropolitan area.

B. Compliance with Major Elements.

The Comprehensive Plan also contains 11 major elements. The Project furthers the objectives and policies of several of the elements as follows:

1. Generalized Land Use Maps

The Generalized Land Use Map adopted as part of the Comprehensive Plan includes the Property as "High Density Commercial" land use category. The "High Density Commercial" land use category is characterized by being "the business and retail heart of the District..." that "includes a mix of employment, retail, office, cultural and entertainment centers." The Project comports with this land use category and will help augment the desired mix of uses. The proposed PUD is not inconsistent with the Generalized Land Use Maps.

2. Economic Development Element

The Economic Development Element of the Comprehensive Plan states that:

The purpose of the economic development policies is to build upon the District's role as the Nation's Capital and the economic center of the National Capital region. (10 DCMR § 200.1(a).)

Expansion of the District's preeminent role as the location for corporate and other headquarters, including the vast network of membership organizations representing business, labor, professional, social, and religious associations throughout the United States, is another priority. (10 DCMR § 200.9.)

Also of high priority is the development and implementation of policies and strategies that generate new and productive uses of currently underused commercially and industrially zoned lands. (10 DCMR § 200.10.)

The economic development in Downtown and the Central Employment Area objectives are to stimulate renewed economic vitality and job generation Downtown and to encourage additional development, economic diversification, and job generation in portions of the Central Employment Area outside Downtown. (10 DCMR § 205.1.)

The proposed office building furthers these themes by providing a new center for office uses, thus increasing the number of employment opportunities within the Central Employment Area of the District. By taking a parcel that is currently underused commercially-zoned land and turning it into a commercial use beneficial to the District, the Project satisfies the Economic Development Element of the Comprehensive Plan.

3. Land Use Element

The Land Use Element of the Comprehensive Plan states that:

(a) The Central Employment area is the employment, retail, office, cultural, and entertainment center, the tourist center of the District and metropolitan area, and the center of local government; (b)

office use, in terms of square footage, is the largest commercial use in the Central Employment Area. (10 DCMR § 1107.6.)

The Land Use Element later states that a policy in support of the commercial area objectives is to:

promote appropriate commercial development, including centers for retail and office uses, to serve the needs of the economy of the District and its neighborhoods...and to expand employment opportunities in the region for District residents. (10 DCMR § 1108.1(a).)

The PUD Project will provide an important infill development which will expand employment opportunities in the District and create a much more efficient use of the Project Site. Further, the PUD Project will significantly upgrade aesthetic qualities of Rhode Island Avenue.

4. Urban Design Element

In the Urban Design Element of the Comprehensive Plan, one of the policies established under 10 DCMR § 703.2(b) is to “design buildings to include the use of appropriate arrangements of building materials, height, scale, massing and buffering to complement the immediate region.” Another policy of the Urban Design Element, established under § 709.2(j), is to “encourage the planting and maintenance of street trees as the single most important streetscape element along commercial...streets to provide shade, design continuity, spatial relief, and a juxtaposition of the natural and built environments.”

The Urban Design Element states that it is the goal of the District to:

encourage well-designed developments in areas that are vacant, underused or deteriorated. These developments should have strong physical identities. (10 DCMR § 712.2(a)).

The Partnership is undertaking the development of an underutilized site. The PUD Project’s focus on, and proposed treatment of, Rhode Island Avenue, N.W., is an important

urban design element. The intent is to make a memorable building that compliments the neighboring buildings of the University and HRC, enhances the streetscape and improves the aesthetics of the surrounding community. The development and use of this site will enhance the character and efficiency of one an important and growing commercial corridors and provide enhancements to the sidewalk experience through an open entrance designed with trees.

5. Environmental Protection

The Environmental Protection Element states that:

It is the goal of the District to protect the environment, to resist threats to its overall quality, and to act to maintain and enhance its positive features in the interest of residents, workers and visitors. (10 DCMR § 400.7.)

The PUD Project will comply with all the applicable rules and regulations of the District to promote energy conservation, improve air quality and protect the natural environment.

6. Ward 2 Goals and Policies

The PUD Project complements many goals listed in the Ward 2 Element of the Comprehensive Plan. For example, under 10 DCMR §1301.1(c), the Comprehensive Plan states that one of the objectives for economic development is to “increase total employment in the ward, especially in the Central Employment Area...” Under 10 DCMR § 1302.1(c), the Comprehensive Plan states that an action in support of economic development objectives is to “encourage office employment growth outside residential use areas, in new development in Downtown, in other areas of the Central Employment Area, and in other Development Opportunity Areas.” Under 10 DCMR § 1328.1, the Comprehensive Plan states that:

the need for office space to house public and private sector employment is the major “driver” of other development in the

ward. Much of the new development in the center of Ward 2, and in the Development Opportunity Areas, will be new office construction. It is important to achieve continuing office development in the District in the face of suburban competition.

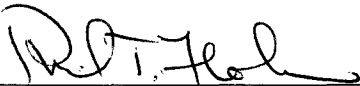
The objective under 10 DCMR § 1329.1(a) to support that goal is “encourage development of office buildings in appropriate locations in Ward 2, especially in the Central Employment Area and in Development Opportunity Areas.” The proposed PUD is consistent with these provisions of the Ward 2 Elements of the Comprehensive Plan.

VII. CONCLUSION

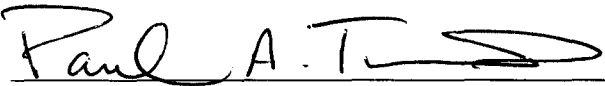
For the foregoing reasons, the Partnership submits that the modified PUD plan meets the standards of Chapter 24 of the Zoning Regulations; it is consistent with the purposes and intent of the Zoning Regulations and Map; it will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; it is not inconsistent with the Comprehensive Plan; it satisfies the requirements for approval of a consolidated PUD; it provides significant public benefits; and it advances important goals and policies of the District of Columbia.

Accordingly, we respectfully request that the Zoning Commission schedule the application for modification to this PUD for public hearing. Respectfully submitted,

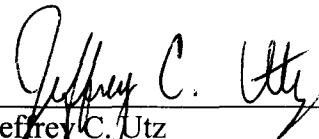
PILLSBURY WINTHROP SHAW PITTMAN, LLP



Phil T. Feola



Paul A. Tummonds



Jeffrey C. Utz

Date: June 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Application for a Modification to An Approved
Planned Unit Development was sent by first class mail on June 21, 2005 to:

ANC 2B
St. Thomas Parish
9 Dupont Circle, N.W.
Washington, D.C. 20036

Mark Bjorge
ANC Commissioner 2B05
1415 - 17th Street, N.W.
Apt. #2
Washington, D.C. 20036

The University of California
Gordon J. Schank
Director of Real Estate
111 Franklin Street
Oakland, California 94067

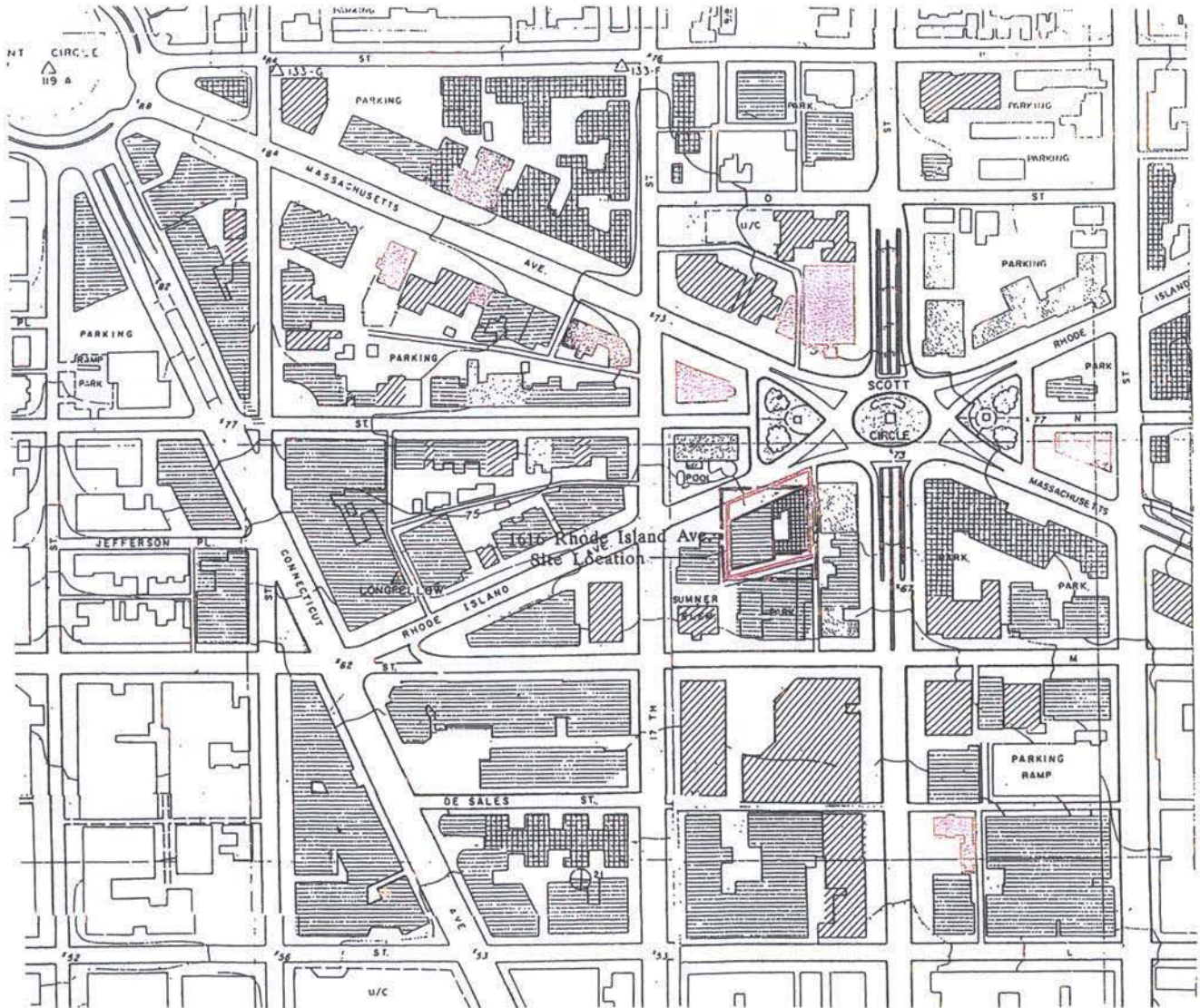
Ellen McCarthy, Director
Office of Planning
818 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002

By: _____



Phil Feola

A



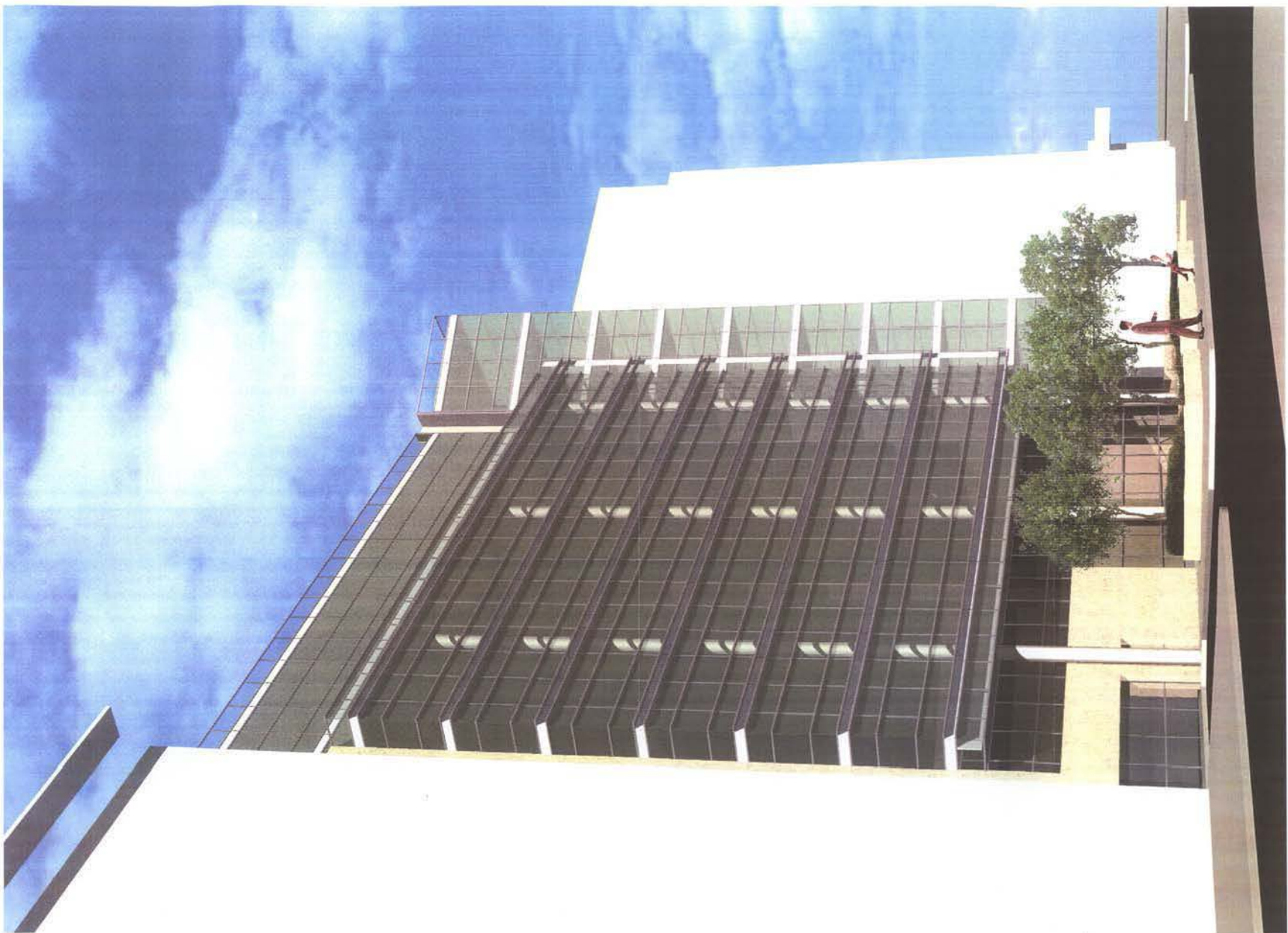


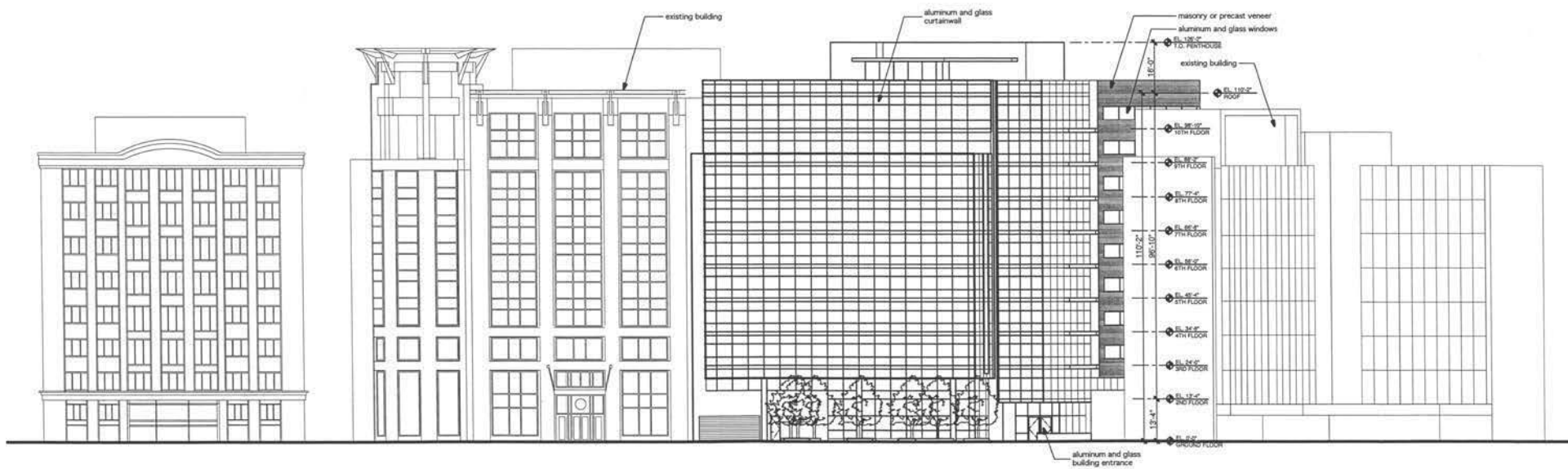
1616 Rhode Island

Perspective Rendering

10 May 2005

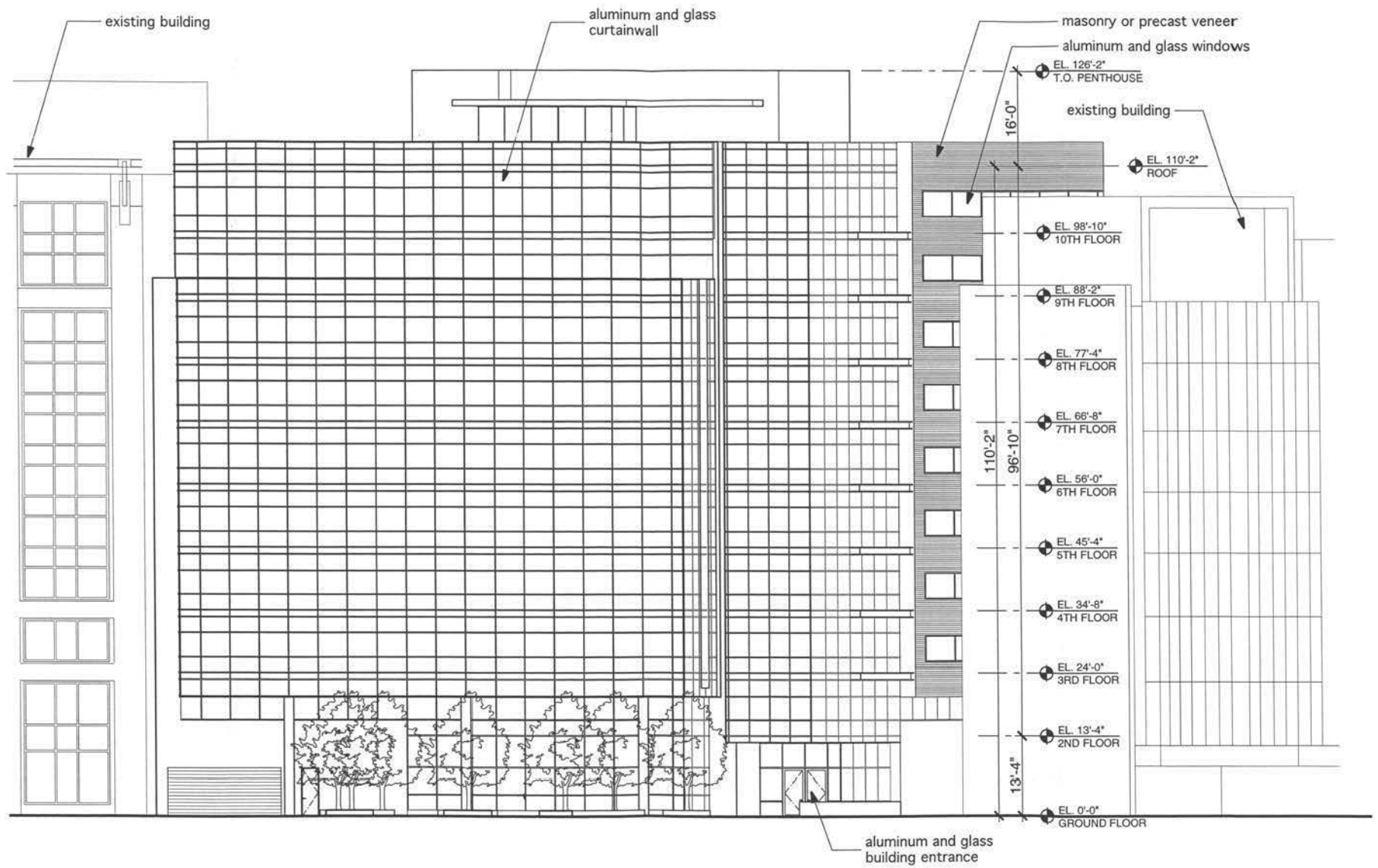
STUDIOS
architecture





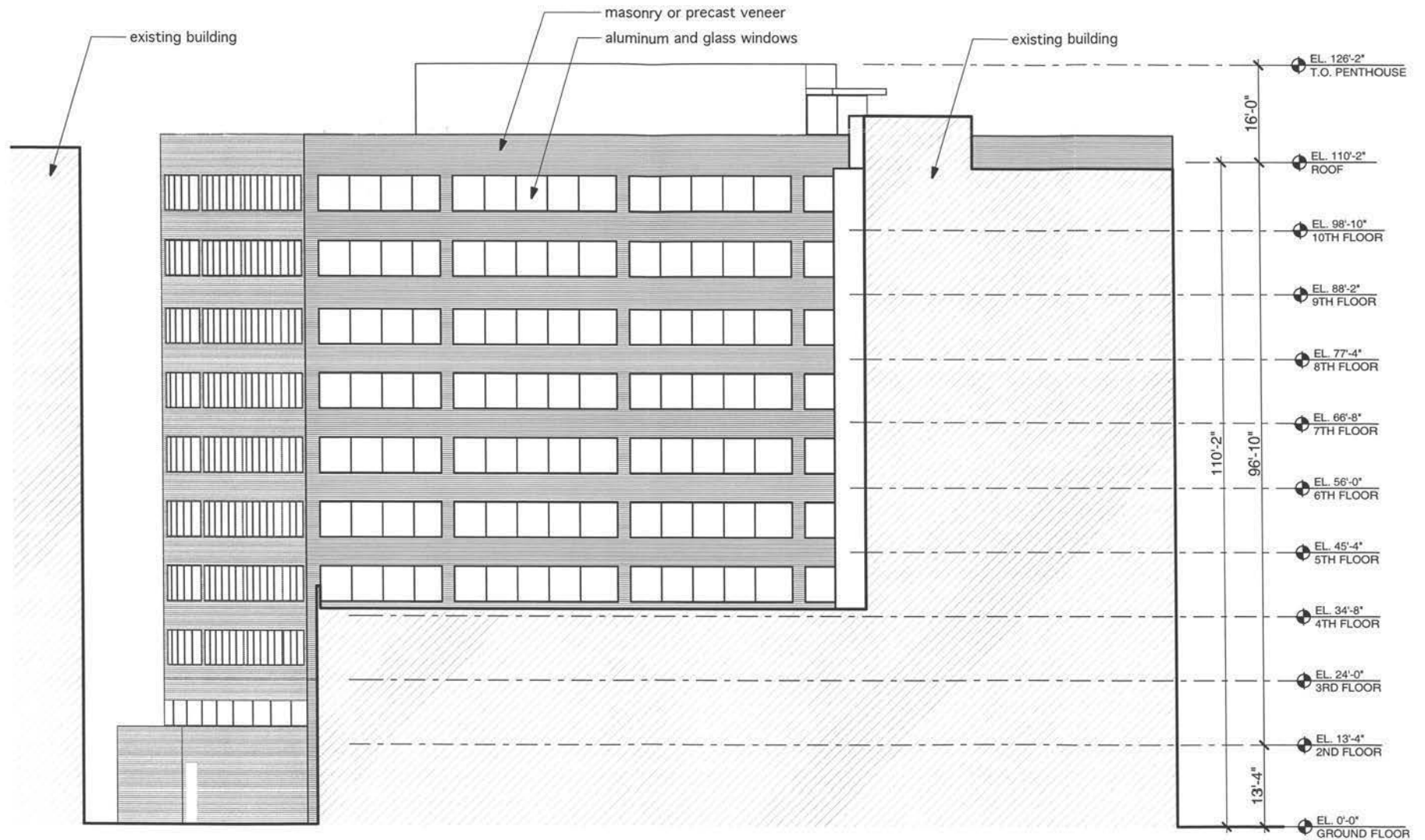
North Street Elevation

Scale: N.T.S.



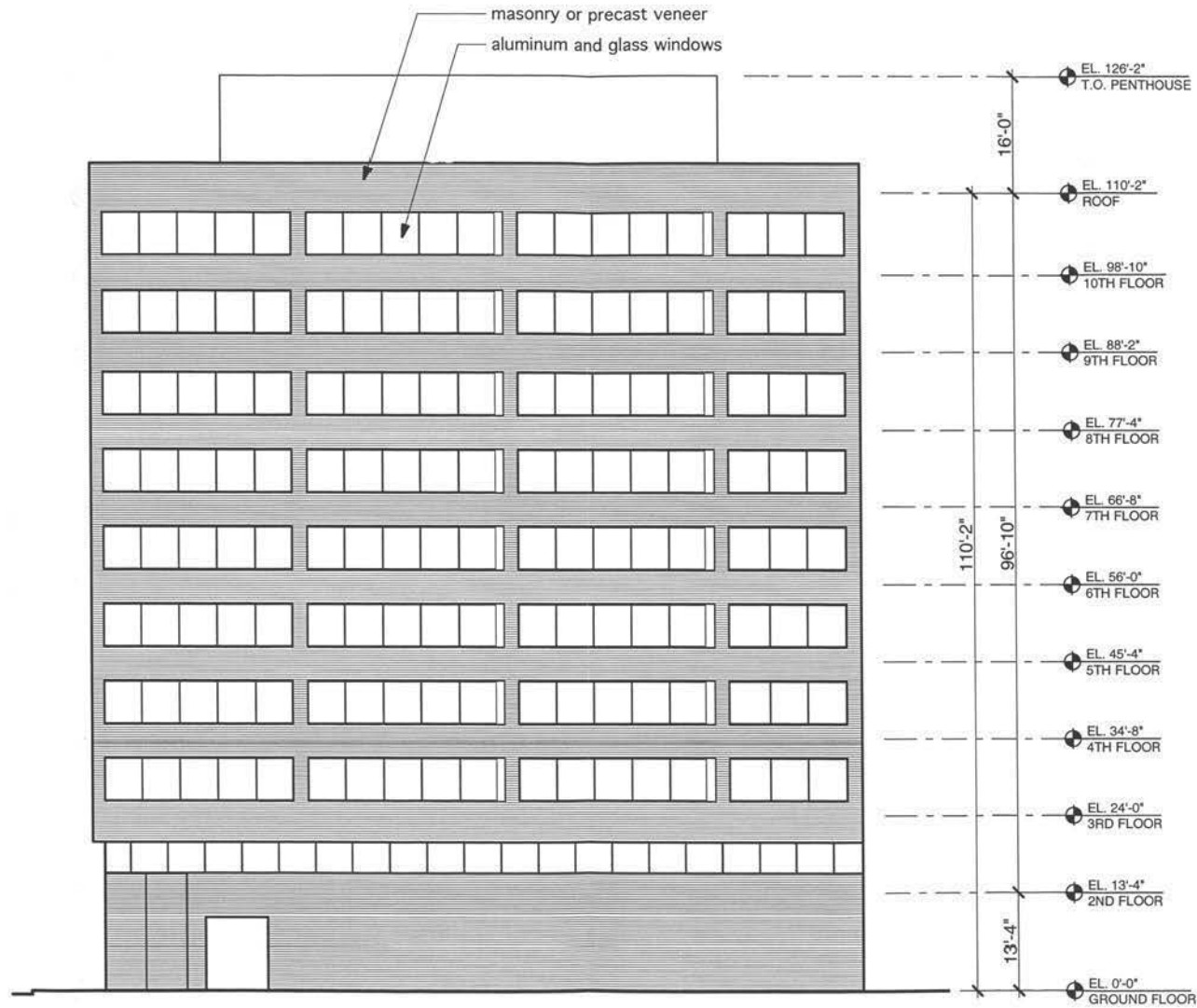
North Elevation

Scale: 1/16" = 1'-0"



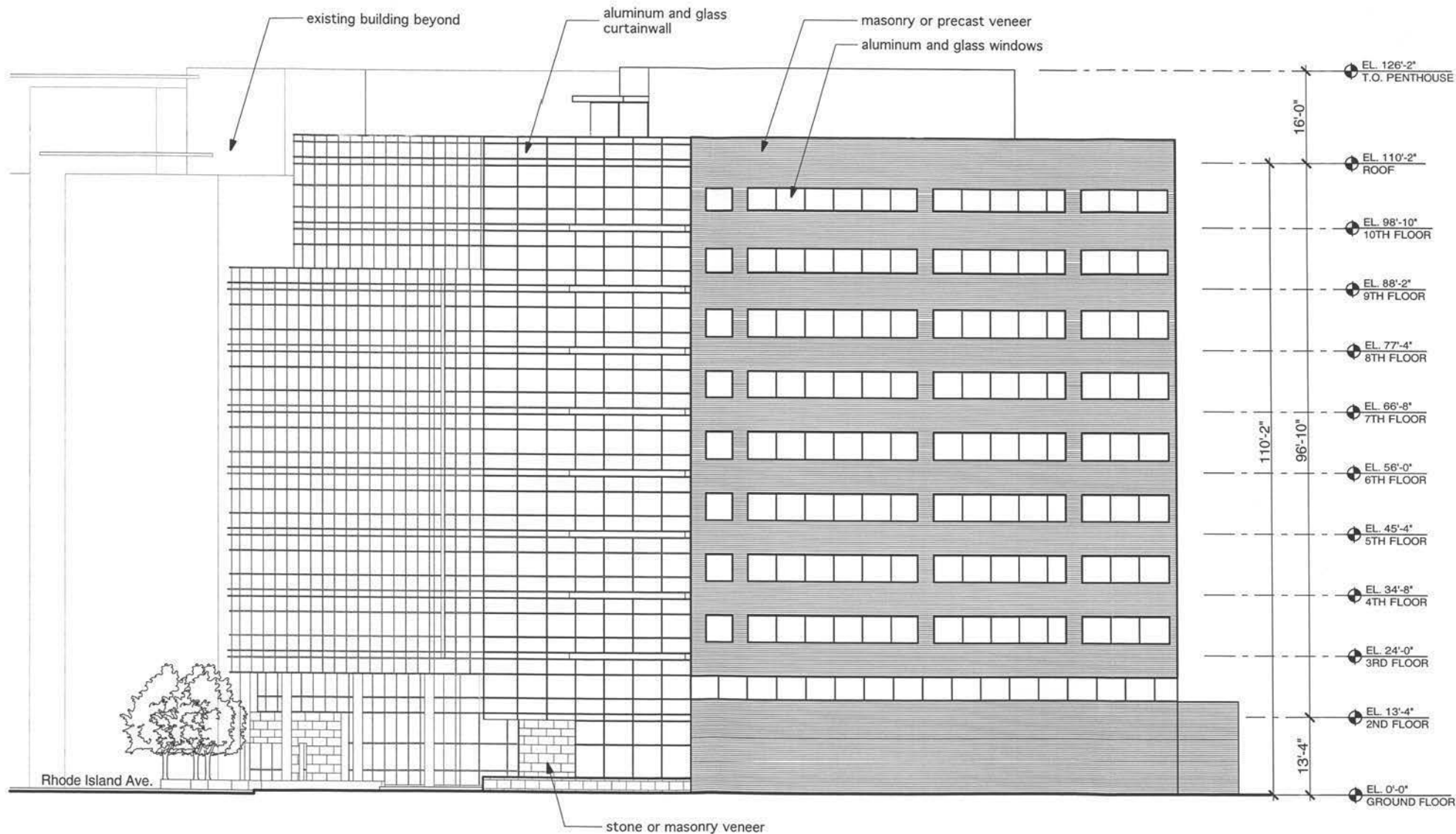
East Elevation

Scale: 1/16" = 1'-0"



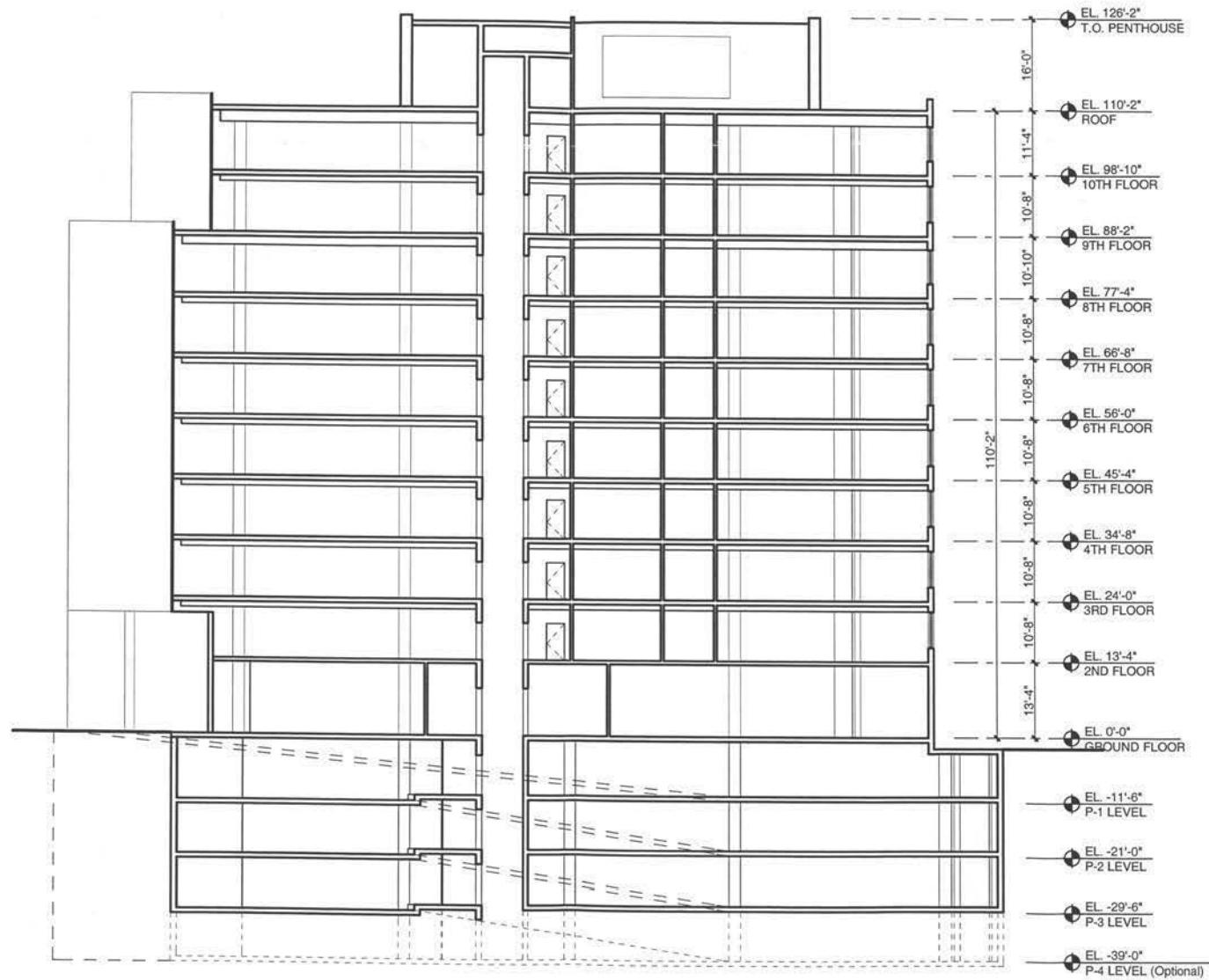
South Elevation

Scale: 1/16" = 1'-0"



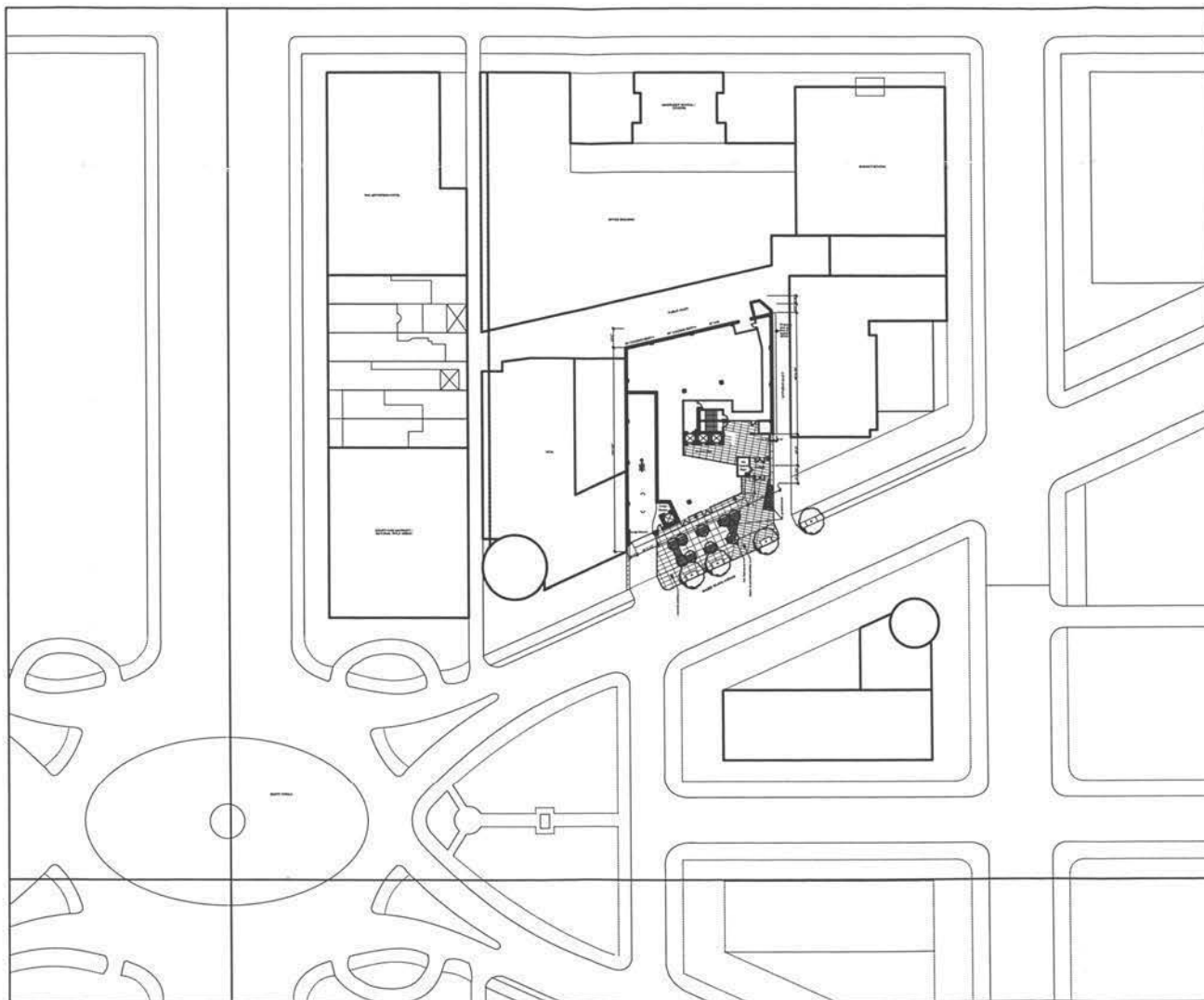
West Elevation

Scale: 1/16" = 1'-0"



Building Section

Scale: N.T.S.



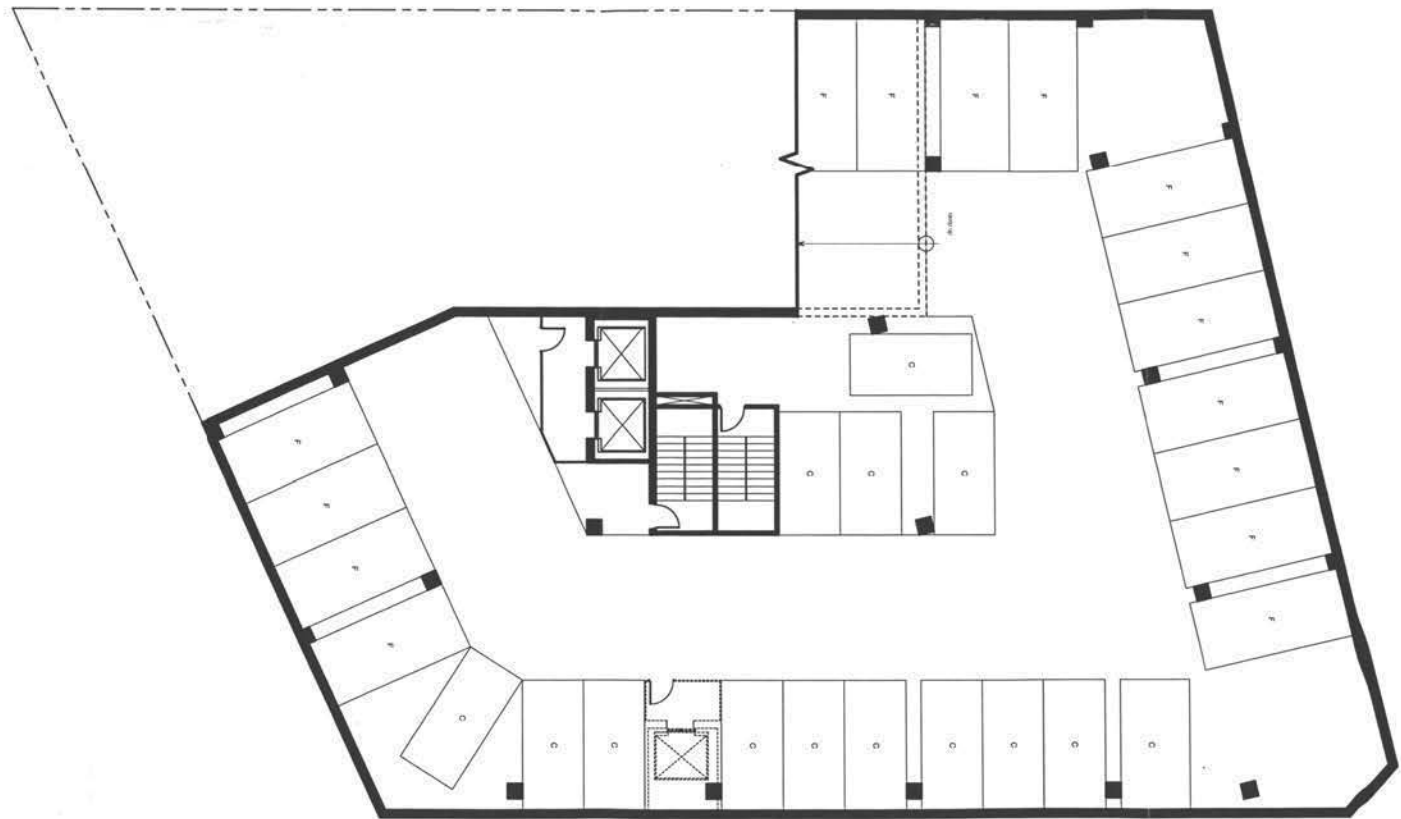
1616 Rhode Island

Area Plan

Scale: N.T.S.

10 May 2005

STUDIOS
architecture



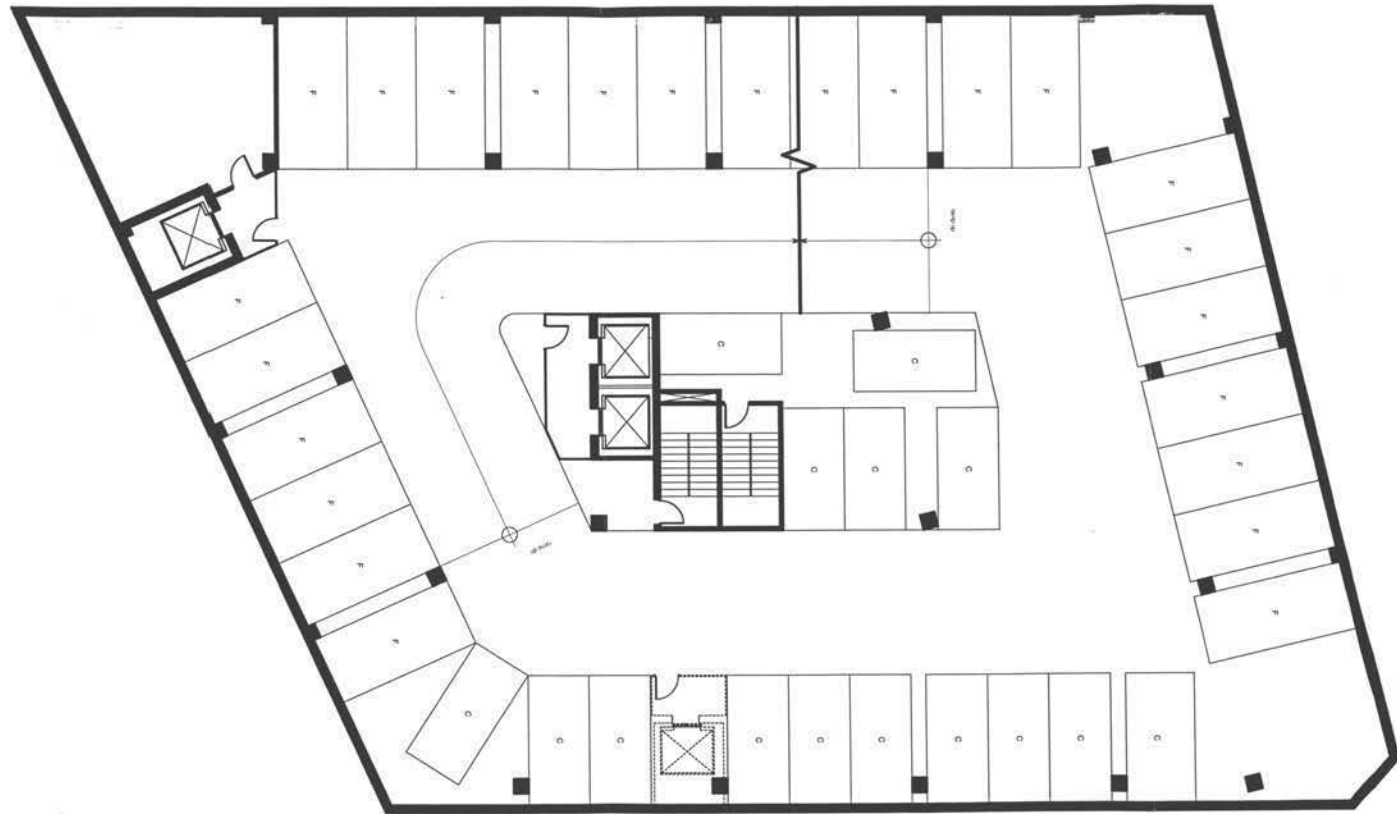
1616 Rhode Island

P4 Plan (Optional)

Scale: 1/16" = 1'-0"

10 May 2025

STUDIOS
architecture



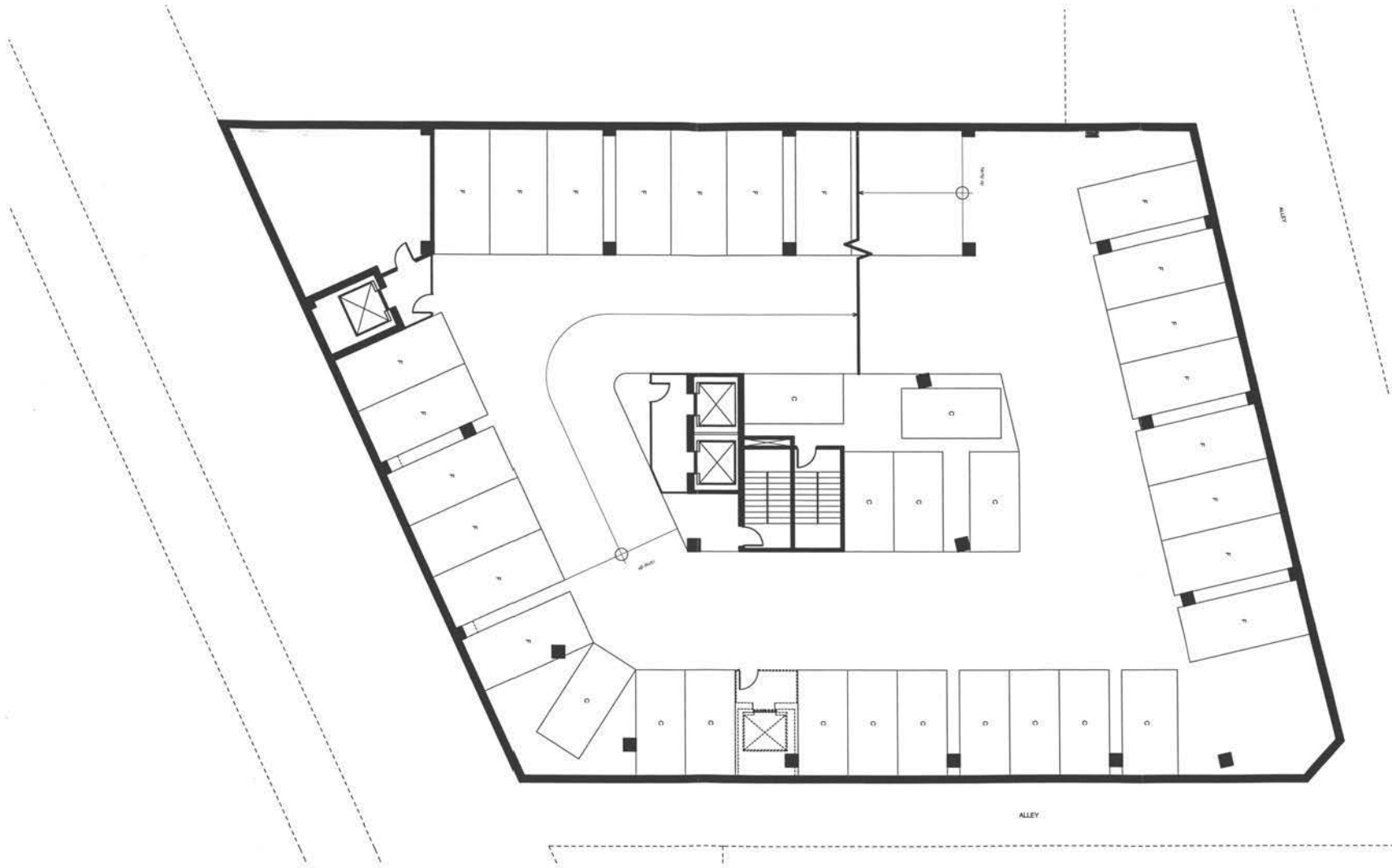
1616 Rhode Island

P2 & P3 Plan

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture



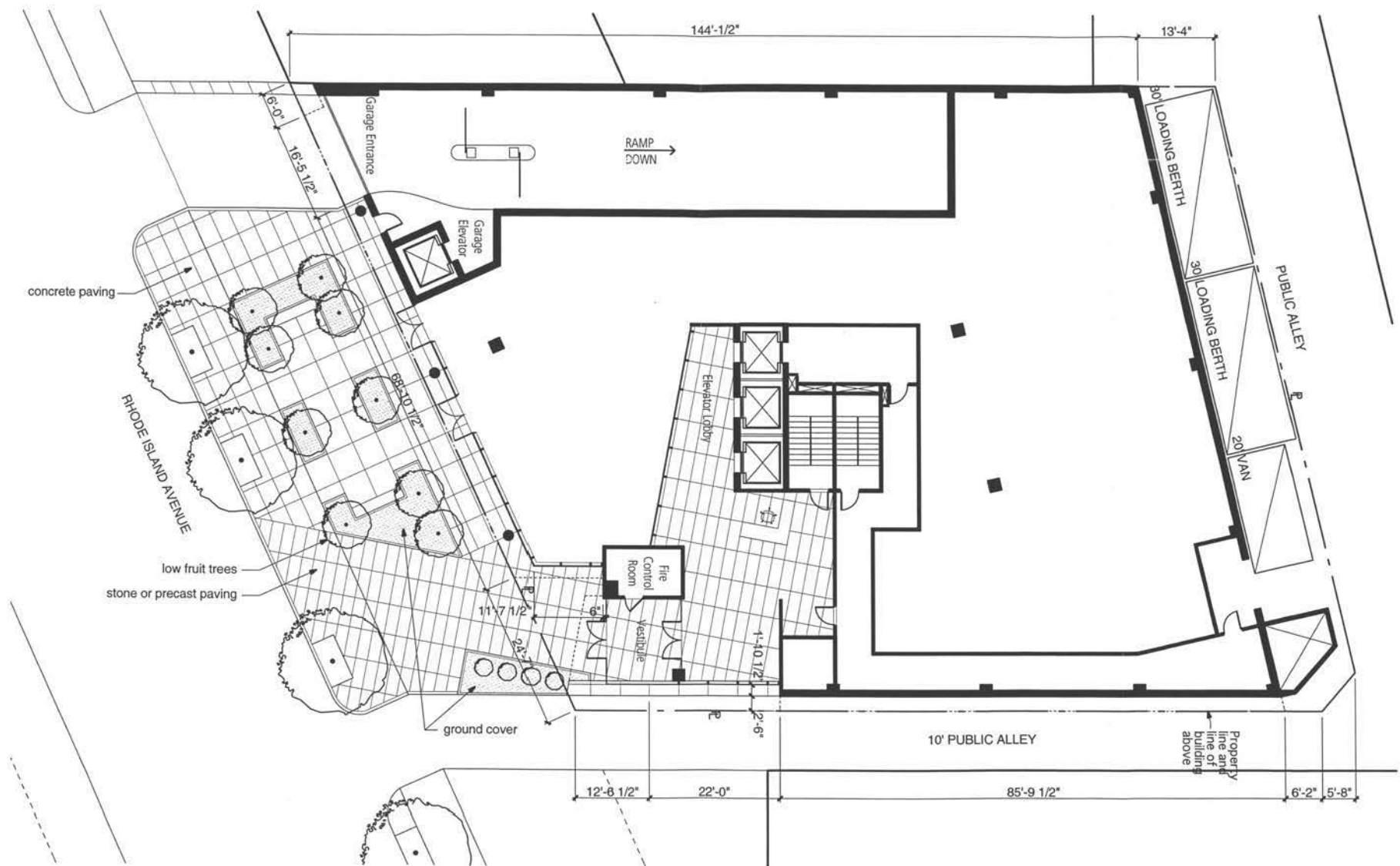
1616 Rhode Island

P1 Plan

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture



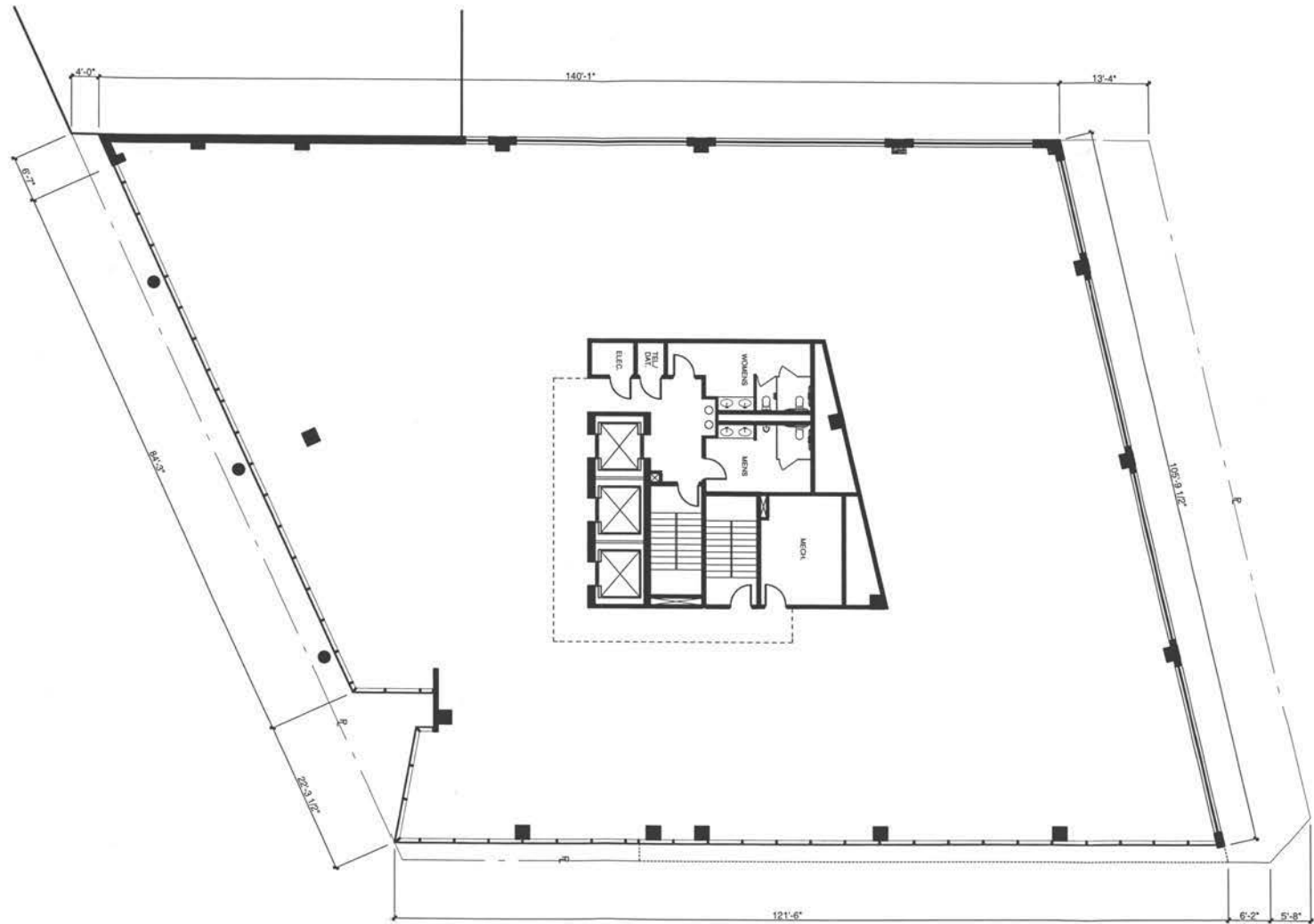
1616 Rhode Island

Ground Floor & Landscape Plan

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture



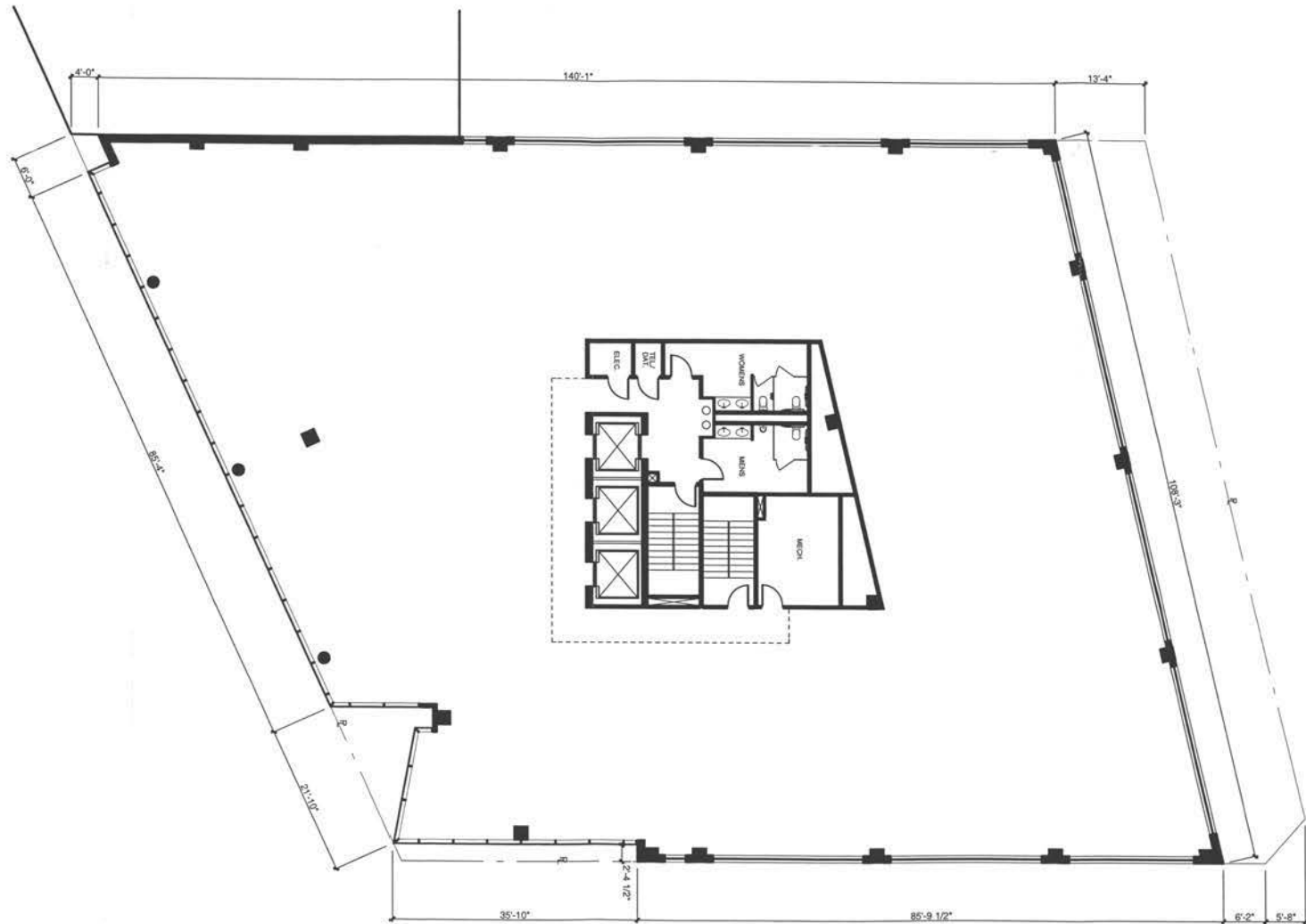
1616 Rhode Island

2nd Floor Plans

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture



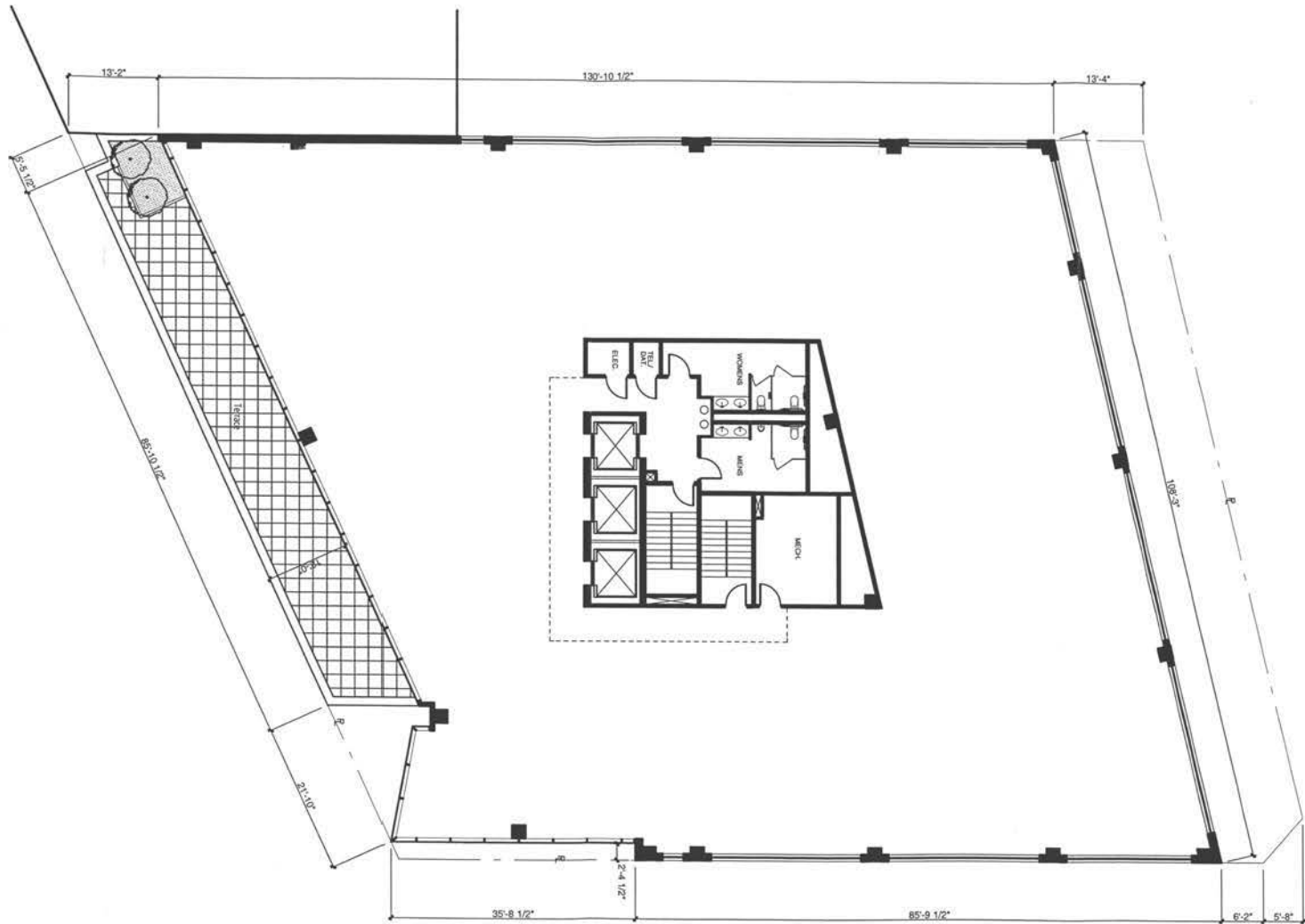
1616 Rhode Island

3rd - 8th Floor Plans

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture



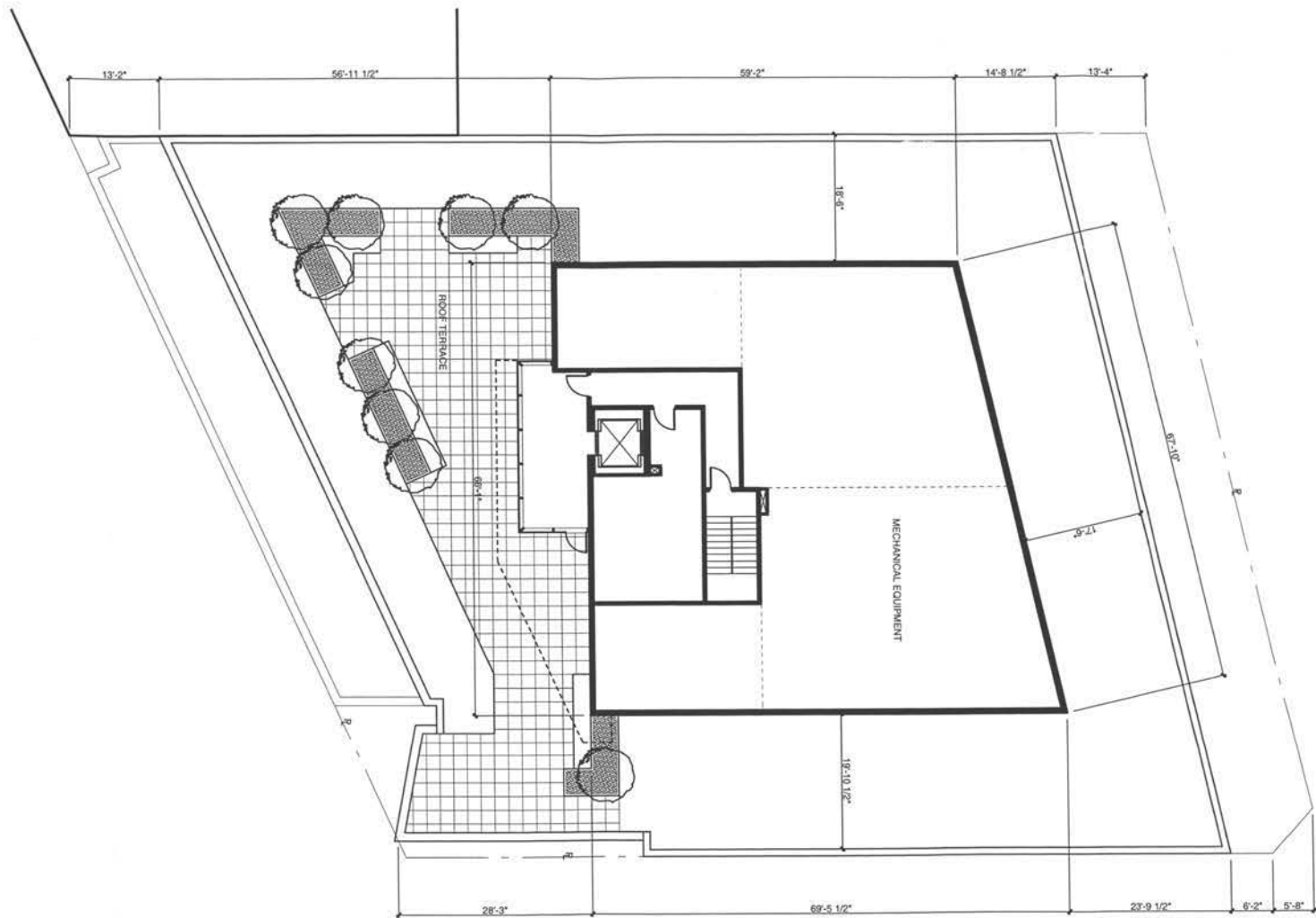
1616 Rhode Island

9th - 10th Floor Plans

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture



1616 Rhode Island

Penthouse & Roof Plan

Scale: 1/16" = 1'-0"

10 May 2005

STUDIOS
architecture

B

FIRST SOURCE EMPLOYMENT AGREEMENT

This Employment Agreement, in accordance with Mayor's Order 83-265 for recruitment, referral, and placement of D.C. residents, is between the District of Columbia Department of Employment Services, hereinafter referred to as DOES, and Rhode Island Avenue Associates Limited Partnership, hereinafter referred to as EMPLOYER. Under this Employment Agreement, the EMPLOYER will use DOES as its first source for recruitment, referral and placement of new hires or employees whose jobs are created by the Planned Unit Development under consideration by the District of Columbia Zoning Commission in Zoning Commission Case No. 88-32C for 1616 Rhode Island Avenue, N.W. (Lot 824, Square 182).

I. General Terms

- A. The EMPLOYER will use DOES as its first source for the recruitment, referral and placement of employees.
- B. DOES will provide recruitment, referral and placement services to the EMPLOYER subject to the limitations set out in this Agreement.
- C. DOES participation in this Agreement will be carried out by the Office of the Director, with the Office of Job Service, which is responsible for referral and placement of employees, or such other offices or divisions designated by DOES.
- D. This Agreement shall be effective only after, and if, the final decision of the Zoning Commission in Zoning Commission Case No. 88-32C is granted and the approval granted pursuant to Zoning Commission Case No. 88-32C is implemented by the EMPLOYER, its respective heirs, successors and assigns.
- E. This Agreement shall terminate after 5 years from the date of issuance of the building permit for the Project.
- F. This Agreement shall not be construed as an approval of the EMPLOYER'S bid package, bond application, loan or contract/subcontract.
- G. DOES and the EMPLOYER agree that for purposes of this Agreement, new hires and jobs created (both union and non-union) include all EMPLOYER'S job openings and vacancies in the Washington Metropolitan Area created as a result of internal promotions, terminations and expansions of the EMPLOYER'S workforce, as a result of the project, including loans, bonds, bids and contracts.

- H. For purposes of this Agreement apprentices and trainees, as defined in D.C. Law 2-156, are included.

II. Recruitment

- A. The EMPLOYER will complete the attached Employment Plan which will indicate the number of new jobs projected, salary range, hiring dates and union requirements. The EMPLOYER will notify DOES of its specific need for new employees as soon as that need is identified.
- B. Notification to DOES shall include, but need not be limited to, the number of employees needed by job title, qualifications, hiring dates, rates of pay, hours of work, duration of employment and work to be performed.
- C. Job openings to be filled by internal promotion from the EMPLOYER'S current workforce need not be referred to DOES for placement and referral.
- D. The EMPLOYER will submit to DOES, prior to starting work on the project, the name, social security numbers and addresses of all current employees, including apprentices, trainees and laid off workers who will be employed on the project.
- E. DOES is required to monitor EMPLOYER'S performance under this Agreement. Employer will cooperate in DOES' monitoring efforts and will submit a Contract Compliance Form to DOES on a monthly basis.

III. Referral

- A. DOES will screen applicants according to the qualifications supplied by the EMPLOYER

IV. Placement

- A. DOES will notify the EMPLOYER, prior to the anticipated hiring dates, of the number of applicants DOES will refer as agreed. DOES will make every reasonable effort to refer at least two qualified applicants for each job opening.
- B. The EMPLOYER will make all decisions on hiring new employees but will use its best efforts to select its employees from among the qualified persons referred by DOES.
- C. In the event DOES cannot refer the qualified personnel requested, in a reasonable amount of time mutually agreed upon, the EMPLOYER will be free to directly fill remaining positions for which no qualified applicants

have been referred. In this event, the EMPLOYER will still be required to meet the 51% goal.

- D. After the EMPLOYER has selected its employees, DOES will not be responsible for the employees' actions and the EMPLOYER hereby releases DOES from any liability for employees' actions.

V. Training

DOES and the EMPLOYER may agree to develop skills training and on-the-job training programs; the training specifications and cost for such training will be mutually agreed upon by the EMPLOYER and DOES and covered in a separate Training Agreement.

VI. Controlling Regulations and Laws

- A. If this Agreement conflicts with any labor laws or governmental regulations, the laws or regulations shall prevail.
- B. DOES will work within the terms of all collective bargaining agreements to which the EMPLOYER is a party.
- C. The EMPLOYER will provide DOES with written documentation that the EMPLOYER has provided the representative of any involved collective bargaining unit with a copy of this Agreement and has requested comments or objections. If the representative has any comments or objections the EMPLOYER will provide them to DOES.

VII. Agreement Modifications, Renewal and Sanctions

- A. If, during the term of this Agreement, the EMPLOYER should transfer possession of all or a portion of its business concerns affected by this Agreement to any other party by lease, sales, assignment or otherwise, the EMPLOYER as a condition of transfer shall:
 - 1. Notify the party taking possession of the existence of the EMPLOYER'S Agreement
 - 2. Notify the party taking possession that full compliance with this Agreement is required in order to avoid termination of the project.
 - 3. EMPLOYER shall, additionally, advise DOES within seven (7) days of the transfer. This advice will include the name of the party taking possession and the name and telephone of the party's representative.

- B. The EMPLOYER and DOES, or such other agent as DOES may designate, may mutually agree to modify this Agreement.
- C. The EMPLOYER's non-compliance with the provisions of this Agreement will be subject to appropriate sanctions by the Zoning Administrator of the District of Columbia or the District of Columbia Zoning Commission.

Dated this 13th day of July, 19 89

Signed:

RHODE ISLAND ASSOCIATES
LIMITED PARTNERSHIP

Phyllis A. Manson (AS)
DEPARTMENT OF EMPLOYMENT SERVICES

By: Michael T. Hledik
EMPLOYER
Group Senior Vice President
Charles E. Smith Management, Inc
Agent for Employer

ADDRESS
2345 Crystal Drive
Arlington, Virginia 22202
(703) 769-1340

TELEPHONE

EMPLOYMENT PLAN

Instructions:

- o Submit original to the Department of Employment Services (DOES) with First Source Employment Agreement.
- o Upon approval of project by the originating agency, DOES will contact Employer.

NAME OF FIRM THE CHARLES E. SMITH COMPANIES

ADDRESS 2345 Crystal Drive, Arlington, Virginia 22202

TELEPHONE NUMBER 703-920-8500 FEDERAL IDENTIFICATION NO.:

CONTACT PERSON Michael T. Shehadi TITLE Group Senior Vice President

TYPE OF BUSINESS Property Development, Building Construction, Commercial Leasing and Property Management

ORIGINATING DISTRICT AGENCY

TYPE OF PROJECT FUNDING AMOUNT

PROJECTED START DATE PROJECT DURATION

NEW JOB CREATION PROJECTIONS (Attach additional sheets, as needed.) Please indicate the new position(s) your firm will create as a result of this project.

	JOB TITLE	# OF JOBS		SALARY RANGE	UNION MEMBERSHIP REQUIRED?		PROJECTED HIRE DATE
		F/T	P/T		NAME	LOCAL#	
A	Residential Manager	1		\$21-23 K/year	n/a		July 1991
B	Residential Porters	2		\$6.50/hour	"		"
C	Commercial Building Director	1/3*		\$25-27 K/year	"		"
D	Commercial Chief Engineer	1/3*		\$45-47 K/year	International Union of Operating Engineers - Local 99 AFL-CIO		"
E	Commercial Engineers	2		\$35-37 K/year	"	"	"
F	Commercial Engineer's Helper	1		\$27-29 K/year	"	"	"

C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MINORITY BUSINESS OPPORTUNITY COMMISSION



MINORITY BUSINESS OPPORTUNITY COMMISSION

MEMORANDUM OF UNDERSTANDING

Rhode Island Avenue Associates Limited Partnership ("the Partnership"), in accordance with D.C. Law 1-95, D.C. Code Section 1-1141 et seq. (1987 Ed. as amended), and in consideration of the commitment of the District of Columbia government in approving the plan of development known as D.C. Zoning Commission Case No. 88-32C, PUD for 1616 Rhode Island Avenue, N.W., Square 182, Lot 824 (the "Zoning Plan"), does hereby commit to make a bona fide effort to utilize certified Minority Business Enterprises ("MBEs") in order to achieve, at a minimum, the goal of thirty-five percent (35%) minority participation (the "35% Goal") in the contracted development costs in connection with the development construction, renovation and maintenance (including, but not limited to, design, and other pre-construction and construction activities, and maintenance, security, janitorial, refuse collection, supplies and other post-construction activities) of the project (the "Project"), in accordance with the following provisions:

- A. The Partnership shall endeavor to utilize the resources of the Minority Business Opportunity Commission (the "MBOC"), including the MBOC Directory of Certified Minority Business Enterprises, and the periodic updates, as the primary referral source for MBEs. The primary contact for such referrals shall be the Director of the Office of Human Rights/Minority Business Opportunity Commission (the "Director").
- B. The Partnership hereby agrees to submit a minority business plan (Attachment A) to MBOC for approval, which plan shall be incorporated in and made a part of this Agreement.

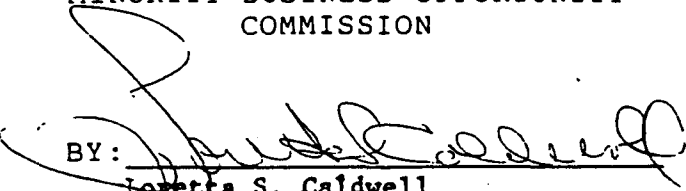
- C. Within thirty (30) days after the Partnership files for a building permit pursuant to the approved PUD, the Partnership will submit to the Director a more extensive plan listing all of the projected procurement items, quantities and estimated costs; bid opening and closing dates; start-up and completion dates. Additionally, this procurement plan should indicate whether any items will be bid without restriction in the open market, or limited to MBEs certified by the MBOC (sheltered market competition).
- D. The parties hereto understand and agree that the means of achieving the 35% Goal may vary according to the types of goods and services contracted for and the current availability of certified MBEs. However, the Partnership agrees to make a bona fide effort to maintain, at a minimum, the 35% Goal throughout the life of the Project.
- E. The Partnership further agrees to submit quarterly minority contracting and subcontracting reports to MBOC no later than thirty (30) days after the end of each calendar quarter; the quarterly report periods shall begin on January 1, April 1, July 1, and October 1. The quarterly reports shall be submitted on a form provided by the MBOC (Attachment B).
- F. In the event that there are no certified MBEs in the District of Columbia, which manufacture, construct, distribute, install, or otherwise supply the goods and services required to develop, construct, renovate and/or maintain the facility, the Partnership agrees to make a bona fide effort to achieve the 35% Goal through other contracts with respect to the development, construction or renovation of this project. The Partnership further agrees to make a continuing bona fide effort to increase its utilization of minority businesses for certain other goods and services as may be required by the Partnership to conduct its daily operations.

Page Three
Memorandum of Understanding

- G. The Partnership further agrees to include in the terms of its contractual agreements with the general/prime contractor and/or construction manager (in any of such events, the "Contractor"), language which puts the Contractor on notice that the Contractor is expected to make a bona fide effort to achieve the 35% Goal in (i) its own contracting with respect to the Project and (ii) engaging subcontractors to perform work on the Project.
- H. If at the end of the first calendar quarter following the approval of this Memorandum of Understanding, the Partnership is unable to comply with the proposed minority utilization plan for the project, the Partnership may initiate a re-negotiation meeting with the Director.

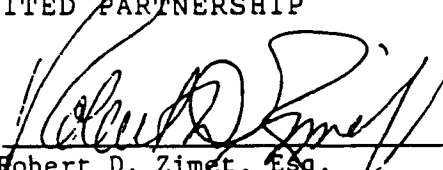
DATED THIS 22nd DAY OF August, 19 89

MINORITY BUSINESS OPPORTUNITY
COMMISSION

BY: 

Loretta S. Caldwell
Acting Director

RHODE ISLAND AVENUE ASSOCIATES
LIMITED PARTNERSHIP

BY: 

Robert D. Zimet, Esq.
Senior Vice President and General
Counsel
Charles E. Smith Management, Inc.
Agent for the Partnership

WDH/316K

D

Table 1
1616 Rhode Island Ave
Development Program and Unit Mix

Program Component	Option 1	Option 2
Office	-	130,000 SF
Hotel	220 keys	-

Source: Gould Property Company; Economics Research Associates

Table 2
1616 Rhode Island Ave
Preliminary Economic and Fiscal Impacts

	Option 1 (220-rm hotel)	Option 2 (Office)
Recurring Impacts		
Fiscal Impact		
Real Property	\$ 391,000	\$ 500,000
Personal Property	22,000	28,000
Sales	695,000	112,000
Transient Occupancy	781,000	-
Income Tax	96,000	1,796,000
Total Fiscal Impact	\$ 1,594,000	\$ 1,936,000
Economic Impact		
Total Jobs	61	430
DC Resident Jobs	40	314
Aggregate Annual Wages (DC Residents)	\$ 1,376,000	\$ 21,973,000
One-Time Impact		
Fiscal Impact		
Deed Recordation Tax	\$ 317,000	\$ 406,000
Income Tax	628,000	805,000
Total Fiscal Impact	\$ 945,000	\$ 1,211,000
Economic Impact		
Total Jobs	243	311
DC Resident Jobs	177	227
Aggregate Annual Wages (DC Residents)	\$ 11,880,000	\$ 15,210,000

Source: Gould Property Company; Economics Research Associates, March 2005.

Table 3*1616 Rhode Island Ave***Tax Rates & Employment Assumptions****Property Tax Rate (per \$100 of assessed value)**

Real Property Tax		
Hotel	\$	1.85 per \$100 of AV
Office	\$	1.85 per \$100 of AV
Deed Recordation Tax		
AV ≤ \$250,000		1.1% of AV
AV > \$250,000		1.5% of AV
Personal Property Tax		
Hotel		5.7% of total real property tax
Office		5.7% of total real property tax

Sales Tax Rate (% of total sales)

General Sales	5.75%
Food & Beverage (on-site)	10%
Parking	12%
Transient Occupancy	14.5%
General Fund	4.5%
Convention Center Fund	10%

Employee Productivity (SF of NRA / Units / Spaces per employee)

Office	250 SF
Hotel	* see Table 5

Source: Washington, DC Office of Tax and Revenue; Economics Research Associates.

Table 4
1616 Rhode Island Ave
Development Costs

	Option 1 (220-rm hotel)	Option 2 (Office)
Guest Suites / Gross Building Area (SF)	220	130,000
All-in Development Cost - Guest Suite / per SF	\$120,000	\$260
Total All-in Development Cost	\$ 26,400,000	\$ 33,800,000
Assessed Value Conversion Factor 1/	80%	80%
Estimated Assessed Value	\$ 21,120,000	\$ 27,040,000
Real Property Tax Rate (per \$100 of AV) 2/	\$1.85	\$1.85
Total Annual Real Property Tax Revenue	\$ 391,000	\$ 500,000
Total Annual Personal Property Tax Revenue	\$ 22,000	\$ 28,000
Deed Recordation Tax	\$ 317,000	\$ 406,000

Notes:

1/ Assumes that AV equals 80% of total development cost

2/ Office and hotel are both Class 2 property types

Source: Washington, DC Office of Tax and Revenue; Gould Property Company; Economics Research Associates

Table 5
1616 Rhode Island Ave
Estimated Hotel Jobs Supported

Total Rooms	220
Annual Occupancy Rate	72%
Occupied Rooms	57,816
Average Daily Room Rate	\$135
Total Annual Room Revenue	\$7,805,160
Room Rev. as % of Total Revenue	93%
Total Annual Revenue	\$8,392,645
Labor @ 25%	\$2,098,161
Average DC Hotel Wage 1/	\$34,404
Estimated Employment Generation	61
% DC Residents 2/	73%
Estimated DC Residents Jobs	40

Notes:

1/ Based on inflated 2003 US Department of Labor, Bureau of Labor Statistics data.

2/ Based on data from the 2000 US Census Transportation Planning Package, which indicates that 73 percent of people employed in DC are also DC residents.

Source: Washington, DC, Convention & Tourism Corporation; US Department of Labor, Bureau of Labor Statistics; Gould Property Company; Economics Research Associates.

Table 6
1616 Rhode Island Ave
Estimated Office Jobs Supported

Gross Building Area (SF)	120,000
Loss Factor	10%
Net Rentable Area (SF)	108,000
Employee Productivity	250
Estimated Employment Generation	430
% DC Residents 1/	73%
Estimated DC Residents Jobs	314

1/ Based on data from the 2000 US Census Transportation Planning Package, which indicates that 73 percent of people employed in DC are also DC residents.

Source: US Census Transportation Planning Package, 2000; Gould Property Company; Economics Research Associates

FINAL

Memorandum

Date: May 12, 2005
To: Mr. Garrett Preis & Mr. Phil Feola
From: Economics Research Associates
RE: 1616 Rhode Island Avenue - Preliminary Economic and Fiscal Impacts

The following memorandum summarizes the direct positive economic and fiscal impacts of two development alternatives for a development site located at 1616 Rhode Island Avenue. The alternatives include a 220-room all suites hotel and 130,000 square feet of commercial office space. The economic and fiscal impacts can be divided into two primary categories:

- One-time construction impacts
- Recurring impacts from ongoing operations

Summary tables of economic and fiscal impacts are provided in Table 2 of the attached file. More detailed calculation tables can also be found in the attached file.

One-time Construction Impacts

Using industry standard construction budget figures specific to Washington, DC for a 220-room hotel and 130,000 square feet of commercial office space, with an estimated \$26 million all-in development cost and \$34 million all-in development cost, respectively, ERA estimated direct economic and fiscal impacts of the construction. A summary is provided in Table 2 in the attached file.

- The 220-room hotel alternative is expected to generate 243 jobs (in person years), of which District residents would occupy 177 jobs, which in turn translates into \$628,000 in income tax;
- The 130,000 square foot office building is expected to generate 311 jobs (in person years), of which 227 jobs would be held by District residents, and resulting in \$805,000 in income tax;
- The recording of the deed to real estate in the District generates an additional \$317,000 under the hotel scenario and \$406,000 under the office scenario, respectively.

Recurring Impacts from Ongoing Operations

Ongoing operations that will have a positive impact on the District include:

- Full-time jobs and annual wages supported by the two development alternatives;
- Visitor and employee spending for food and beverage and retail goods.

Economic Impact

The analysis indicates that the office development alternative will support significantly more full-time jobs than the hotel alternative, with an estimated 311 full-time jobs (227 held by District residents) as compared to only 61 full-time jobs (40 held by District residents.) As a result, annual District resident wages under the office scenario are also higher, estimated at approximately \$22 million, whereas the hotel scenario supports only \$1.4 million in annual District resident wages.

Fiscal Impact

ERA's estimate of direct fiscal impacts include:

- New income taxes attributable to full-time employment supported by the respective development alternatives;
- Retail sales taxes and food and beverage taxes from visitor and employee daytime spending;
- Transient occupancy tax from occupied hotel room nights;
- Real and personal property tax.

Based on the above tax revenue generators, the office development alternative provides the District with \$1.9 million in recurring revenue, whereas the hotel alternative provides only \$1.6 million in recurring revenue.

Table 7**1616 Rhode Island Ave****Estimated Recurring Aggregate Income & Income Tax**

	Option 1 (220-rm hotel)	Option 2 (Office)
Recurring Employment	40	314
Average Annual Wage	\$34,400	\$70,000
Aggregate Annual Income	\$ 1,376,000	\$ 21,973,000
Annual Income Tax per Employee	\$2,409	\$5,720
Aggregate Annual Income Tax (rounded)	\$ 96,000	\$ 1,796,000

1/ Based on 2003 average industry wage data provided by US Department of Labor, Bureau of Labor Statistics, inflated to current dollars.

2/ Income tax calculation based on rates provided by Washington, DC Office of Tax and Revenue. For wages over \$30,000 = \$2,000 + 9 percent of excess over \$30,000. For wages between \$10,000 to \$30,000 = \$500 + 7.5 percent of excess over \$10,000.

Source: US Department of Labor, Bureau of Labor Statistics; Washington, DC Office of Tax and Revenue; Gould Property Company; Economics Research Associates

Table 8
1616 Rhode Island Ave
Estimated Temporary Jobs Supported

	Option 1 (220-rm hotel)	Option 2 (Office)
Total Development Cost	\$ 26,400,000	\$ 33,800,000
% of Total Cost - Labor	45%	45%
Total Labor Cost	\$ 11,880,000	\$ 15,210,000
Annual Avg. Construction Wage	\$48,900	\$48,900
Construction Employment (person years)	243	311
% DC Residents 1/	73%	73%
DC Construction Employment (person years)	177	227

1/ Based on data from the 2000 US Census Transportation Planning Package, which indicates that 73 percent of people employed in DC are also DC residents.

Source: US Department of Labor, Bureau of Labor Statistics; US Census Transportation Planning Package; Gould Property Company; Economics Research Associates

Table 9**1616 Rhode Island Ave****Estimated Recurring Aggregate Income & Income Tax**

	Option 1 (220-rm hotel)		Option 2 (Office)	
Construction Employment (person years)	177		227	
Average Annual Wage	\$46,600		\$46,600	
Aggregate Annual Income	\$	8,264,496	\$	10,581,059
Annual Income Tax per Employee	\$3,544		\$3,544	
Aggregate Annual Income Tax (rounded)	\$	628,000	\$	805,000

1/ Based on 2003 average industry wage data provided by US Department of Labor, Bureau of Labor Statistics, inflated to current dollars.

2/ Income tax calculation based on rates provided by Washington, DC Office of Tax and Revenue. For wages over \$30,000 = \$2,000 + 9.3 percent of excess over \$30,000. For wages between \$10,000 to \$30,000 = \$500 + 7.5 percent of excess over \$10,000.

Source: US Department of Labor, Bureau of Labor Statistics; Washington, DC Office of Tax and Revenue; Gould Property Company; Economics Research Associates

Table 10
1616 Rhode Island Ave
Estimated Annual Transient Taxes

Retail Sales Estimate	Estimated Annual Sales Taxes
Total Rooms	220
Annual Occupancy Rate	72%
Occupied Rooms	57,816
Average Daily Room Rate	\$135
Total Room Sales	\$ 7,805,160
Transient Occupancy Tax Rate (General Fund)	10.0%
Annual Transient Occupancy Taxes (rounded)	\$ 781,000

Source: Washington, DC, Office of Tax and Revenue; Gould Property Company; Economics Research Associates

Table 11
1616 Rhode Island Ave
Hotel Guest Expenditure & Sales Tax

Annual Room-Night Demand		57,816
Average Party Size		1.5
Annual Person Days		86,724
Average Daily Expenditure		
Food & Beverage		\$73
General Retail		<u>\$28</u>
Total Avg. Daily Expenditure		\$101
Annual Expenditure		
Food & Beverage	\$	6,333,695
General Retail		<u>2,423,118</u>
Total Annual Expenditure	\$	8,756,814
% Spent in DC		
Food & Beverage		90%
General Retail		90%
Annual DC Sales		
Food & Beverage	\$	5,700,326
General Retail		<u>2,180,806</u>
Total Annual DC Sales	\$	7,881,132
Tax Rate		
Food & Beverage (on-site)		10.00%
General Sales		5.75%
Annual Sales Tax		
Food & Beverage	\$	570,000
General Retail		<u>125,000</u>
Total Annual Sales Tax	\$	695,000

Source: International Assn. Of Convention & Visitors Bureaus; Economics Research Associates

Table 12
1616 Rhode Island Ave
Office Worker Expenditure & Sales Tax

Total Office Workers		430
Average Annual Expenditure		
Food & Beverage	\$	1,996
General Retail		5,043
Total Avg. Daily Expenditure	\$	7,039
Annual Expenditure		
Food & Beverage	\$	858,361
General Retail		2,168,490
Total Annual Expenditure	\$	3,026,851
% Spent in DC		
Food & Beverage		65%
General Retail		45%
Annual DC Sales		
Food & Beverage	\$	557,934
General Retail		975,821
Total Annual DC Sales	\$	1,533,755
Tax Rate		
Food & Beverage (on-site)		10.00%
General Sales		5.75%
Annual Sales Tax		
Food & Beverage	\$	56,000
General Retail		56,000
Total Annual Sales Tax	\$	112,000

Source: ICSC, *Office Worker Retail Spending Patterns* ; Economics Research Associates

E

**OUTLINE OF TESTIMONY OF KINGDON GOULD, III AND/OR GARRETT PREIS;
REPRESENTATIVES OF
RHODE ISLAND ASSOCIATES LIMITED PARTNERSHIP**

- I. Introduction
- II. History of Site and Prior PUD Approvals
- II. Goals and Objectives for the Proposed Modification
 - A. Entirely Office Use
 - B. Enhancement of Rhode Island Avenue, NW
 - C. Amenities of Project
- III. Community Dialogue Process
- IV. Conclusion

OUTLINE OF TESTIMONY OF I. GUYMAN MARTIN;
PROJECT ARCHITECT,
STUDIOS ARCHITECTURE DCPC

- I. Introduction
 - A. Project Architect, STUDIOS Architecture DCPC
 - B. Recent Projects in the District of Columbia
- II. Site Location and Description
 - A. Overview of Site, Surrounding Area, and Land Use
 - B. Site Planning
 - C. Urban Design
- III. Project Design
 - A. Design Considerations and Site Layout
 - B. Review of Building Massing and Height
 - C. Review of Floor Plans
 - D. Review of Landscape Plans
 - E. Review of Traffic and Parking Impacts
 - F. Changes from Prior Approval
- IV. Conclusion

F

EXHIBIT F

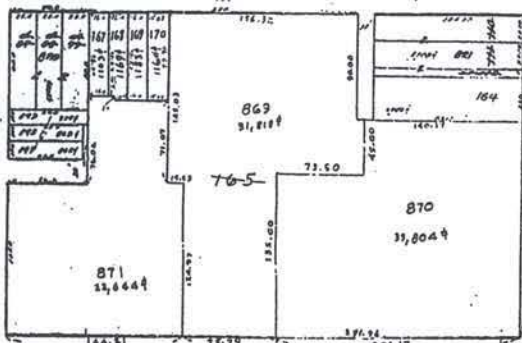
LIST OF PUBLICLY AVAILABLE MAPS, PLANS AND OTHER DOCUMENTS

1. Exhibits Herein
2. Zoning Regulations and Map of the District of Columbia
3. Generalized Land Use Map of the District of Columbia
4. Ward 2 Plan
5. District of Columbia Comprehensive Plan
6. Metrobus and Metrorail Route Maps
7. Orders of the D. C. Zoning Commission and Board of Zoning Adjustment

66

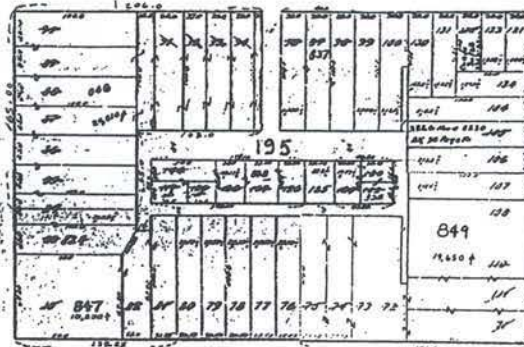
SQ 181

ST.



0

STREET



STREET

STREET

0

STREET

SQ 181



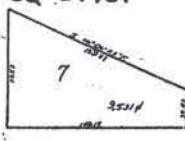
17TH

16TH

MASS

AVE

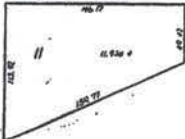
SQ 3.181



ST.

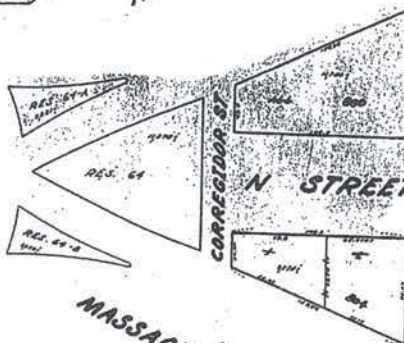
N STREET

SQ N 182



BATAAN ST

RHODE ISLAND AVENUE N

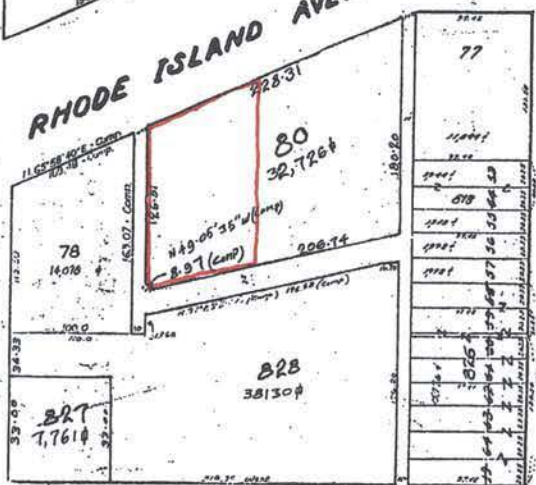


SQ 195

15TH

SQ 196

SQ 196

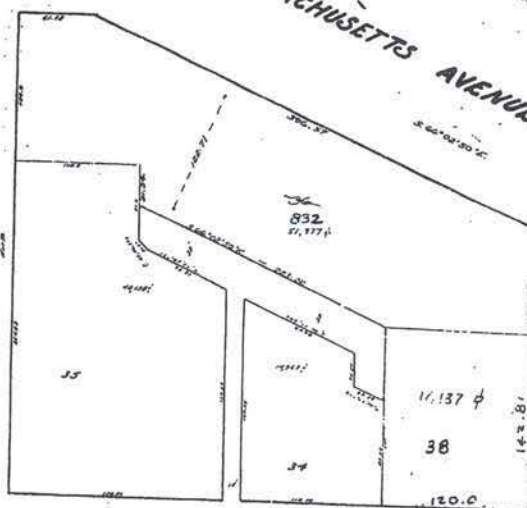


17TH

16TH

ST.

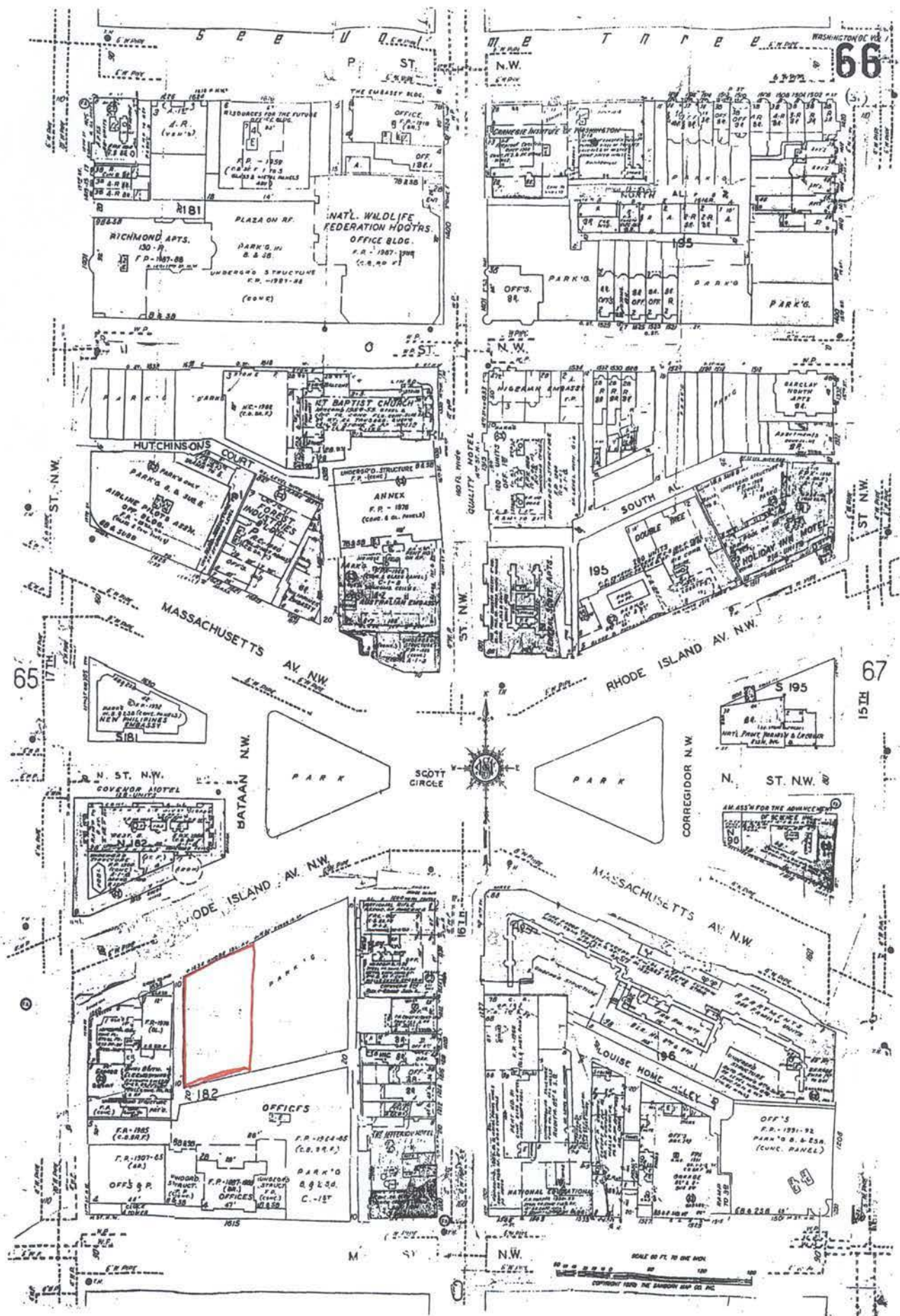
MASSACHUSETTS AVENUE

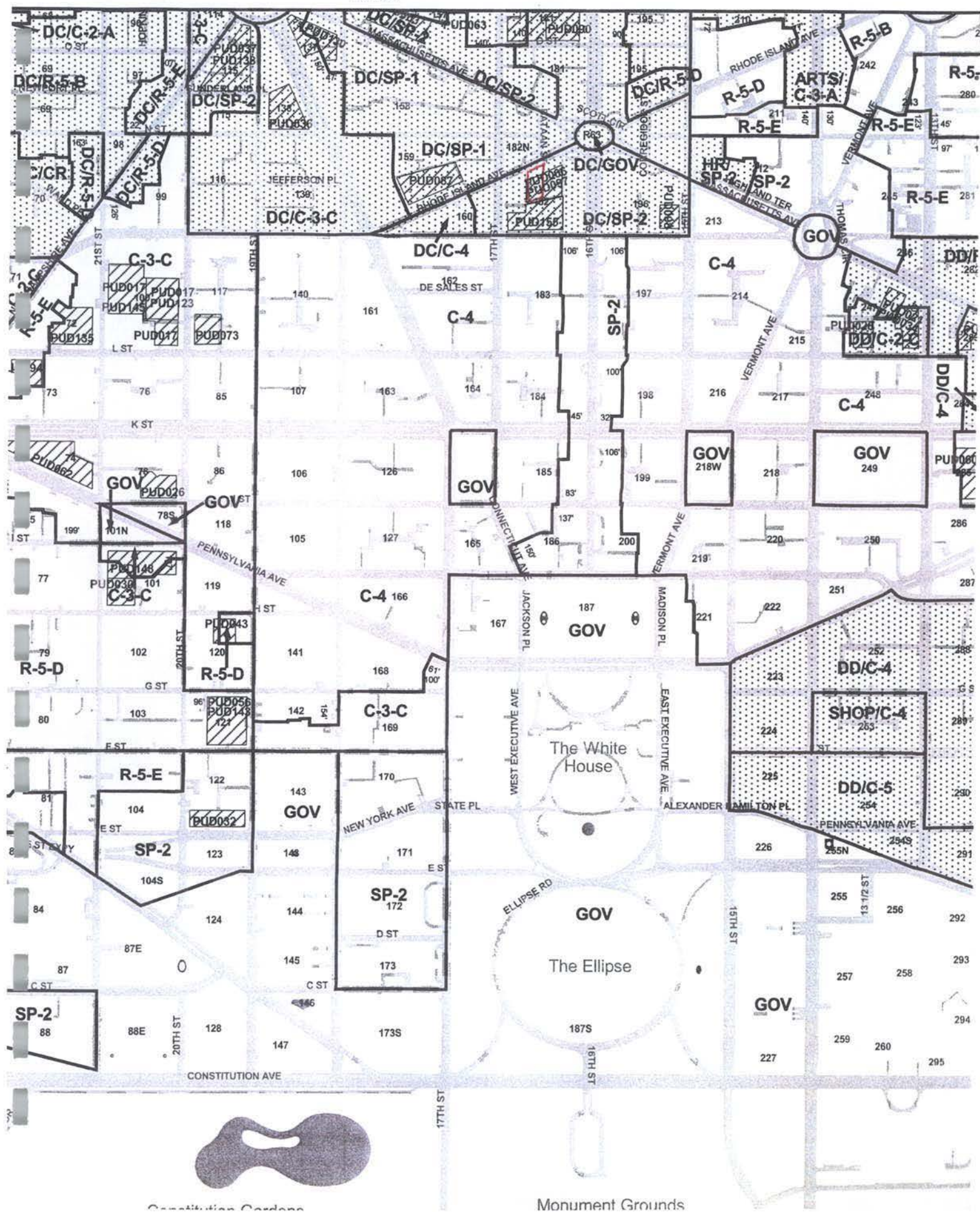


SQ 182

M

ST.





LOTS 800 AND UP ARE TAX NUMBERS.

DANIEL WEBSTER

RES. 62

STATUE

SCO
SCOTT'S
RES. 6
CIRC

AVE

110.

HOLIDAY INN
803 11939
N182
(10)
8709 159.67 16/5

NATH RILEY
ASSN.

77

56

S.T.

CHURCH

SUMNER
PUBLIC SCHOOL
(7) 13187
804 (6)

GRAMMERY
(37) (38) (39) (40) 824
3RC65

182

MAGRUDER
SCHOOL

JEFFERSON
819 (63)

ST

102

17,013

835

41

42

43

44

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

815

815

815

5324

815

815

815

G

**NAME AND MAILING ADDRESS OF THE OWNERS OF ALL PROPERTY WITHIN 200
FEET IN ALL DIRECTIONS FROM ALL BOUNDARIES OF THE PROPERTY
INVOLVED IN THE APPLICATION**

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISES ADDRESS</u>	<u>OWNER AND MAILING ADDRESS</u>
Res. 62 Res. 62 Res. 63	--- A & B ---	Rhode Island Ave, NW	US Gov't Property National Park Service Mr. John Parsons, Director Cooperative Activities 1100 Ohio Drive, SW Washington, D.C. 20024
160	809	1200 17 th Street, NW	National Restaurant Association c/o Bob Harrington 1200 17 th Street, NW Washington, D.C. 20036-3006
182	55	1220 16 th Street, NW	American Hellenic Institute Foundation 1220 16 th Street, NW Washington, DC 20036-3202
182	56	1218 16 th Street, NW	National Council of Negro Women c/o CFO 633 Pennsylvania Avenue, NW Washington, DC 20004-2605
182	57	1216 16 th Street, NW	D. J. Drennan 1216 16 th Street, NW Washington, DC 20036-3202
182	78	1640 Rhode Island Ave, NW	Human Rights Campaign Foundation 1640 Rhode Island Avenue, NW Washington, DC 20036-3206
182	83	1608 Rhode Island Ave, NW	The Regents of the University of California c/o Real Estate Services GP 1111 Franklin Street, Fl 6 Oakland, CA 94607-5201
182	826	1200 16 th Street, NW	DC Hotel VEF III Operator Inc. c/o Jefferson Hotel 1200 16th Street, NW Washington, DC 20036-3202

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISES ADDRESS</u>	<u>OWNER AND MAILING ADDRESS</u>
182	827 828	1675 M Street, NW M Street, NW	District of Columbia Government 1133 North Capitol Street, NE Washington, DC 20002
182	828	1615 M Street, NW	17M Associates c/o Boston Properties 401 9 th Street, NW, # 700 Washington, DC 20004-2131
182	829	1222 16 th Street, NW	American Academy of Achievement Corp. 1222 16 th Street, NW Washington, DC 20036-3202
182	830	1600 Rhode Island Ave, NW	Millbank Massachusetts Avenue, LP 3299 K Street, NW, Suite 700 Washington, DC 20007-4438
182N	11	1615 Rhode Island Ave, NW	1615 LLL LP c/o The Beacon Hotel 1615 Rhode Island Avenue, NW Washington, DC 20036-3205
			ANC 2B 9 Dupont Circle Washington, DC 20036

Document #: 1469601 v.1

H

EXHIBIT H
CERTIFICATION OF COMPLIANCE WITH SECTION 3013
OF THE ZONING REGULATIONS

On behalf of the Partnership, we hereby certify that this Prehearing Submission, twenty copies of which were filed with Zoning Commission on June 21, 2005, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, and that the application is complete.

We also certify that certain modifications and refinements have been made to the project and materials provided to the Zoning Commission since the original submission in response to comments raised in meetings that have been held with members of the neighboring community, the Office of Planning and in response to the comments of the Commission members at the May 19, 2005 public meeting.

We note that there are no persons or organizations that have a lease for any portion of the property involved in the application, therefore, § 3013.6(b) is satisfied.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission Additional Information, Reports or Other Materials Which the Applicant Wishes To Introduce	Prehearing Submission
3013.1(b) List of Witnesses	Prehearing Submission
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record	Prehearing Submission
3013.1 (d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Prehearing Submission
3013.1(e) Reduced Plans	Exhibit A, Prehearing Submission

<u>Sub-Section</u>		<u>Page</u>
3013.1(f)	List of Publicly Available Maps, Plans and Other Documents	Exhibit F Prehearing Submission
3013.1(g)	Estimate Time Required for Presentation of Applicant's Case	1.0 hour
3013.2	Two Sets of Full Size Plans	Submitted Herewith
3013.3 and 3013.6(a)	List of Names and Addresses of Property Owners within 200 Feet of the Subject site	Exhibit G Prehearing Submission
3013.4	First Source Employment Agreement with Department of Employment Services and Proposed Memorandum of Understanding with the Office of Local Business Development	Exhibits B & C, Prehearing Submission

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman



Phil Feola