

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Appeal by NH Street Partners Holdings, LLC

BZA Appeal No. 18735

ANC 2A06

Public Hearing: April 1, 2014

APPELLANT'S PRE-HEARING STATEMENT

The Appellant, NH Street Partners Holdings LLC, by and through undersigned counsel, respectfully submits this Pre-Hearing Statement in support of its Appeal of the November 27, 2013 issuance of Building Permit No. B1310607. This Building Permit authorizes “New Construction of 9-Story, 168 Guestroom Hotel Addition to the Existing Washington Marriott Hotel” as a Hyatt Hotel on Lot 880 in Square 70 (“Building Permit”). (The Building Permit is attached as Exhibit “A”). The Building Permit was erroneously issued in violation of the Zoning Regulations for the numerous reasons set forth below and must be REVOKED.

I. HYATT PROPERTY AND PROPOSED DEVELOPMENT

The Building Permit authorizes construction activities on Lot 880 in Square 70. Lot 880 comprises a portion of Record Lot 190 in Square 70 and is located in the DC/CR zone district at 2121 M Street, N.W. (“**Hyatt Property**”).

The Hyatt Property is proposed to be developed with a nine-story building for use as a Hyatt Hotel (“**Hyatt Hotel**”). Based on the Building Permit and review of the plans for the Hyatt Hotel (“Hyatt Plans”), the proposed construction purports to be an addition to the existing Marriott Hotel (“**Marriott Hotel**”) at 1217-1221 22nd Street, NW and 2119 M Street, NW (Square 70, Lots 881, 883 and 884). (See Parcel Map showing the location of the Marriott Hotel attached as Exhibit “B”). The proposed Hyatt Hotel addition will contain 168 new rooms and

thirty-four (34) new off-street parking spaces in the underground garage. Exhibit "C". (Hyatt Addition Plans).

II. SUMMARY OF APPEAL

A. Proposed Hyatt Hotel is Free-Standing Building.

1. No meaningful connection to existing Marriott Hotel.
2. No required record lot.
3. Failure to provide required parking and loading.
4. No required rear yard.

B. Proposed Hyatt Hotel Addition to Existing Marriott.

1. Failure to provide required parking.
2. Unauthorized configuration of compact parking spaces.
3. Unauthorized percentage of compact parking spaces.
4. Failure to provide required loading.
5. Unauthorized location of required loading berths.
6. Failure to provide required roof penthouse setback.
7. Failure to provide required open public space.

III. DEVELOPMENT HISTORY FOR EXISTING MARRIOTT HOTEL

In 1980, construction of the original eight-story 350 room Marriott Hotel was begun over and around the existing Blackie's House of Beef Restaurant. During construction, the Marriott was required to obtain BZA approval for: a) a special exception from roof setback and enclosure requirements; and b) a variance for unequal height of roof structures. BZA Orders 13251 (dated October 31, 1980 and April 30, 1981). The original Marriott Hotel provided 89 off-street

parking spaces (approximately 1 for each 4 sleeping rooms). Exhibit "D". (Zoning Computation Sheet ZA-88-97).

In 1988-89, a seventy-one (71)-room addition to the original Marriott Hotel was initiated to add a ninth floor over the existing 8-story hotel and a new 9-story addition on M Street, N.W. ("Marriott Addition"). Exhibit "E" (Marriott Addition Plans). In addition to the existing 89 off-street parking spaces, the Marriott Addition was required to provide eighteen (18) new parking spaces (1 for each 4 sleeping rooms) for a total of 107 required spaces for the enlarged 421 room hotel. Exhibits "D" and "E".

The current Marriott Hotel operates pursuant to a January 24, 2014 Basic Business License for a 425 room Hotel. Exhibit "F", which references the most recent Certificate of Occupancy No. CO 139414 authorizing a "Hotel (354) Rooms with Accessory Garage." Exhibit "G". Significantly, while limited by its current Basic Business License (425 rooms) and Certificate of Occupancy (354 rooms), the Marriott Hotel advertises itself as "462 rooms and 8 suites." Exhibit "H".

IV. ZONING VIOLATIONS

The Building Permit is in violation of at least eight (8) sections or subsections of the Zoning Regulations as enumerated and discussed below and must, therefore, be REVOKED. In addition, the Building Permit may violate other sections or subsections of the Zoning Regulations which could not be confirmed by Appellant based on the limited and incomplete documents available to it at the time of the filing of this Appeal. Any additional violations determined by Appellant based upon the submission of additional documents, testimony or other evidence of record will be set forth by Appellant in a post-hearing supplementary submission following the public hearing on this Appeal.

A. Without a Meaningful Connection, Each Structure Is a Separate Building for Zoning Purposes and Each Structure Must Provide a Separate Record Lot.

Although the Hyatt Plans characterize the proposed hotel as an addition to the existing Marriott Hotel, no meaningful or substantial connection of the proposed Hyatt Hotel to the existing Marriott Hotel is shown on the plans.¹ The Zoning Regulations state that “(w)hen separated from the ground up or from the lowest floor up, each portion [of a structure] shall be deemed a separate building....”² and that “(t)he existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.”³ (Emphasis added.) Further, the Zoning Commission has held that a connection between an existing building and an addition must be a “substantial” or “meaningful” connection for the structures to be considered a single building for zoning purposes. See Z.C. Case No. 08-34 (2011) and Z.C. Case No. 04-36 (2006). More recently, the importance of a “meaningful” building connection is emphasized by the Zoning Regulations Re-Write by proposing Section 501.

501.1 - Single or Separate Buildings:

Structures or sections shall be considered parts of a single building if they are joined by a connection that is:

- (a) Fully above grade;
- (b) Enclosed;
- (c) Heated and artificially lit; and
- (d) Either:

¹ DCRA apparently accepted the Hotel Developer’s characterization of the Hyatt Hotel as an addition to the existing Marriott Hotel since the Building Permit authorizes an “addition,” rather than “new construction.”

² See the definition of “Building” in Section 199.1.

³ Id.

(1) Common space shared by users of all portions of the building, such as a lobby or recreation room, or

(2) Space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.

Proposed Section 501. Exhibit "I".

Based on Appellant's review of the Hyatt Plans, there is no meaningful or direct communication between the existing Marriott Hotel and the proposed Hyatt Hotel addition. The only "communications" depicted do not qualify as "meaningful or substantial connections", as discussed below:

1. Marriott's existing parking lot ramp which provides access from 22nd Street through the Marriott Hotel and, pursuant to the Hyatt Plans, will connect to the proposed underground parking garage of the Hyatt Hotel violate Section 199.1. See Exhibit "C", Sheet A101 of the Hyatt Plans ("Lower Level Floor Plan"). Because the ramp is located below the main floor, it cannot be considered an allowable connection.

2. Three doors, two of which connect to a service corridor and one of which appears to be a locked emergency egress door do not constitute a "meaningful" connection. The first two doors are apparently provided to allow two retailers in the existing Marriott hotel, Walgreens and Starbucks, to access a service corridor that leads to the loading and trash areas. A door from the Hyatt addition provides access to the same service corridor. The service corridor is not open to the public and does not provide direct access to the Marriott Hotel. See Exhibit "C", Sheet A102.

Since none of the above-referenced communications entitle the Hyatt Hotel to be considered a bona fide addition to the existing Marriott Hotel, the Hyatt Hotel must be constructed on its own single lot of record as required by Section 3202.3. As such, the Hyatt Hotel will need to satisfy all zoning requirements based on its own required Record lot and it cannot “bootstrap” on the land or building that comprise the separate Marriott Hotel.

The Hotel Developer’s failure to provide a meaningful or significant building connection between two entirely separate, distinct and competing hotel operations does not constitute a de minimus, minor or technical zoning requirement. Instead, such a failure has real advantage to the Hotel Developer and significant negative impact on to the Appellant and to the general public. Specifically, if the Hyatt Hotel is required to be constructed on its own record lot, the Hyatt Hotel will need to provide *inter alia* (i) its own parking and loading facilities (i.e., it cannot claim any benefit from existing parking and loading facilities provided in the Marriott Hotel which the Hyatt Hotel apparently has no right to use in any event), (ii) a rear yard⁴, and (iii) penthouse setbacks measured from its own property, not from the adjacent Marriott Hotel property.

Because the Hyatt Hotel fails to qualify as an addition, it must be regarded as a separate structure and, as such, it must comply with Section 3202.3. Section 3202.3 requires that “...a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure... unless the land for the proposed erection, construction, or conversion has

⁴ If the Hyatt Hotel were to be constructed on its own record lot, it would be required to provide a rear yard. If, by contrast, the Hyatt Hotel is deemed to be an addition to the Marriott Hotel, the Hyatt Hotel would not be required to provide a rear yard because the larger record lot (on which the existing Marriott Hotel is located) has 3 street frontages and qualifies as a corner lot. The Hyatt Hotel has only one street frontage.

been divided so that each structure will be on a separate lot of record....”⁵ Since the Hyatt Hotel is not proposed to be developed on its own separate lot of record and thus violates Section 3202.3, the Building Permit was erroneously issued and must be REVOKED.

B. The Proposed Hyatt Hotel Fails to Provide the Required Number of Parking Spaces.

The proposed Hyatt Hotel fails to provide the required number of parking spaces. Pursuant to Section 2100.1, “all buildings or structures erected after May 12, 1958 shall be provided with parking spaces to the extent specified in § 2101.” The proposed Hyatt Hotel must comply with the parking requirements required for hotels in the CR district, but fails to do so.

As a separate building, not a “bonafide” addition, the Hyatt Hotel fails to provide the required number of parking spaces required by Section 2101.1. That section requires 1 space for every four hotel rooms plus 1 space for every 300 square feet of floor area in either the largest function room or the largest exhibit space whichever is greater. With respect to the proposed hotel a minimum of 48 parking spaces are required $[168 \text{ rooms}/4 + 1750/300 = 48]$. Exhibit “C”. However, only 33 spaces are shown by the plans as being provided. [Note: The “Zoning Analysis” on Sheet A002 of the Hyatt Plans indicates that 34 spaces are provided, but Appellant believes, based on its review of the parking plans themselves, that only 33 spaces are included.]

Even assuming *arguendo* that the proposed Hyatt Hotel is deemed a bona fide “building addition” to the existing Marriott Hotel (which Appellant strongly contests), the proposed parking provided is less than required. Page A002 of the Permit Plans indicates that the proposed addition requires 48 parking spaces $(168 \text{ rooms}/4 + 1750/300 = 48)$. The notations on page A002 further indicate that 34 of the 48 required spaces will be provided in the new Hyatt

⁵ The Building Permit references Square 70, Lot 880 (an Assessment and Taxation Lot) which on its face does not comply with the Record Lot requirements of § 3202.3.

Hotel and the remaining 14 will be provided in the existing Marriott. However, the 14 spaces to be provided in the existing Marriott are not new spaces – they are existing spaces which the Developer asserts are not required spaces that can therefore be counted towards the new Hyatt requirement. In fact, these 14 spaces do need to be provided and existing spaces in the Marriott cannot be used to meet this requirement. First, contrary to the Developer's assertion the existing 108 spaces in the Marriott are required spaces. Although the parking regulations at the time that the Marriott was initially developed provided a minimum requirement, and a maximum requirement, if parking was actually provided, it was treated as required parking. This treatment is supported by the Zoning Computation sheet for a 1988 addition to the Marriott. Exhibit "D". The Zoning Computation sheet which is also shown on page A002 of the Plans provides that 18 spaces were required for that addition. If in fact, the existing parking was not required, the 18 additional spaces required would have been satisfied by the existing 89, allegedly "non-required" parking spaces using the same logic being asserted by the Developer with respect to the 14 additional required spaces.

Even assuming that 108 existing Marriott parking spaces are not required as the Developer asserts, they cannot be used to satisfy the outstanding 14 spaces. Section 2100.10 provides that when the current Zoning Regulations require more parking than was required when a building was originally constructed, the property owner is prohibited from reducing the parking below the minimum requirement. In this case, the developer is attempting to apply 14 existing parking spaces which cannot be eliminated towards the new Hyatt requirement. In effect, this reduces the Marriott parking requirement below the current minimum requirement. The initial

Marriott contained 350 rooms,⁶ as well as an unknown area of function or exhibit space for which the current Zoning Regulations requires at least 88 parking spaces. According to the Plans, the existing Marriott currently has 108 parking spaces 18 of which were required for the 1988 addition, leaving only 90 spaces. If at least 88 of the 90 spaces must be maintained pursuant to Section 2100.10 , there are not a sufficient number of spaces remaining which can be counted to meet the 14 space requirement for the new Hyatt as claimed by the Developer. In the final analysis, the Hyatt Addition is required to provide 48 additional parking spaces, but is only providing 33 or 34, which results in a deficit of fourteen (14) spaces as shown below.

Project	Total Rooms (Addition)	Existing Parking	Additional Required	Provided	Required	Variance
Original Marriott	350 (0)	0	89	89	89	---
Marriott Addition	421 (plus 71 rooms)	89	18	107	107	---
"Hyatt Addition"	589 (plus 168 rooms)	108	48	142	156	(14)
Marriott "As- Advertised"* with Hyatt Addition	630 (plus 209 rooms)	108	52	142	160	(18)

* Marriott advertised as "462 rooms and 8 suites." Exhibit "H".

C. The Hyatt Hotel Does Not Provide Compact Parking Spaces in Contiguous Groupings of Five (5) Spaces.

⁶ Page A002 of the Plans indicates that the Marriott contains 421 existing rooms. It also indicates that the 1988 addition added 71 rooms so the original hotel must have contained 350 rooms (421 rooms – 71 rooms = 350 rooms. Interestingly, however, we note that the Marriott website indicates that the hotel currently features 462 rooms and 8 suites. Exhibit "H").

The compact parking spaces shown on the Hyatt Plans fail to comply with the requirement in Section 2115.4 that compact parking spaces “shall be placed in groups of at least (5) contiguous spaces with access from the same aisle.” (See Sheets A100 and A101.) Instead, the plans of Lower Level 2 depict two (2) noncontiguous groupings of three (3) compact spaces and three (3) compact spaces that are not grouped with any other compact spaces. The plans of Lower Level 1 show two (2) groupings of four (4) compact spaces and two (2) compact spaces that are not grouped with any other compact spaces.⁷

D. The Building Permit Exceeds the Percentage of Compact Spaces Allowed.

Section 2115.2 of the Zoning Regulations authorizes any accessory parking areas or an accessory parking garage containing twenty-five (25) or more required parking spaces to “designate up to forty percent (40%) of the parking spaces for compact cars.” However, the Hyatt Plans indicate that twenty (20) of the thirty-three (33) parking spaces – sixty (60%) percent -- are sized for compact cars. As a result, the Hyatt Plans clearly violate Section 2115.2.

E. The Building Permit is in Violation of the Loading Requirements.

Pursuant to Section 2200.1, all buildings or structures erected on or after May 12, 1958 “shall be provided with loading berths, loading platforms and service/delivery spaces to the extent specified in § 2201....” The proposed Hyatt Hotel fails to provide the required number of loading facilities.

As a freestanding building, not a purported building addition, the Hyatt Plans fail to provide the required number of loading facilities as required by Section 2201.1. Pursuant to

⁷ Further, the Hyatt Hotel’s approved plans do not contain sufficient aggregate information on the existing Marriot Hotel parking garage plans to confirm compliance with the limitation on the number of compact parking spaces within an accessory parking garage containing twenty-five (25) or more required parking spaces, as set forth under §2115.2.

Section 2201.1, a hotel (for guest room areas) in all districts is required to provide: (a) one (1) loading berth that is a minimum of thirty (30) feet deep; (b) one (1) loading platform of 100 sf; and (c) one (1) service/delivery space that is a minimum of twenty (20) feet deep. By contrast, the “Zoning Analysis” on Sheet A002 of the Hyatt Plans fails to indicate that there is any applicable loading requirement. Exhibit “C”. Furthermore, a review of the site/first floor plan indicates only a “loading area” without demonstrating in any way that the required loading facilities are or can be provided.

In the event the proposed Hyatt is determined to be a bona fide addition to the existing Marriott Hotel (which the Appellant strenuously contests), the loading facilities proposed by the Hyatt Plans for the consolidated hotel (i.e., the Marriott Hotel and the proposed Hyatt Hotel together) are also in violation of Section 2201.1 of the Zoning Regulations. Based on Appellant’s review of the Zoning Computation Sheet associated with the 1990 addition to the Marriott Hotel and the Hyatt Plans, the two hotels will provide one (1) loading berth @ 30 feet deep, but fail to provide the required loading and service platforms and a fifty-five (55) foot deep berth for its combined increase in number of rooms useable for sleeping since the 1988 addition to the Marriott Hotel.⁸

Because the Marriot Hotel constructed an addition in 1988-89 and such an addition increased the number of rooms useable for sleeping by seventy-one (71) rooms (from 350 to 421), that addition would have required the provision of additional loading facilities. Specifically, such an addition would have required one (1) additional loading berth @ 30 feet

⁸ The Marriott Hotel was first constructed in about 1980. Additions were made to the Marriott in approximately 1990 and 2007.

deep, one (1) additional loading platform @ 100 sq. ft. and one (1) additional service/delivery loading space @ 20 feet.⁹

Taken together, the 1988-89 addition to the Marriott Hotel and the proposed Hyatt Hotel addition will cumulatively increase the number of rooms useable for sleeping by at least 239 rooms. Because this number of sleeping rooms is in excess of 200 rooms, the proposed Hyatt Hotel (in combination with the existing Marriott Hotel) must comply with the total number of loading facilities required by Section 2201.

The applicable minimum loading facilities requirement generated by the cumulative increase in number of sleeping rooms is outlined below.

1. Minimum Number and Size of Loading Berths:
1 @ 30 feet deep and 1 @ 55 feet deep
2. Minimum number and size of Loading Platforms:
1 @ 100 sq. ft. and 1 @ 200 sq. ft.
3. Minimum number and size of service/delivery Loading Spaces:
1 @ 20 feet deep

The existing Marriott Hotel and the proposed Hyatt Hotel do not comply with the above loading requirements.

F. The Building Permit Violates the Permissible Location of a Loading Berth in a Open Court.

The “loading area” depicted on Sheet A102 of the Hyatt Plans (“1st Floor Plan”) is located in an open court in violation of Section 2203.1 of the Zoning Regulations. Exhibit “C”.

⁹ This information assumes that the Marriott Hotel, when first constructed, complied with all then-applicable loading requirements.

Pursuant to Section 2203.1, all required loading berths and service/delivery loading spaces must be located within a building or, if provided on an “open area of the lot”, they must be located within a side yard or “(e)lsewhere on the lot, only when located in Commercial and Industrial Districts.” (Emphasis added.)

The loading area proposed on the Hyatt Property is not located within the Hyatt Hotel building and it is not located within a side yard. Instead, it is located within an open court. However, pursuant to Section 2203.1, the Hyatt loading area cannot be provided “elsewhere on the lot” because the Hyatt Property is not located in a “Commercial” or “Industrial” district. Pursuant to Section 105 of the Zoning Regulations, the C-R zone district is a “Mixed Use (Commercial-Residential) District.” See Section 105.1(c). Commercial and industrial districts, by contrast are set forth in Section 105.1(d) and (e) and include C-1, C-2, C-3, C-4, C-5, C-M and M zone districts. The proposed loading area is therefore in violation of Section 2203.1 of the Zoning Regulations.

The open court – the location of the proposed “loading area” -- is located immediately adjacent to the Appellant’s Property. As a result, noise, fumes, dust and other noxious effects will adversely impact Appellant’s Property.

G. The Proposed Hyatt Hotel Fails to Comply with the Required Penthouse Setback.

The penthouse setback from exterior walls shown on Sheet A300 of the Hyatt Plans (“North Elevation Plan”) does not comply with the Zoning Regulations. The Regulations require that if housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located, pursuant to Section 400.7(b). The North

Elevation Plan clearly depicts a ratio of less than 1:1. The set back of the west penthouse wall from the west exterior wall of the roof upon which the penthouse is located is only 7' 6" instead of the required 17' 6". Exhibit "C". (Sheets A111, A112, A300, A301 and A302).

H. The Hyatt Hotel Violates the Public Space Requirement.

The Hyatt Hotel fails to provide the required public space at ground level required by Section 633. This section states that "(a)n area equivalent to ten percent (10%) of the total lot area shall be provided for all new development." (Emphasis added.) The public space requirement has been found applicable to additions to existing buildings. BZA Order Nos. 17794, 17794-A of NH Street Partners Holdings, LLC (renovation and expansion of an existing office building at 1200 New Hampshire Avenue, N.W. (Square 70, Lot 195)). In fact, this very building, owned by the Appellant, is located immediately next door to the Hyatt Property. It cannot be disputed that if the Appellant needed a variance from the public space requirements for its addition, the proposed Hyatt Hotel should be held to the same standard. No such public space is provided for the existing Marriott or in conjunction with the construction of the proposed Hyatt Hotel. The underlying Lot 190 has a lot area of 64,446 square feet which would require 6,444 square feet of open space, including public space required independently by the Hyatt Property.

Nor can it be claimed that such required public space is provided by the Marriott Hotel and/or that the Hyatt Hotel is "grandfathered" (and thus exempt) from this requirement. First, based on Appellant's review of the Marriott Plans, the developer of the Marriott Hotel failed to provide the required ground level public space pursuant to 11 DCMR §633. Second, the plain language of Section 633 is that public space must be provided for "all new development." Clearly, the proposed Hyatt Hotel, if constructed, would constitute "new development," whether

as a free-standing building on its own record lot (which Appellant believes is required) or even if it qualifies as an “addition” (which Appellant believes is not the case). There is no exemption for an “addition” in Section 633 and the Hyatt Hotel cannot claim that the Marriott Hotel provided the required public space since it clearly did not do so.

The provision of public space in an urban environment is, and has for many years been, a major and key planning tool in the development of Washington D.C. and, in particular, is a very important feature of the plans for the West End. Furthermore and importantly, such an important public policy objective has been implemented in and is a key feature of the West End Neighborhood and the CR zone mapped in the West End, particularly for properties north of M Street (inclusive of the Hyatt Property).

Years of planning for the West End Neighborhood’s redevelopment resulted in an extensive planning analysis for the West End by the DC Office of Planning. Such extensive planning efforts culminated in the preparation of a document entitled, “A Plan for the West End” published in December, 1973 (“West End Plan”). Based upon the West End Plan and following extensive public hearings, the Zoning Commission in December, 1974 adopted the text of the CR District and mapped the CR District in the West End Neighborhood.

The West End Plan included a draft zoning text which recommended that open space be required for all new development at ground level and that such open space should consist of an area equivalent to 10% of the total lot area and be provided immediately adjacent to the main entrance of the principal building or structure. The West End Plan also recommended that the ground floor open space area, among other things, should be open and available to the general public on a continuous basis. The recommended open space language was adopted verbatim by the Zoning Commission and codified as Section 4506.1 of the Zoning Regulations (**“Zoning**

Regulations”). (See attached Exhibit “C”, Zoning Commission Order 108 in Case Number 74-8 (December 23, 1974).)

Although the Zoning Regulations have been amended multiple times since the CR text amendment was adopted in 1974, the required public space at ground level in the CR District has remained unchanged. After almost forty (40) years, it remains as an important public policy objective and zoning requirement.¹⁰

This important public policy objective has been implemented in many of the developments that have occurred since 1974 and there are a significant number of examples of projects in the West End neighborhood that have complied with the public space requirement under Section 633, including TR 2300 N Street Corp LPC Realty Advisors I Ltd. (2300 N Street, N.W.) and the American College of Cardiology Foundation (2400 N Street).

V. WITNESSES

In support of this Appeal, the Appellant will introduce at least the following witnesses:

1. Appellant’s Representative.
2. Mr. Olutoye Bello, Zoning Expert Witness. Exhibit “J” (Resume).

VI. EXHIBITS

EXHIBIT “A”: Building Permit

EXHIBIT “B”: Parcel Map

EXHIBIT “C”: Hyatt Addition Plans

EXHIBIT “D”: Zoning Computation Sheet ZA-88-97.

EXHIBIT “E”: Marriott Additional Plans.

¹⁰ Apart from the recodification of the Section reference, which is now Section 633.

EXHIBIT "J": Resume of Olutoye Bello.

EXHIBIT "F": Marriott Basic Business License for 425 Rooms.

EXHIBIT "G": Marriott Certificate of Occupancy for 354 Rooms.

EXHIBIT "H": Washington Marriott "Hotel Details".

EXHIBIT "I": ZRR Proposed Section 501 (Single or Separate Buildings).

VII. CONCLUSION

For the foregoing reasons, Building Permit No. B1310607 was issued in violation of the Zoning Regulations and this Appeal must be GRANTED and the Building Permit REVOKED by DCRA.

Date: March 18, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Appellant's Pre-Hearing Statement Appeal was filed electronically with the Office of Zoning and was served by first-class mail and electronic mail as indicated, this **18** day of March, 2014, upon the following:

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