ZONING COMMISSION CASE NO. 03-16
(Watergate Hotel Conversion)

WATERGATE EAST COMMITTEE AGAINST HOTEL CONVERSION TO CO-OP APARTMENTS FILING REGARDING FINDINGS OF FACT AND CONCLUSIONS OF LAW

Watergate East Committee Against Hotel Conversion to Co-op Apartments adopts Watergate West's proposed Findings of Fact and Conclusions of Law (as seen in draft), with the following requested changes:

Findings of Fact

A. The following should be added to numbered paragraph 1:

In addition to Lot 807 in Square 8, property owned by Watergate East, Inc. Lot 806 in Square 8 is also a part of the planned use by the Applicant. The Lot 806 space is space in the Hotel which is presently leased to the Hotel and which is the subject of an unresolved possible sale to the Hotel. This space would be used by the proposed co-op for, among other things, necessary parking.

It is not known whether the presently leased property in Lot 806 will be sold to the Applicant. We are informed that the ballots on the proposed sale by Watergate East showed less than a 1% majority of votes in favor of sale and that the ballots were destroyed. A re-vote has been requested by Petition.

B. Numbered paragraph 4 should indicate the correct name of the opponent Committee:

"Watergate East Committee Against Hotel Conversion to Co-op Apartments."

C. Numbered paragraph 7 should have the correct address of the last office building as "2600 Virginia Avenue, N.W."

D. Numbered paragraph 8 perhaps should be changed to substitute "undergoing" for "slated for" so that the last sentence would read:

"The Kennedy Center, undergoing major expansion adjoins Watergate South."

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E. Numbered paragraph 12B should be changed to read:

"B. The restaurant and health club exist at this time. The proposed conversion would make health club space and equipment available to co-op residents but would not provide for any staff or operator. Entry would be by key card. The restaurant space and equipment would be made available to a restaurant operator. It would be up to the co-op residents to find hotel operator and health club operator.

F. Numbered paragraph 13 should be changed to read:

"The Committee for Concerned Owners in Watergate East for Conversion testified in support of the Application. Two votes have shown Watergate East resident/owners are fairly evenly split on the issue. Monument and the Hotel proposed to pay $4,250,000 to Watergate East for ownership of space over Lot 806, Square 8 presently leased to the Hotel by WEI for $12 a year, and Watergate East would retain ownership fo the land in Lot 806 and responsibility for real estate taxes.

G. Numbered paragraph 14 should be changed to correctly name this opponent Committee:

"Watergate East Committee Against Hotel Conversion to Co-op Apartments.

H. Numbered paragraph 16 should be changed to read:

"The Applicant has agreed to provide alternative restaurant space at a different site, at no charge for restaurant use. In addition, the Applicant has agreed to update the health club, although the allotted square footage will be decreased by 23% and the memberships available decreased by 46%.

The Opposition counters that this is simply continuing a small portion of the existing amenity package; even if it were not diminished in attractiveness or convenience, it is not a supply of the same or additional amenities. Space and equipment would simply be provided. There is no reason to believe co-op members would be able to find operators willing to run a restaurant and health club in a co-op with no hotel traffic.

The Commission credits the Opposition's position on this issue and finds that continuing existing amenities is not sufficient grounds for amending a PUD.

CONCLUSIONS OF LAW

A. Numbered paragraph 5 should be changed to read:

5. The Commission concludes that inclusion of space and equipment for a restaurant and health club in the modification is simply partial continuation of existing amenities with no real probability that co-op residents will have access to a quality restaurant and a real health "club" rather than a collection of machines.

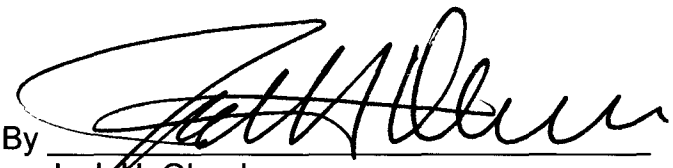
B. A numbered paragraph 8 should be added:

8. "The Commission concludes that an integral part of the Applicant's proposed use would include Lot 806 in Square 8 which significant fact was not included in the notice and that without the space on Lot 806, Applicant could not provide the requisite parking for its intended use."

Thank you for your consideration.

Respectfully submitted,

Watergate East Committee Against Hotel Conversion to Co-Op Apartments

By 

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2004, a copy of the foregoing Watergate East Committee Against Hotel Conversion to Co-op Apartments Filing Regarding Findings of Fact and Conclusions of Law was served by First Class U.S. Mail on the following persons or organizations:

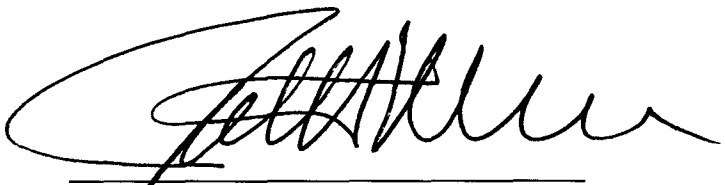
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