

April 2, 2018



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VIA IZIS

Frederick Hill, Chairperson
Board of Zoning Adjustment
441 4th Street NW Suite 210S
Washington, DC 20001

Re: BZA Application 19722 - 923-927 5th Street NW
Applicant's Update to Witness List

Dear Chairperson Hill and Members of the Board:

On behalf of Kline Operations, LLC (the "Applicant"), in advance of the hearing scheduled for April 4, 2018, the Applicant hereby submits for the record the enclosed resumes, attached at **Tab A**, for two expert witnesses who will testify in connection with the Applicant's presentation to the Board: 1) Stephen Varga, qualified before this Board as a planning and land use expert; and 2) Erwin Andres, qualified before this Board as a transportation engineer expert. The Applicant reserved the right to amend the initial witness list in their initial filing at BZA Exhibit 16.

Enclosed please also find a land use and planning report submitted by the Applicant's expert witness, Stephen Varga, at **Tab B**. Mr. Andres's transportation report was filed into the record as an exhibit to the Applicant's prehearing statement and is included at BZA Exhibit 39B.

Thank you for your attention to this matter. We look forward to presenting the application at the hearing on April 4, 2018.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Meridith H. Moldenhauer", written over a horizontal line.

Meridith H. Moldenhauer
Alyssa L. Bigley
1200 19th Street NW
Washington, DC 20036

TAB A

Erwin N. Andres, P.E.

Principal

Mr. Andres has 20 years of experience working on a wide range of traffic and transportation projects serving private sector, public sector, institutional, and federal agency clients in the metropolitan Washington, DC area. His diverse experience bridges the disciplines of civil engineering design, urban transportation planning, traffic engineering, land development, environmental analysis, and transportation systems design.

His experience has also been geared to serve the strategic development needs of private developers, address local jurisdictional approval requirements for federal agency clients, and develop sound transportation operational and management plans for institutional clients. Mr. Andres has directed studies related to traffic circulation, transit, parking demand, and transportation demand management for new developments and urban infill redevelopments. He has performed traffic impact assessments for a wide range of land uses that include residential, office, shopping and convention centers, and institutional complexes.

Professional Registration: Professional Engineer: Maryland (#29177), New Jersey (#4557000)

Education: Bachelor of Science, Civil Engineering, *Rutgers University, New Brunswick, NJ (1994)*

Publications: "Ask the Expert", Healthcare Magazine, November 2003
ULI North Capitol Main Street Technical Assistance Program Study, August 2009

Professional Associations:

Urban Land Institute (ULI)

American Planning Association (APA)

Institute of Transportation Engineers (ITE)

DC Building Industry Association (DCBIA)

Georgetown University Real Estate Program, Lecturer

University of Maryland School of Architecture, Lecturer

Lambda Alpha International (LAI), Chapter President

International Council of Shopping Centers (ICSC)

MIXED-USE AND TRANSIT ORIENTED DEVELOPMENTS

Mr. Andres has managed a number of mixed-used developments in the District of Columbia. The analysis addresses the existing traffic conditions, future traffic conditions without development, and future traffic conditions with development. Other tasks that are usually involved in larger projects of this nature are traffic signal design plans, parking analysis, site access and circulation planning, vehicular maneuverability analysis and loading access design, and Transportation Demand Management (TDM). Mr. Andres has also managed transportation studies for mixed-use developments that analyzed potential multi-trip sharing and shared parking between restaurant, hotel, bank, residential, office, and retail center uses. Principal tasks of these projects include vehicular and parking generation, development of parking demand profiles, entrance design for large vehicle circulation access, and identification of general street traffic conditions around the site.

Representative projects include the following:

CityCenter DC, Washington, DC
The Yards, Washington, DC
Burnham Place at Union Station, Washington, DC
Georgetown Safeway, Washington, DC
North Bethesda Conference Center, Bethesda, MD
Skyland Town Center, Washington, DC
The Louis at 14th & U, Washington, DC

The Apollo (H St. NE) Whole Foods, Washington, DC
Florida Rock Redevelopment, Washington, DC
Half Street Akridge Development, Washington, DC
Petworth Safeway, Washington, DC
East Capitol Street Gateway, Washington, DC
Georgia Avenue Walmart, Washington, DC
H Street Connection, Washington, DC

MASTER PLANNING AND REDEVELOPMENT PROJECTS

Mr. Andres has worked on the transportation aspects of comprehensive master plans. Tasks for these types of projects include developing multi-modal plans, long-term transportation master plans, near-term detailed traffic analyses, on-site circulation studies, parking studies, maneuverability analyses, and Transportation Demand Management plans. Representative projects include the following:

Walter Reed Army Medical Center, Washington, DC
Brookland/CUA Small Area Plan, Washington, DC
Takoma Small Area Plan, Washington, DC
NASA Goddard Master Plan, Greenbelt, MD
NIH Master Plan, Bethesda, MD
NSA-Bethesda Master Plan
DC United Soccer Stadium, Washington, DC
USDOT Headquarters Building, Washington, DC

Mt. Rainier M-UTC Plan, Mt. Rainier, MD
FBI Headquarters Building, Washington, DC
Suitland Federal Center, Suitland, MD
NCI-Frederick Master Plan, Ft. Detrick, MD
Florida Avenue Market, Washington, DC
Washington Nationals Stadium, Washington, DC
DHS at St. Elizabeth's Campus, Washington, DC

CAMPUSES, SCHOOLS, AND INSTITUTIONS

Mr. Andres has been involved with the development of circulation studies, traffic simulations, traffic signal design, parking studies, transportation master plans and data collection for many universities, schools and institutions. Representative projects include the following:

Ohio State University, Columbus, OH
UVA Health Sciences District, Charlottesville, VA
National Museum AAH&C, Washington, DC
Washington International School, Washington, DC
Washington National Cathedral, Washington, DC
Woodrow Wilson High School, Washington, DC
Cardozo High School, Washington, DC

Kingsbury Academy, Washington, DC
Duke Ellington School, Washington, DC
Evermay, Washington, DC
Halcyon House, Washington, DC
DC Courts, Washington, DC
National Academy of Sciences, Washington, DC
Corcoran Art Gallery Addition, Washington, DC

PUBLIC TESTIMONY

Mr. Andres has been qualified as an expert witness before Zoning Boards and Commissions in numerous jurisdictions throughout the northeast United States that include the District of Columbia, Montgomery County and Prince George's County in Maryland, and numerous counties in Pennsylvania, New Jersey, New York and Connecticut.

STEPHEN VARGA, AICP, LEED GREEN ASSOCIATE

Mr. Varga has experience in zoning and land use, sustainability best practice, comprehensive planning, as well as geographic information systems. He is currently Planning Services Director in Cozen O'Connor's Washington, DC office. In this role, he evaluates development proposals for zoning conformance and entitlement potential, drafts and submits text and map amendments as part of the District's 'Open Call' Comprehensive Plan update, and monitors and researches local government land use policies.

Prior to joining Cozen O'Connor, he served as director of planning services at Griffin, Murphy, Moldenhauer and Wiggins LLP after serving for nearly 10 years as an urban planner within the District of Columbia government.

From 2008-2010, he worked at the District of Columbia Office of Planning, an agency which guides development in the District while implementing preservation, revitalization, and strategic goals. As a development review specialist, he was responsible for reviewing zoning applications and presented agency recommendations at public meetings. Additionally, he served as core team member of Zoning Regulations Review project, a multi-year effort to comprehensively revise and modernize the zoning regulations of the District. He produced zoning recommendation reports and zoning regulation text, particularly for mixed use, transit-oriented development, and sustainability subject areas. This work would eventually become adopted as "ZR16," the new zoning regulations of the District, in effect since September 6, 2016.

From 2011-2016, he served at the District of Columbia Office of Zoning (DCOZ), an agency which provides administrative, professional, and technical assistance to the Zoning Commission and the Board of Zoning Adjustment (BZA) in support of their oversight and adjudication of zoning matters in the District of Columbia. Upon joining DCOZ, he worked as a zoning specialist, and eventually senior zoning specialist, where he was responsible for communicating complex technical and regulatory information to a wide range of stakeholders, including applicants, BZA, Advisory Neighborhood Commissions, and the public. In addition to carrying out his explanatory duties, he analyzed and managed hundreds of zoning applications per year, ensuring each complied with applicable procedures and requirements. He also improved the BZA application processes for applicants, and clarified rights and responsibilities for stakeholders, resulting in more-timely and efficient hearings. Additionally, he adapted BZA zoning processes in the Interactive Zoning Information System to conform with ZR16.

Mr. Varga holds a Master's Degree in City & Regional Planning from the Ohio State University. He graduated with a Bachelor of Arts Degree from the Ohio State University.

He has been a member of the American Planning Association since 2003. He earned his American Institute of Certified Planners ("AICP") designation in 2007, and his LEED Green Associate designation in 2010.

TAB B

**KLINE OPERATIONS, LLC
BZA CASE #19722**

LAND USE & PLANNING SUMMARY

PROPERTY INFORMATION

- Address(es): 923-927 5th Street N.W.
- Square/Lot(s): Sq. 516, Lots 827-829, 833
- Existing: Unimproved, extant facade
- Proposed: 65,957 s.f. hotel with ground-floor and penthouse restaurant/lounge (the “Project”)
- Historic District: Mount Vernon Triangle
- Lot size: 6,639 s.f. (combined)



ZONING

The Project conforms to the D-4-R (Downtown-Residential) zone plan because it satisfies the purpose, general provisions, objectives, use permissions, and design requirements of the zone:

- Provide for an appropriate mix of high-density office, retail, service, residential, entertainment, *lodging*, institutional, and other uses, often grouped into neighborhoods with distinct identities
- Protect historic buildings and places while permitting compatible new development
- Establish design or use requirements for the ground-level of buildings facing certain streets that are of high priority for furthering retail, pedestrian or historic purposes contained in the Comprehensive Plan

Further, the Project conforms to the objectives of the Mount Vernon Triangle Sub-Area:

- Promote the development of *ground floor level food and beverage uses* that serve the immediate and nearby neighborhoods, as well as the Convention Center and downtown, in street frontages that will be active, pedestrian-friendly places

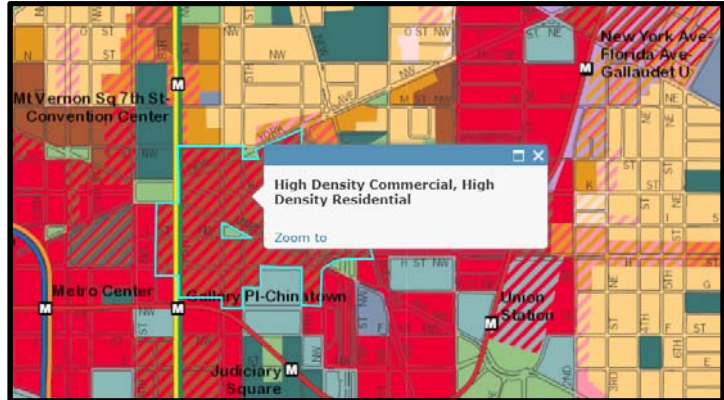


COMPREHENSIVE PLAN - MAPS

The requested zoning relief and Project is not inconsistent with the Future Land Use Map designation as follows:

High Density Commercial:

This designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed. The corresponding Zone districts are generally C-2-C (MU-6), C-3-C (MU-7), C-4 (D-6), and C-5 (D-7), although other districts may apply.

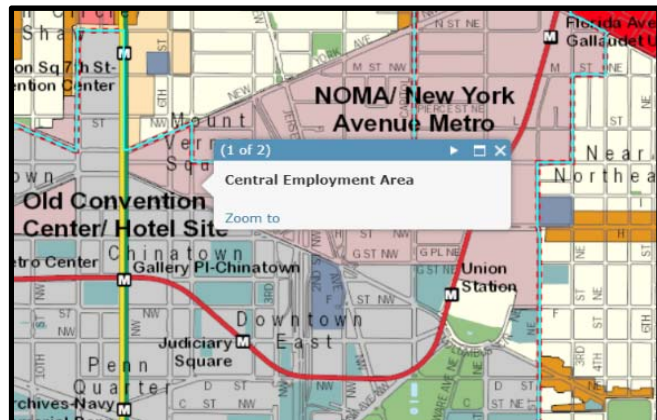


High Density Residential: This designation is used to define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The corresponding Zone districts are generally R-5-D and R-5-E, although other zones may apply.

The requested zoning relief and Project is not inconsistent with the Generalized Policy Map designation as follows:

Central Employment Area:

The Central Employment Area is the business and retail heart of the District and the metropolitan area. It has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and *hotels*, restaurants, and other hospitality uses. The Central Employment Area draws patrons, workers, and visitors from across the region. The Comprehensive Plan's Land Use and Economic Development Elements, and the Central Washington Area Element and Anacostia Waterfront Element provide additional guidance, policies and actions related to the Central Employment Area.



RELEVANT ELEMENTS FROM THE COMPREHENSIVE PLAN

The requested zoning relief and Project is not inconsistent with several planning objectives detailed in the Comprehensive Plan as follows:

Framework Element

- Promoting redevelopment and infill opportunities, particularly along corridors and near transit stations
- Increasing access to jobs for District residents and providing a mix of employment opportunities

Land Use Element

- Providing for the continued vitality of Central Washington by providing the city's greatest concentration of higher density development, including hotel, restaurant, and bar uses
- Prioritizing attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking
- Favoring infill development on vacant lots, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street

Economic Development Element

- Developing an increasingly robust tourism and convention industry by providing an adequate supply of lodging
- Promoting the vitality and diversity of Washington's neighborhood commercial areas by attracting new businesses and improving the mix of goods and services available to residents

Urban Design Element

- Promoting excellence in the design of Downtown buildings with greater architectural details used to improve visual image
- Creating visual interest through well-designed building facades, storefront windows, and attractive signage
- Activating neighborhood shopping streets, especially through complementary ground floor uses (such as retail rather than offices) and a high level of transparency and window space.

Central Washington Area Element

- Fulfilling development goals of providing adequate supply of lodging in Central Washington
- Generating jobs for District residents
- Providing a complementary use which capitalizes on and supports the presence of the Washington Convention Center
- Promoting active, pedestrian-friendly streets in the Downtown zones

RELEVANT ELEMENTS FROM SMALL AREA PLANS

The requested zoning relief and Project fulfills several planning objectives detailed in Small Area Plans currently being incorporated into the PlanDC Comprehensive Plan amendment process:

Mount Vernon Triangle Action Agenda – 2003

- Contributing a complementary use to cultural and retail destinations
- Bringing nightlife, weekend, and holiday visitors and providing a cafe

Mount Vernon Triangle Transportation and Public Realm Design Project – 2006

- Welcoming an aesthetically-attractive building to the neighborhood

- Reflecting the neighborhood’s mixed-use character and history

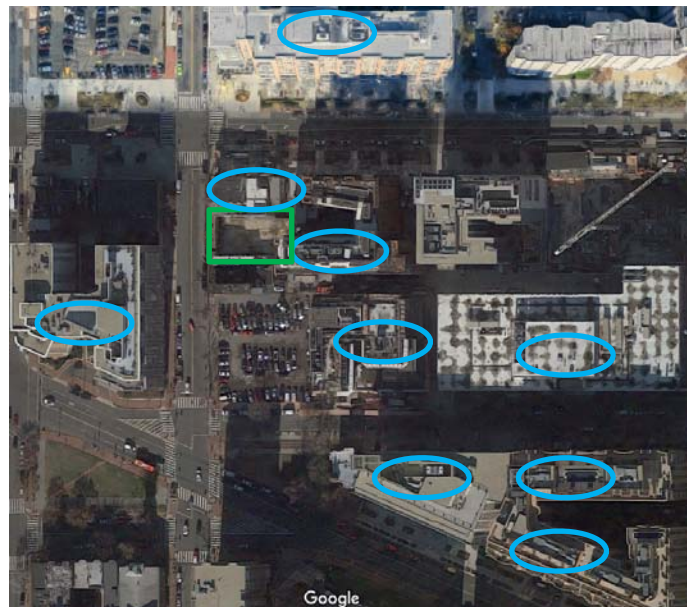
Center City Action Agenda – 2008

- Helping to fulfill the goal of developing the hospitality and tourism market in the Center City
- Creating new jobs for District residents

SUMMARY

The Project satisfies the applicable zoning standards of both the D-4-R zone and the Mount Vernon Triangle Sub-Area by:

- Providing a high-quality, attractive building with complementary ground floor use
- Encouraging a pedestrian scale of development to activate the street
- Fulfilling development goals of providing adequate supply of lodging in Central Washington
- Supporting the vitality of Central Washington by providing a hotel and complementary uses where they are most needed
- Increasing access to jobs for District residents and providing a mix of employment opportunities
- Preserving historic facades and contributing to the unique use and historic design requirements of the zone
- Providing penthouse design that is of similar size and scale as other penthouses found on the square and in the neighborhood. The square is improved with other 10-12 story large apartment buildings and other mixed-use developments that provide similar penthouse design as that proposed by the Project:



The requested zoning relief is in character with the Mount Vernon Triangle neighborhood and the context is appropriate. The Project fulfills numerous planning elements and successfully integrates the design with the character of the Mount Vernon Triangle neighborhood. The requested relief does not have an adverse impact on character of the neighborhood or the zone plan for Mount Vernon Triangle. Importantly, the design satisfies the intent of the penthouse setback requirement

by providing a roof structure that is visually less-intrusive and better-designed than a matter-of-right design, as best practice dictates. Further, the light and air of adjacent buildings is not adversely affected.

Moreover, granting the requested relief will not negatively impact the public good as it fulfills many other planning objectives, and is harmonious with the D-4-R zone plan as listed above. Therefore, the requested zoning relief should be granted.

CERTIFICATE OF SERVICE

I certify that on April 2, 2018, a copy of this Cover Letter with enclosed attachments was served via email on the Office of Planning and Advisory Neighborhood Commission 6E, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
Stephen.cochran@dc.gov

Advisory Neighborhood Commission 5E
Alex Marriot, SMD 6E05 and Chair
6E05@anc.dc.gov
Anthony Brown, Chair of Development and Zoning Committee
brownanc6e@gmail.com

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to be "M. Marriot", written over a horizontal line.