

EXHIBIT D

From: [Avitabile, David](#)
To: ["Ndaw, Mamadou \(DCRA\)"](#)
Cc: ["LeGrant, Matt \(DCRA\)"; Epting, John; "Ilan Scharfstein"](#)
Subject: 2121 M Street (B1310607) - Response to Zoning Review Comments
Date: Sunday, November 10, 2013 12:32:25 PM
Attachments: [RE 2121 M Street -- Review of our discussion.msg](#)
[2121 M Street -- Review of our discussion.msg](#)
[Determination Ltr re 2109 M St to Epting 12-6-2010.pdf](#)
[At-Grade Connections.pdf](#)
[Valet Parking Plan.pdf](#)
[Hyatt Place M Street Rooftop Structures .pdf](#)
[Hyatt Place M St Site Plan - loading.pdf](#)

Hello Mamadou,

We're working with the property owner at 2121 M Street, who currently has a building permit pending to construct a hotel (**B1310607**). I received a copy of your initial comments and wanted to reach out to you to give you some background and context, which should address many of your questions. I have also secured additional materials from the project architects to answer the remaining questions. Please note that I will be out of the office until Thursday due to a death in the family. I am copying my colleague John Epting who can follow up with any questions. Also, in the interest of time I am copying Mr. Le Grant, with whom we have met multiple times regarding this property and who is familiar with our project.

You've noted that the hotel is located on a tax lot and that it is listed as an addition to the existing Marriott hotel. This is all correct and permitted under zoning. Our hotel and the existing Marriott will separate entities on separate tax lots, but they are going to be connected as a single building for zoning purposes on the existing underlying single record lot. So that should explain some of the context here. (I'm sure you've encountered this situation before, but if not please let me know and I'd be happy to clarify further.)

We've met with Mr. Le Grant multiple times to review this project and confirm the zoning parameters. Attached is some documentation that summarizes those conversations. They include:

- (1) a determination letter from December 2010 that confirms some of the basic assumptions about the development of the single record lot. (This letter was for a prior development scheme, but Matt's determinations about lot control, gross floor area and FAR, courts, parking and loading are all still applicable)
- (2) an email from me to Mr. Le Grant dated August 2013 that summarizes all of the key zoning parameters for our proposed hotel development. This email is a summary of the issues that Matt confirmed at a meeting earlier that summer.
- (3) An email from Mr. Le Grant confirming that the amount of accessory space within our proposed roof structure is consistent with the requirements of Section 411.

I will also forward the two emails to you under separate cover.

Our detailed responses to your comments, based on these prior conversations, is below.

Zoning Comments for 2121 M ST NW - B1310607

1. Please apply for a subdivision to convert the tax lot into a record lot. 2. Please explain what "addition to the existing Washington Marriott Hotel" means. Is the new hotel a separate entity from the Washington Marriott Hotel? If not please contact me by email before resubmitting the plans.

This was confirmed in our July 2013 meeting with Matt and is described in our August 2013 letter to Matt. Our property (Lot 880) is located on the same single record lot as the Washington Marriott and some ground floor retail establishments. Our Project will be connected to the other structures on the record lot through (a) the Marriott's hotel stair tower, which will exit into a vestibule within our building before discharging people out to M Street and (b) through doors at the rear of the retail spaces that provide access through and across a corridor on our parcel to the rear loading area and private alley. These connections are at street level and are therefore at or above the main floor of the structures. Accordingly, Matt confirmed the structures will constitute one building for zoning purposes. For your convenience, I've marked up the ground floor plan to call out the at-grade connections described above.

3. Please clearly depict on the DC Surveyor's plat the proposed building footprint.

I'm told that the permit package included a dimensioned building plat with the building footprint. Please let me know if there is something in particular that was unclear so that we can correct it.

4. Please check for compliance with §633, required public space at ground level.

This was also confirmed in our July 2013 meeting with Matt and is described in our August 2013 letter to Matt. Briefly:

- The public space requirement was adopted in 1974 as a part of the text and map amendments that created the CR Zone District. See Z.C. Order No. 108 at 26. Therefore, the public space requirement applied to the property when the Marriott was constructed in 1978.
- According to Section 633.1, the public space requirement is based on the total lot area. Since the public space requirement is assessed based on total lot area, the public space requirement for the entire record lot must have been satisfied in 1978 with the initial construction of the Marriott. Subsequent construction on the property does not expand or increase the requirement.
- The Comp Sheet does not indicate how the public space requirement was met, but based on the issuance of the building permit and subsequent CO for the Marriott, Mr. Le Grant agreed that the requirement must have been met at that time by the Marriott. The issuance of permits and COs for an addition to the Marriott in 1988 as well as for the Walgreens and other retail within the last decade provide further evidence that the District has repeatedly affirmed the property has met the public space requirement.
- Accordingly, Mr. Le Grant agreed that the requirement for public space at ground level has been met, and no further public space at ground level is required for the Project.

I also add that the public space at ground level is required to be adjacent to the main entrance of the principal structure. Therefore, the public space requirement must have been met by space adjacent to the Marriott's main entrance on 22nd Street. The portion of the record lot that is our property could have never been the required public space at ground level.

5. Please check for compliance with §2101.1; §2115 & §2117.4; number of parking spaces, minimum required dimensions for parking spaces, and access to required parking spaces.

Section 2101.1: The building has 168 rooms and a 1,710 s.f. function room, for a total parking requirement of 48 spaces (1 per 4 rooms and 1 per 300 s.f. of the largest function room space). We are going to exercise our prerogative under Section 2115.9 to use valet parking to meet our parking requirement. With valet operations, we can provide all 48 spaces within our garage. See attached valet parking plan.

Section 2115: When you use valet parking, the dimensional requirements of 2115 (and certain

sections of 2117) don't apply.

Section 2117.4: Good question. As is noted on the Lower level 1 plan of the Valet parking plan, our parking garage is accessed directly from 22nd Street via an unobstructed private drive that runs under the existing Washington Marriott to our garage. The ramp exists now; we just need to connect to it. We have provided a plan that shows the required loading spaces; the architects have also shown the location of the ramp.

6. Indicate the total number of bicycle spaces provided per §2119.2.

Per Section 2119.1, bike parking is only required for office, retail or service uses in certain zones. We're a hotel, so no bike parking is required. That said, we provide six bike parking spaces on the Lower Level 1 of the building (they are shown on the attached Valet Parking Plan as well). That's 12.5% of our required 48 parking spaces, so well in excess of the 5% requirement.

7. Please clearly identify and dimension on the site or floor plans, the loading berth, loading platform and service/delivery spaces. Please comply with minimum vertical clearance for loading berths per §2201.6 and §2204.2 access to loading berth, platform, etc.

Attached is an exhibit that shows the required loading. As Mr. Le Grant confirmed both in Dec. 2010 and again in July 2013, the loading can be provided anywhere on the record lot. Here, the 30-foot loading berth is in our loading area adjacent to the loading platform, and the 20-foot space is further back in the private alley.

Section 2201.6: the berth is open to the sky and therefore meets the minimum vertical clearance of 14 feet.

Section 2204.2: the berth and space are both accessible from Ward Place via a private alley.

8. Please check for compliance with §411.3 enclosure for rooftop structures.

Attached is an exhibit that shows the outline of the roof structure. As you can see, all rooftop mechanical equipment and penthouses greater than 4 feet in height are within a single enclosure of equal height. The remaining equipment is all less than 4 feet in height and therefore not subject to the requirements of Section 411. (See Section 411.17.)

9. The proposed structure exceeds the maximum allowable building height in CR. Only mechanical equipments, stairways, elevator penthouses, and structures listed in §630.3 can be erected to a height in excess of 90 feet.

I've checked this and the building is 90 feet tall as measured from M Street, which is the measuring point for the "single zoning building" that was established by the Marriott. Matt confirmed this in our July meeting and it is noted on the August email. Also, we specifically confirmed with Matt that all uses within our roof structure are permitted. See the attached email from Mr. Le Grant dated October 28, 2013. Is there something specific that you believed exceeded the height limit?

10. Additional comments may follow.

Pursuant to IRS Circular 230, please be advised that, to the extent this communication contains any tax advice, it is not intended to be, was not written to be and cannot be used by any taxpayer for the purpose of avoiding penalties under U.S. federal tax law.

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The professional services of the architect are undertaken for and are performed in the interest of Renaissance Centro, LLC. No contractual obligation is assumed by the architect for the benefit of any other person involved in the project.

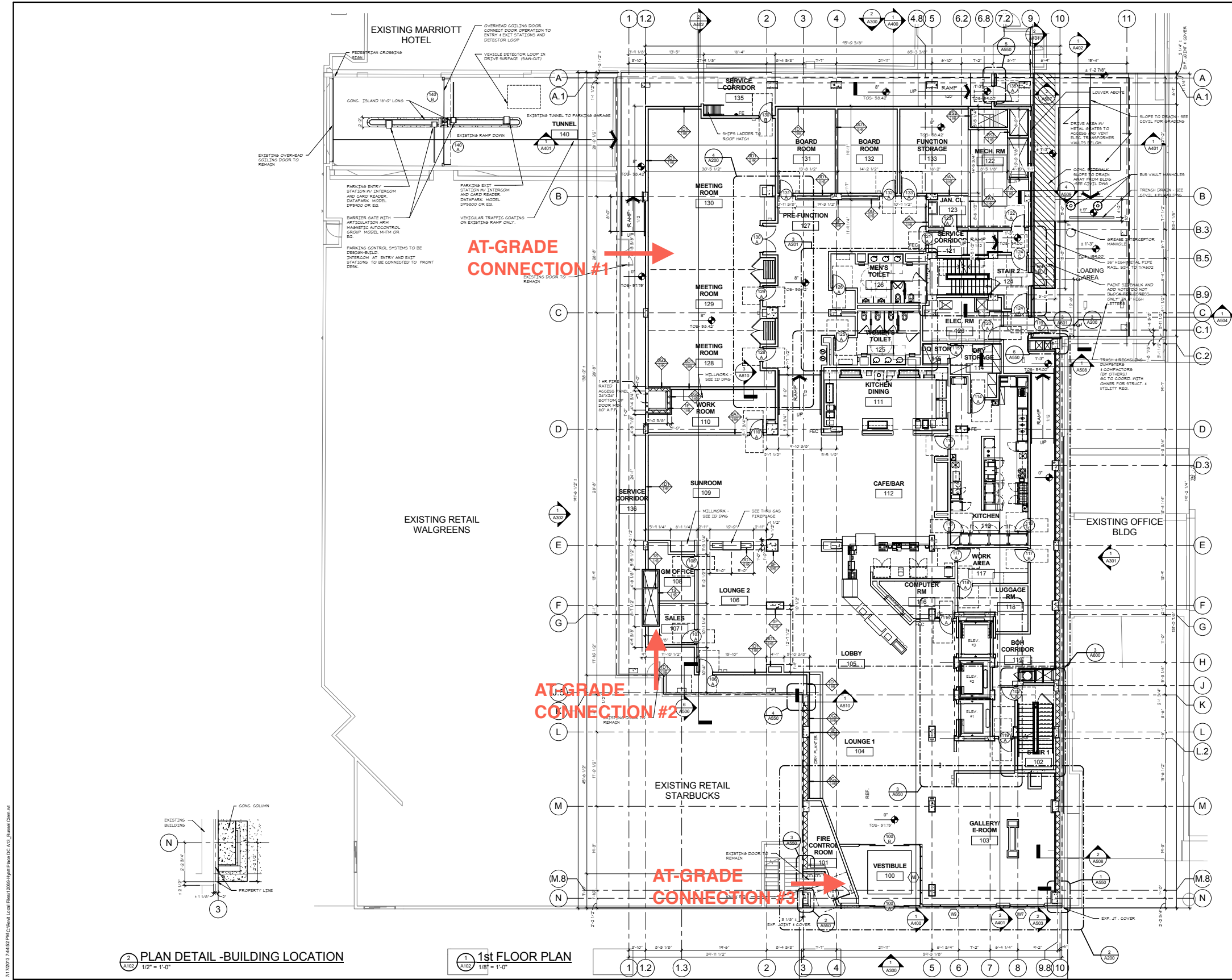
Hyatt Place Hotel
2121 M Street, NW
Washington, D.C. 20036

No.	Description	Date
1	ISSUED FOR BID	07/17/2013
2	ISSUED FOR REVIEW	08/04/2013
3	50% CONSTRUCTION DOCUMENTS	08/20/2013
4	100% DESIGN DEVELOPMENT	03/08/2013
5	20% DESIGN DEVELOPMENT	02/01/2013
6	100% SCHEMATIC DESIGN	03/04/2013

Project Number: 12069
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SHEET TITLE

1st FLOOR PLAN

A102



7/17/2013 7:44:52 PM C:\Work\12069-Hyatt Place DC A13_Raised Clam Art

	07/17/2013	ISSUED FOR BID
	ISSUED FOR REVIEW	06/04/2013
50% CONSTRUCTION DOCUMENTS		04/22/2013
100% DESIGN DEVELOPMENT		03/08/2013
50% DESIGN DEVELOPMENT		02/01/2013
100% SCHEMATIC DESIGN		01/04/2013
No.	Description	Date

LOWER LEVEL 2 FLOOR PLAN

1 LOWER LEVEL 2 FLOOR PLAN
A100 1/8" = 1'-0"

Hyatt Place Hotel 2121 M Street, NW Washington, D.C. 20036

07/17/2013	ISSUED FOR BID	06/04/2013
50% CONSTRUCTION DOCUMENTS	ISSUED FOR REVIEW	04/22/2013
100% DESIGN DEVELOPMENT	100% DESIGN DEVELOPMENT	03/09/2013
50% DESIGN DEVELOPMENT	100% SCHEMATIC DESIGN	02/01/2013
100% SCHEMATIC DESIGN		01/04/2013

No. Description Date

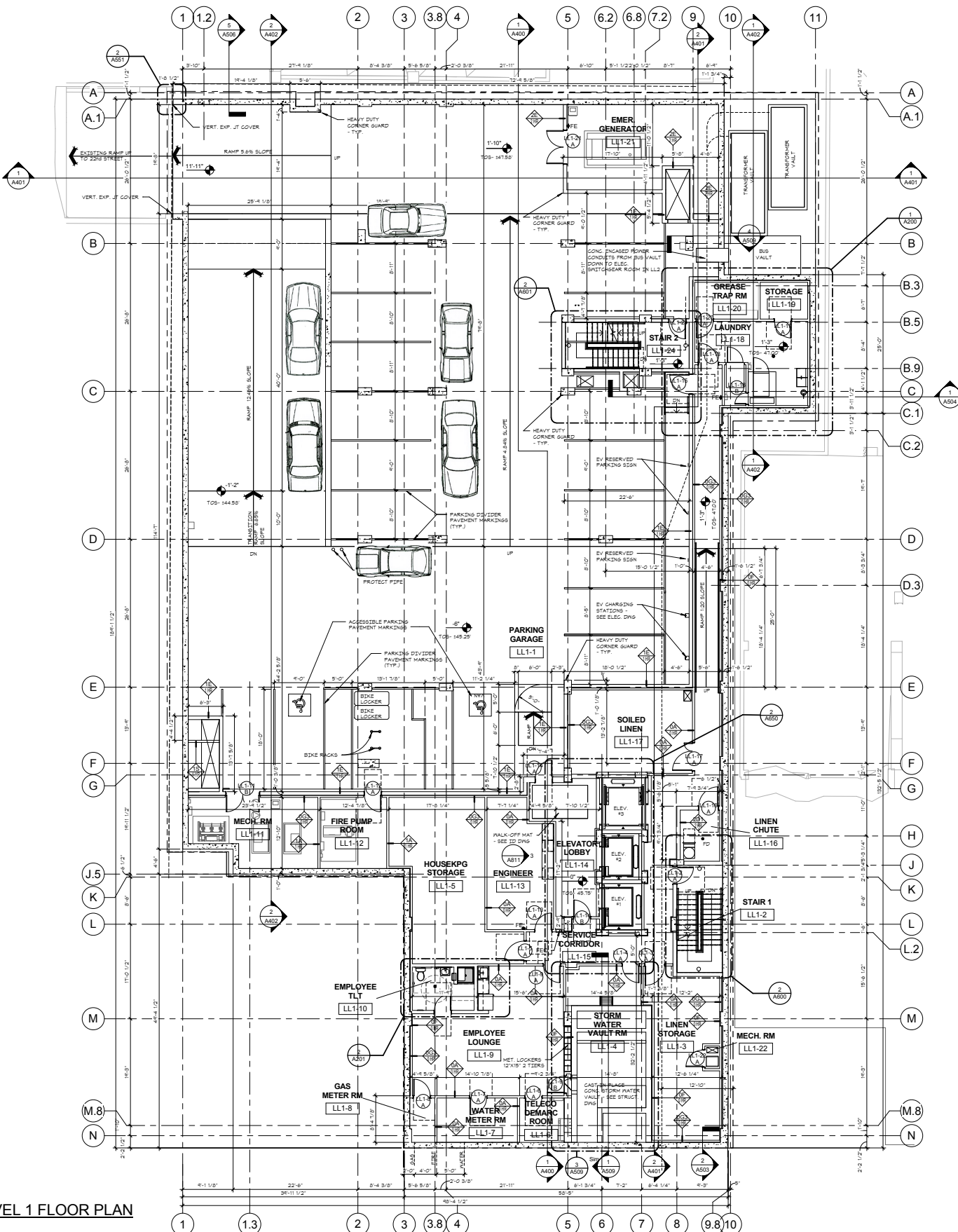
Project Number: 12069

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SHEET TITLE

LOWER LEVEL 1
FLOOR PLAN

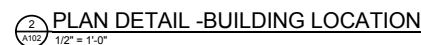
A101



LOWER LEVEL 1 FLOOR PLAN

1/8" = 1'-0"

A102

1st FLOOR PLAN

1 1st FLOOR PLAN
A102 1/8" = 1'-0"

Hyatt Place Hotel
2121 M Street, NW
Washington, D.C. 20036

FINAL TPR APPROVED	08/28/2013
ADDENDUM #6	08/28/2013
ISSUED FOR BID	07/17/2013
ISSUED FOR REVIEW	06/04/2013
50% CONSTRUCTION DOCUMENTS	04/22/2013
100% DESIGN DEVELOPMENT	03/08/2013
50% DESIGN DEVELOPMENT	02/01/2013
100% SCHEMATIC DESIGN	01/04/2013

No.	Description	Date
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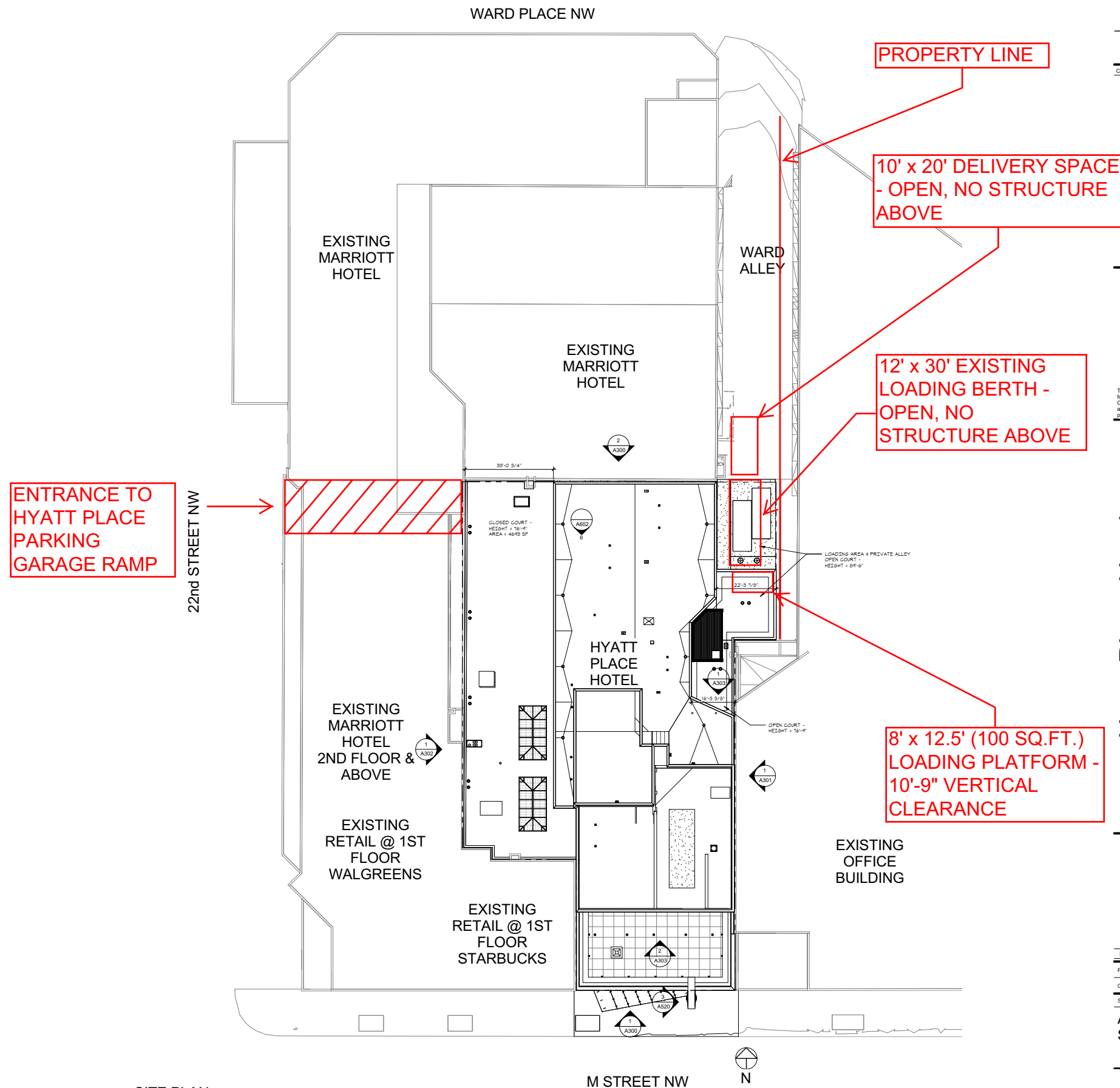
Project Number: 12069

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SHEET TITLE

ARCHITECTURAL
SITE PLAN

A090



Hyatt Place Hotel
2121 M Street, NW
Washington, D.C. 20036

FINAL TPR APPROVED	08/28/2013
ADDENDUM R6	08/09/2013
ISSUED FOR BID	07/17/2013
ISSUED FOR REVIEW	06/04/2013
50% CONSTRUCTION DOCUMENTS	04/22/2013
100% DESIGN DEVELOPMENT	03/08/2013
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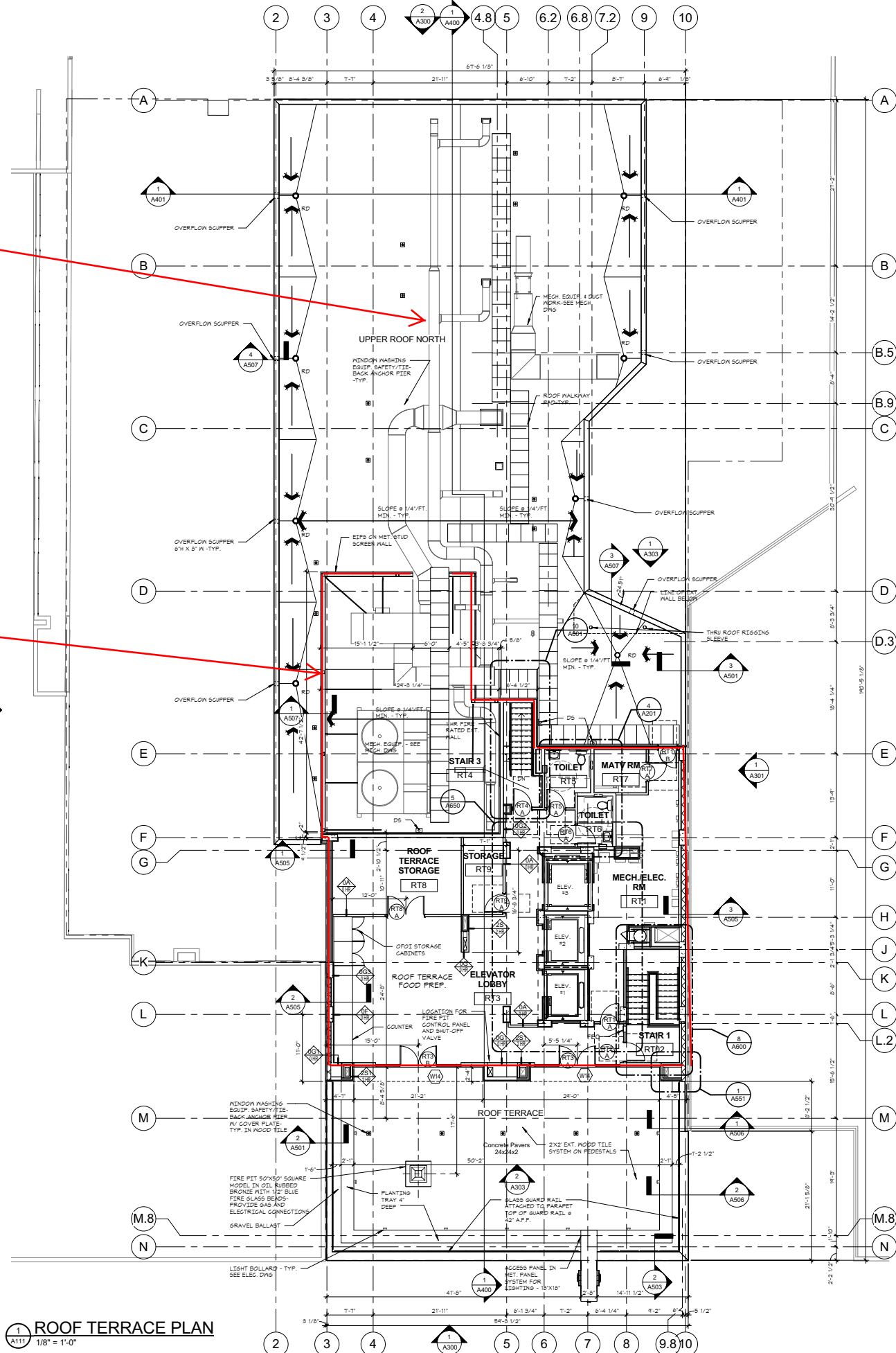
SHEET TITLE

ROOF TERRACE PLAN

A111

ALL OTHER STRUCTURES SHOWN ON THE ROOFTOP, NOT WITHIN THE ENCLOSURE, ARE LESS THAN 4' ABOVE THE ROOF.

RED LINES INDICATES ROOFTOP STRUCTURE (SCREEN WALL) ENCLOSING MECHANICAL EQUIPMENT. MAXIMUM HEIGHT IS 18'-6" ABOVE UPPER ROOF ELEVATION



1 ROOF TERRACE PLAN
A111 1/8" = 1'-0"