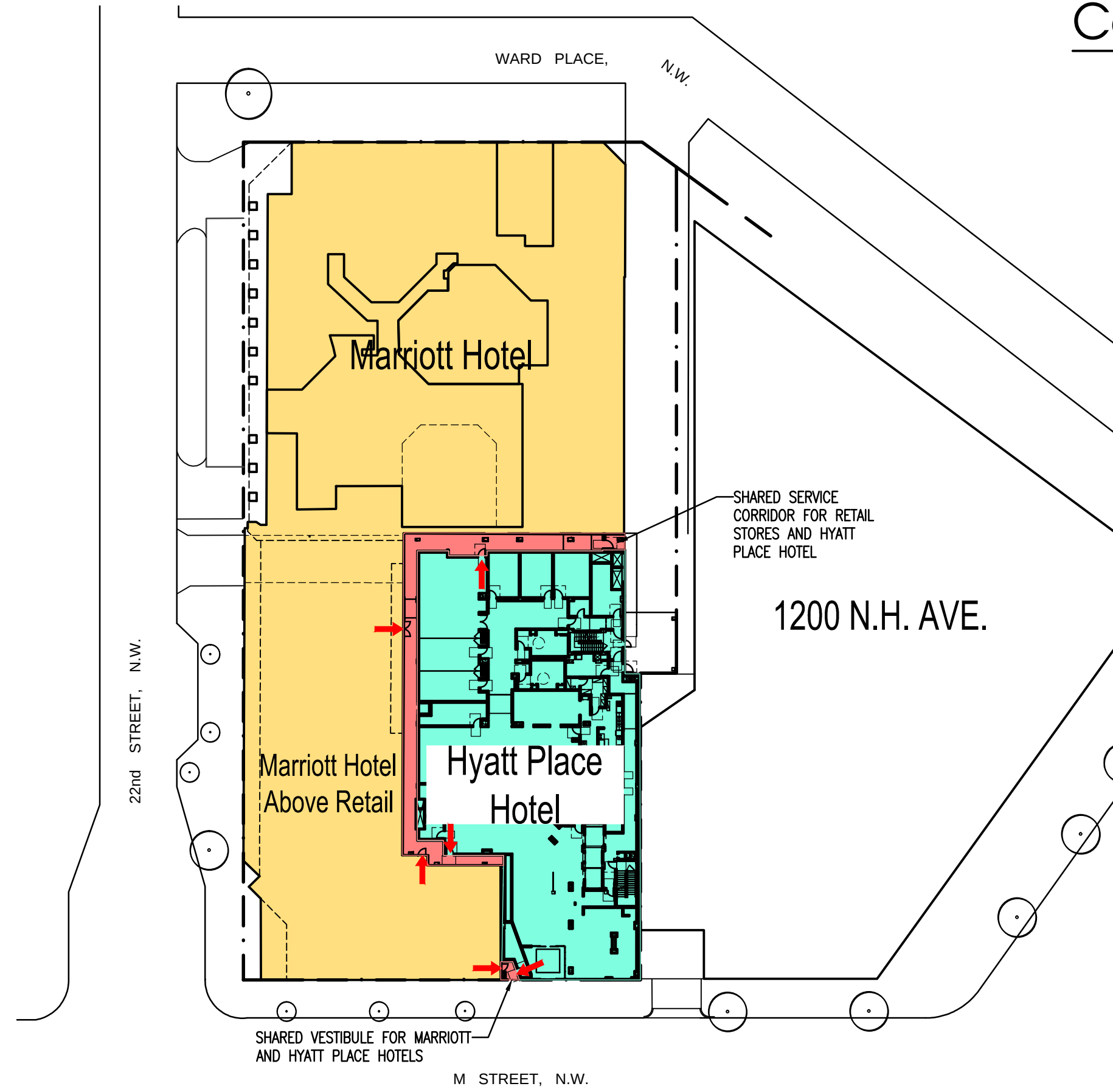


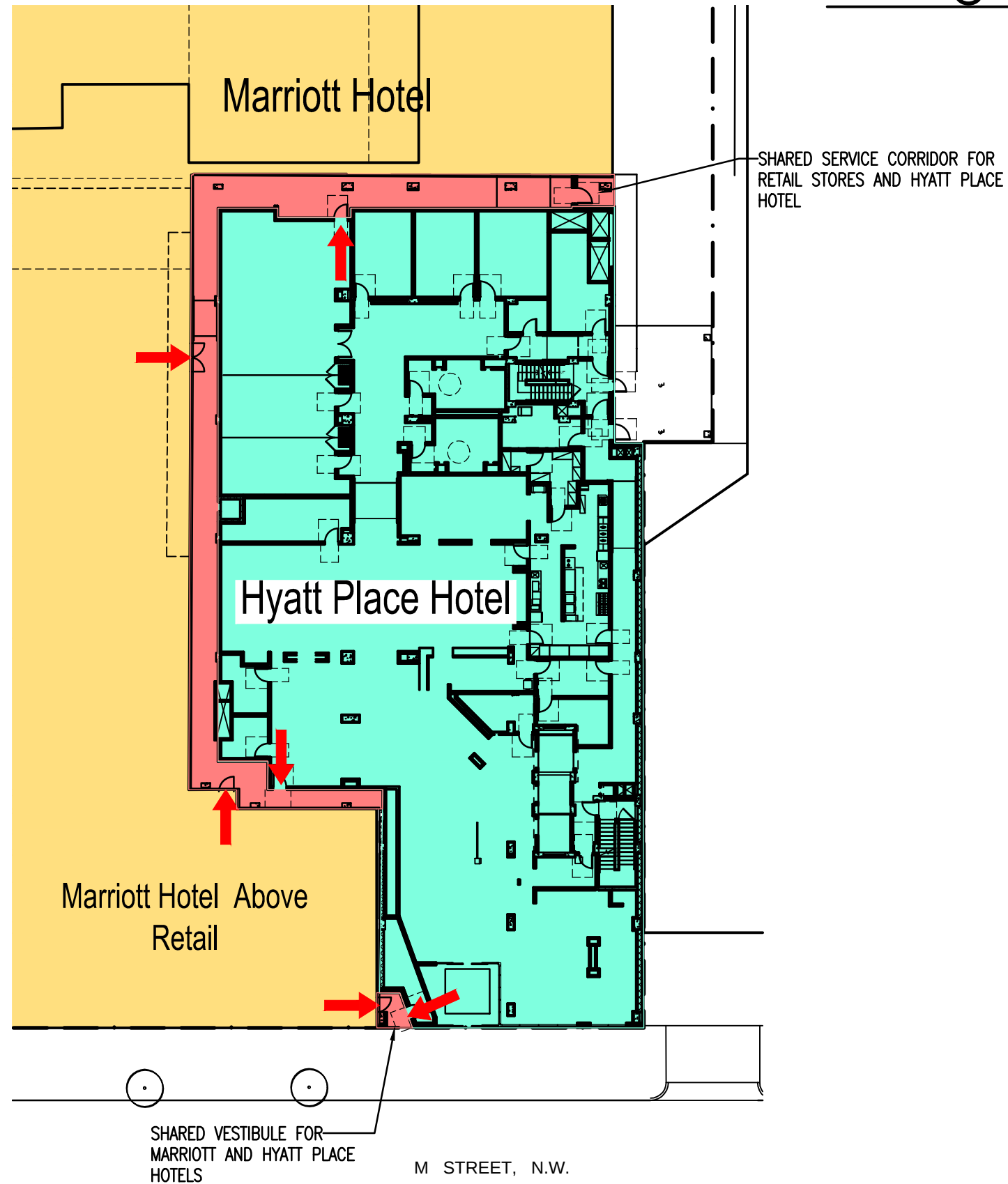
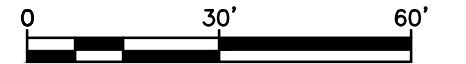
Connection Plan



2121 M Street, NW

March 24, 2014

Enlarged Connection Plan



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Architecture
7361 Calhoun Place Suite 310

2121 M Street, NW

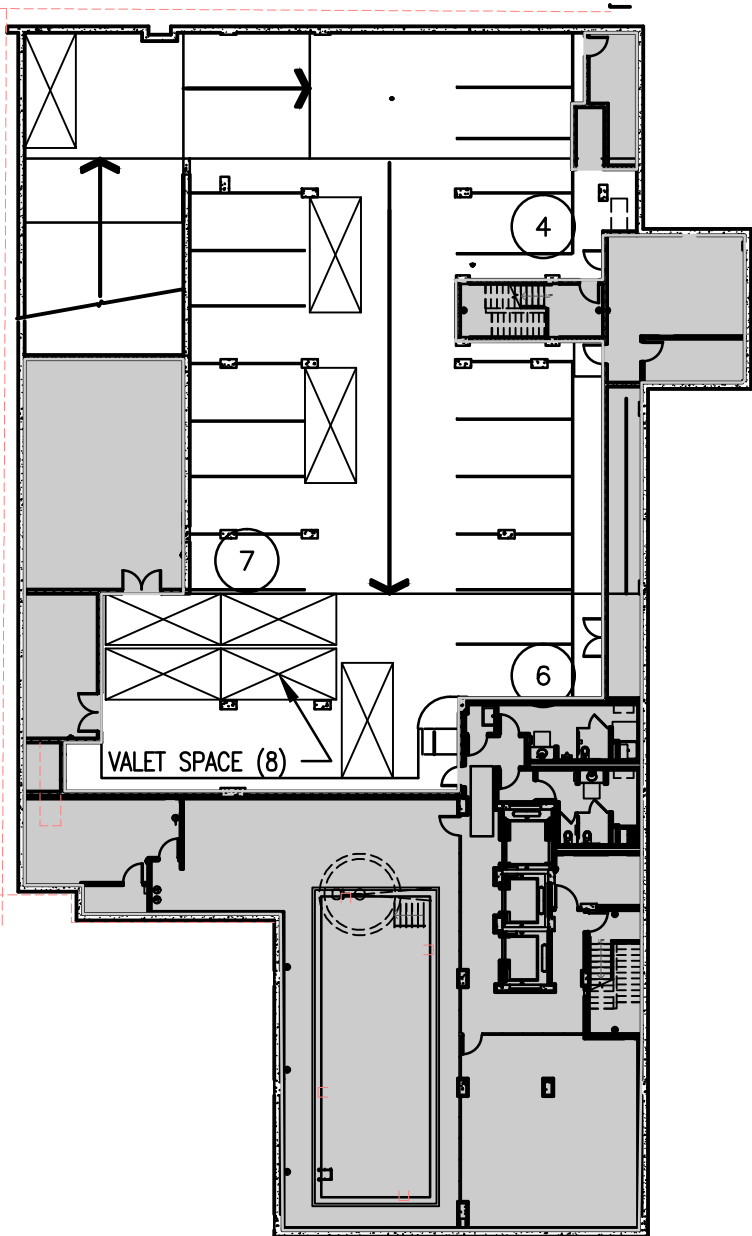
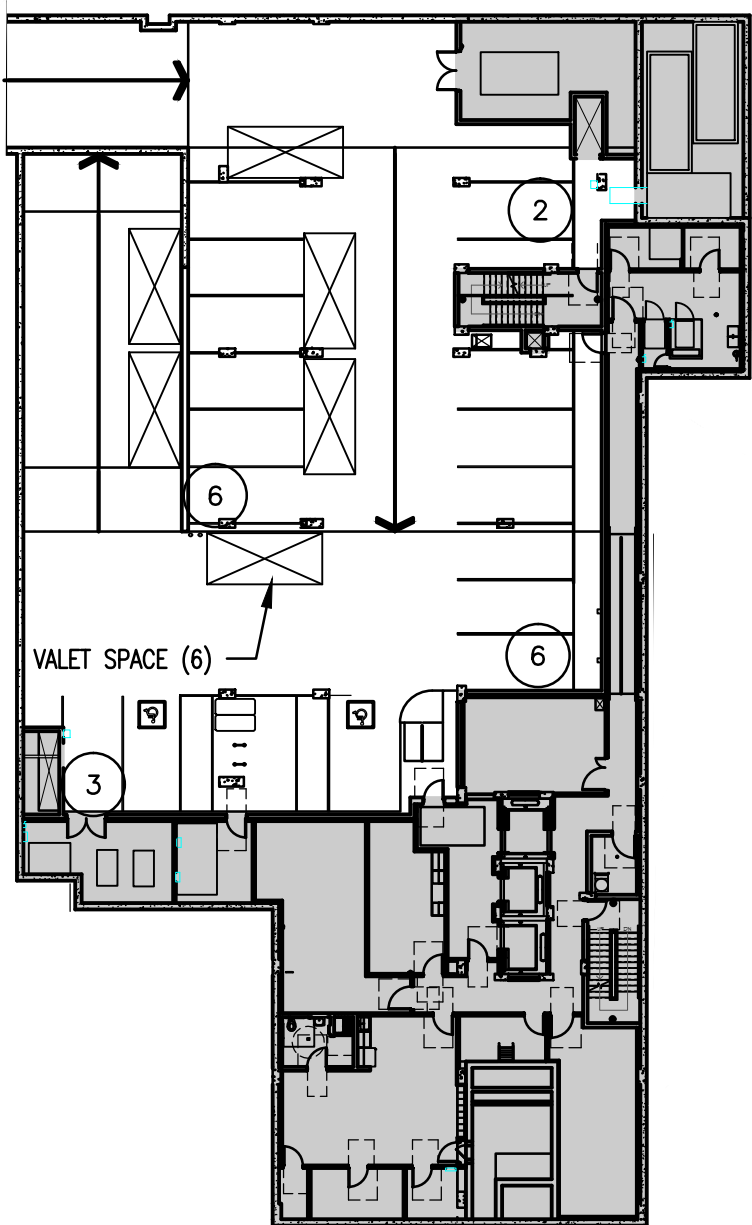
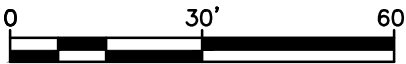
Interior Design
Rockville, Maryland 20855

March 24, 2014

Project Management
p: 301.670.1635 f: 301.670.9643

RENAISSANCE
CÉNTRO

Valet Parking Plans



Parking Spaces	
Lower Level 1	23
Lower Level 2	25
Total Spaces	48

Parking Area	
Lower Level 1	10,119 sf
Lower Level 2	8,043 sf
Total Area	18,162 sf

Parking Area	
/Space	378.4sf
Req'd Parking Area	
/Space	285 sf

VALET PARKING LOWER LEVEL 1
1" = 30'-0"

VALET PARKING LOWER LEVEL 2
1" = 30'-0"



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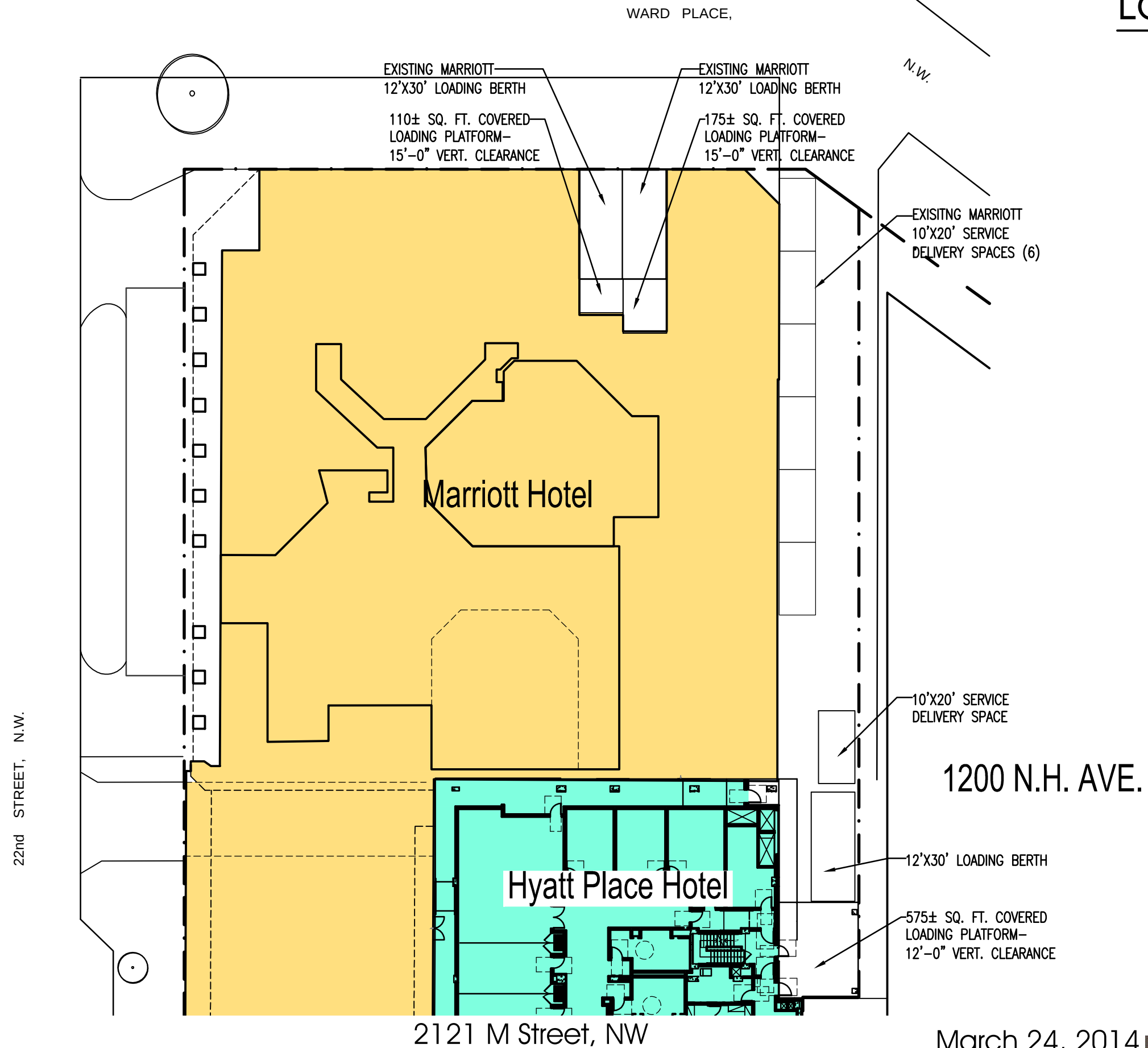
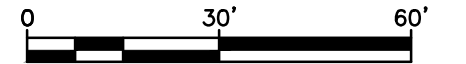
Architecture
7361 Calhoun Place Suite 310

2121 M Street, NW
Interior Design
Rockville, Maryland 20855

March 24, 2014
Project Management
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Loading Plan



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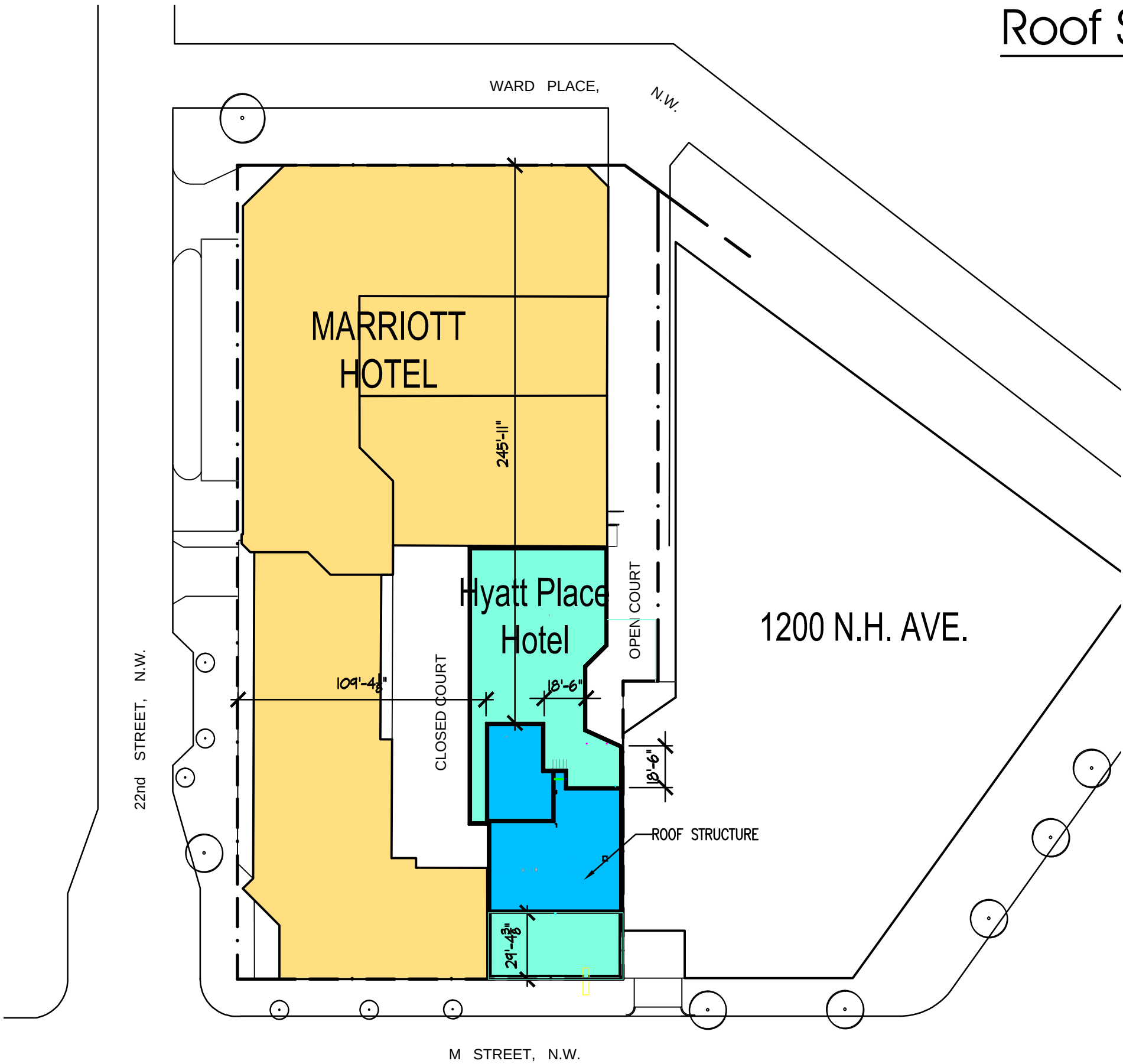
Interior Design
Rockville, Maryland 20855

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March 24, 2014

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Roof Structure Plan



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Architecture
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2121 M Street, NW

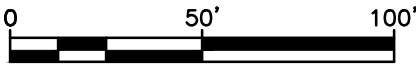
Interior Design
Rockville, Maryland 20855

March 24, 2014

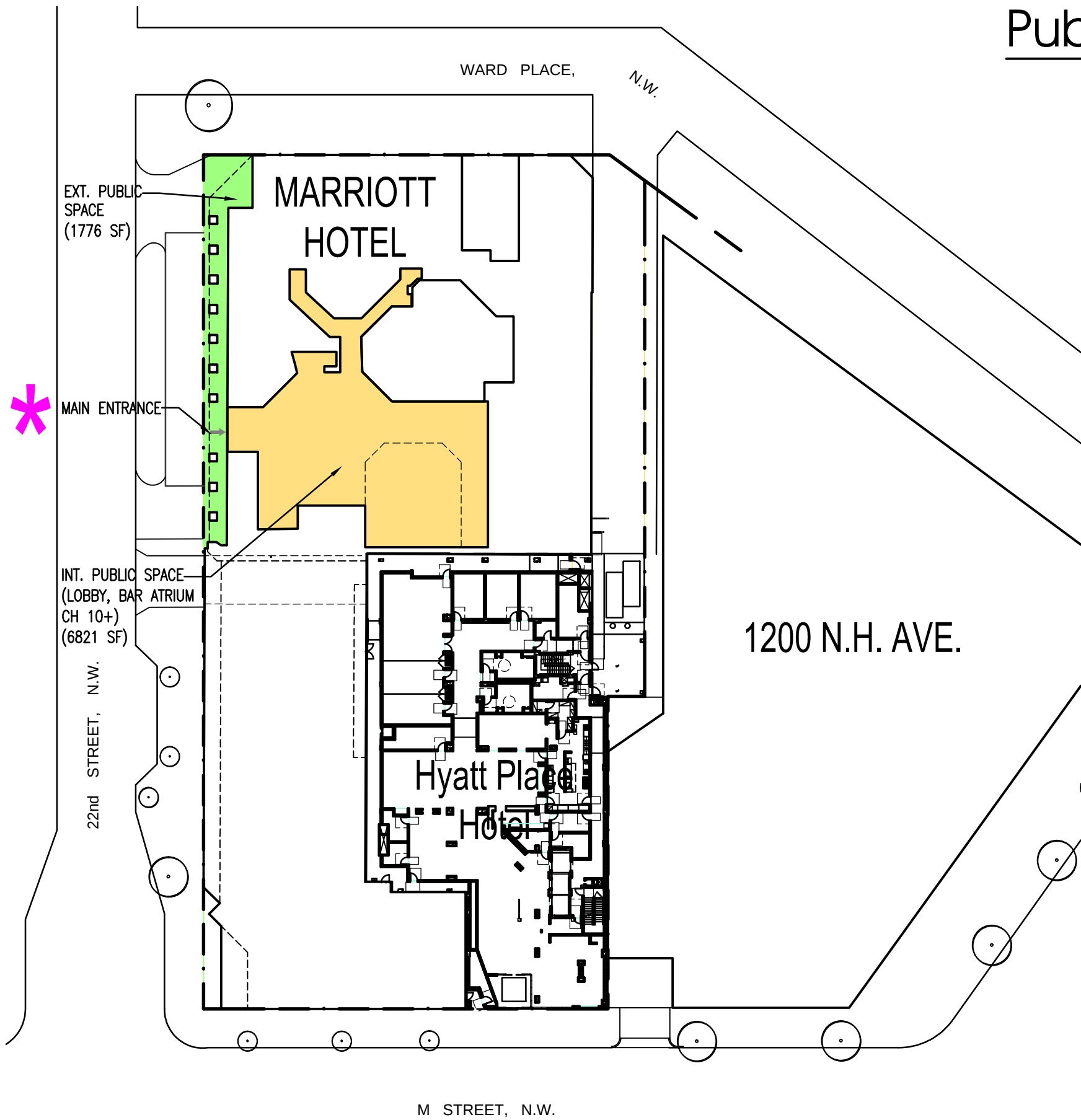
Project Management
p: 301.670.1635 f: 301.670.9643

RENAISSANCE
CÉNTRO

Public Space Plan



Lot Area	64,446 sf
Public Space at Ground Level	
Exterior Public Space	1,776 sf
Interior Public Space	6,821 sf
Total Public Space	8,597 sf (13.3 %)



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Rockville, Maryland 20855

March 24, 2014

Project Management
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RENAISSANCE
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



December 6, 2010

John Epting, Esq.
Goulston & Storrs, PC
2001 K Street NW, 11th Floor
Washington, DC 20006

**Re: Zoning Determination Letter
 2109 M Street NW – Square 70, Lot 880 (part of record lot 190)**

Dear Mr. Epting:

You have asked for a determination letter regarding a series of zoning issues related to property located at 2109 M Street NW (Square 70, Lot 880) (“Property”). It is my understanding that you plan to construct a new apartment building on the Property containing approximately 160 units (“Project”). The ground floor of the building will contain the residential lobby entrance as well as a club that provides various amenities (food, beverage, fitness center, etc) to both residents of the building as well as club members who are not residents. Concept test fit plans depicting the proposed Project are included in Exhibit A.

Based on my review of the zoning history of the Property, I have determined that the proposed Project fully complies with the following requirements of the Zoning Regulations:

- Section 631: Permitted Floor Area Ratio in the CR Zone, including the related definition of “building” set forth in Section 199.
- Section 634: Permitted Lot Occupancy in the CR Zone, including the related definition of “lot” set forth in Section 199 and the status of the ground-floor club as a nonresidential use under Section 634.
- Section 638: Court requirements in the CR Zone, including the related definitions of courts set forth in Section 199
- Chapter 21: Parking requirements for the existing improvements to the Record Lot and proposed Project
- Chapter 22: Loading requirements for the existing improvements to the Record Lot and proposed Project.

Below is a summary of the zoning and development history for the Property, followed by a detailed analysis of each zoning feature.

I. History

The Property contains approximately 18,212 s.f. of land area and is currently improved with a surface parking lot. Prior to 2006, the Property contained a one-story retail/service establishment known as Lulu's Club Mardi Gras that occupied the entire lot.

The Property is part of a single lot development based on record lot 190 ("Record Lot"). The Record Lot is currently improved with the surface parking lot on the Property, as well as a Marriott hotel, Walgreens drug store, and Starbucks coffee shop. A private alley runs along the eastern end of the Record Lot. A plat depicting the existing improvements on the Record Lot is attached as Exhibit B.

Based on information included on the Zoning Computation sheets prepared by prior Zoning Administrators (attached as Exhibit C) as well as information you provided, the development history of the Property is set forth below:

- Pre-1958: improvements included a one-story restaurant on the Property (Lulu's) and a one-story restaurant on the Record Lot (Blackie's House of Beef).
- 1978: new hotel containing 354 rooms constructed on Record Lot
- 1990: addition to hotel containing 71 rooms constructed
- 2006: addition to hotel containing 56 rooms constructed. Blackie's converted to use as Walgreens and Starbucks.
- 2006: Lulu's demolished and converted to surface parking lot

The Record Lot, including the Property, is zoned CR and is located in the Dupont Circle Overlay District.

II. Permitted Density

In the CR zone district, the maximum permitted FAR is 6.0 (of which up to 3.0 may be for non-residential uses). Section 631.3 of the Zoning Regulations permits the allowable residential and non-residential density to be apportioned between several record lots in the same square in the CR zone.

A series of recorded covenants apportioned the allowable density between Lot 190 and other lots in Square 70. Pursuant to my prior ruling dated February 13, 2009 and attached as Exhibit D, Lot 190 has 120,639.91 square feet available for future development on the Record Lot. Of that amount, up to 18,212 square feet may be for non-residential uses.

Under the Zoning Regulations, only one building is permitted on a record lot. Furthermore, in order to construct the Project described above, and utilize the density available to the Record Lot, the Project must be constructed as an addition to the existing improvements, such that the entire set of improvements on the Record Lot constitute one “building” as defined under the Zoning Regulations.

Under the definition of “building” in Section 199.1 of the Regulations, the existence of communication at or above the main floor unifies the separate portions of a structure into a single building. Here, the “main floor” of the Record Lot is its ground floor, and, as shown on the ground floor plan included in Exhibit A, you have indicated that meaningful communication between the existing improvements and the Project will be constructed as a part of the Project.

Accordingly, the proposed Project is an addition that is part of a “single building” that may utilize the density available on the Record Lot.

III. Lot Occupancy

Under Section 634.1, the maximum lot occupancy for a structure devoted to residential use is 75%. Percentage of lot occupancy is defined in Section 199 as a figure that expresses that portion of a **lot** lying within lot lines and building lines that is occupied by building area. Section 199 further states that a “lot” may or may not be a record lot.

Here, you have proposed evaluating whether the Project complies with the lot occupancy requirements based on its relationship to Lot 880, an assessment and taxation lot (i.e. the Property), rather than based on its relationship to Lot 190, the underlying Record Lot. I conclude that calculation of the percentage of lot occupancy based on an assessment and taxation lot is permissible under the Zoning Regulations, which explicitly provide that a “lot” need not be a record lot.

I further conclude, based on the same rationale, that the use of an assessment and taxation lot to determine compliance with the lot occupancy requirement does not preclude the use of an underlying record lot to determine compliance with other requirements of the Zoning Regulations. Nothing in the Regulations states that the “lot” used for evaluating compliance with one portion of the Regulations need be the same as the “lot” used for evaluating compliance with another portion of the Regulations.

Under Section 634.2, the percentage of lot occupancy is calculated on a horizontal plane located at the lowest level where residential uses begin. Under Section 634.3, “residential uses” includes “multiple dwellings.”

Here, you have proposed treating the ground floor of the Project as a nonresidential use for purposes of lot occupancy. As discussed above, the ground floor of the Project will contain the residential lobby entrance as well as amenity space that provides food, beverage, access to a fitness center, and social gathering space available to both residents of the Project as well as club members who are not residents.

Under longstanding interpretations of the Zoning Regulations, the presence of a residential building entrance, by itself, does not trigger the percentage of lot occupancy requirements at the ground level of a building. Such entrances typically include a lobby, offices for building management as well as the leasing offices, and back of house space for loading and service, and may also include amenity spaces for the residents such as business centers, fitness centers, or gathering spaces. I conclude that these uses are not “residential uses” for purposes of Section 634; rather, they are permitted nonresidential uses that are accessory to the residential dwelling units above. Therefore, so long as no dwelling units are located on the ground floor of a multiple dwelling unit, and the amenity space is made available to both residents of the Project as well as club members who are non-residents, the ground floor is not “residential” for purposes of Section 634. In support of this conclusion, I note that such accessory uses are not listed as a “residential use” under Section 634.3.

Accordingly, the ground floor uses in the Project are not “residential uses” for purposes of calculating lot occupancy, and a lot occupancy of up to 100% is permitted for the ground floor of the Project.

IV. Courts

Courts are not required in the CR Zone District. Under Section 638 of the Regulations, if an open court is provided for residential use, its width must be three inches (3 in.) per foot of court height, but not less than 10 feet wide. If a closed court is provided for residential use, its width must be four inches (4 in.) per foot of court height, but not less than 15 feet, and the area of the court must be twice the square of the required width. Section 199 of the Regulations defines a closed court as a court surrounded on all sides by the exterior walls of a building and side or rear lot lines, or by alley lines when the alley is less than 10 feet wide. Any court that is not a closed court is an open court. The Regulations define an open court as a court that opens onto a street, yard or alley not less than 10 feet wide.

According to the 1978 Comp Sheet and attachments thereto, the open area on the Record Lot above the Property and the adjacent private alley were historically considered to be one open court.¹ As shown on the test fit drawings attached as Exhibit A, the proposed Project will narrow this open court but continue to maintain it as one continuous open space along the east side of the Record Lot.

Accordingly, I conclude that this court will continue to meet the definition of “open court” under the Zoning Regulations. For purposes of calculating the required open court width, the court should be segmented into two separate pieces – one being the volume beginning at the ground level that roughly corresponds with the private alley, and the other being the volume that begins above the ground floor of the Project. Since the width of the latter volume is irregular, it may be calculated based on the diameter of the largest circle that may be inscribed in a horizontal plane within the court. The required width of this court shall be based on the height of the court.

¹ At the time of construction in 1978, this open court was located, in part, above the one-story Lulu’s establishment.

As shown on the test fit drawings attached as Exhibit A, a second court will be created in the center of the Record Lot, to the west of the Project. This court is surrounded on all sides by the Project and other improvements on the Record Lot and, therefore, is a closed court, because it is surrounded on all sides by the exterior walls of the “building” (meaning, the single building for zoning purposes created on the Record Lot). Again, the required width and area of the court shall be based on the height of the court.

V. Parking

According to the Comp Sheet, in 1978, the uses on the Record Lot did not require any parking.² The 1990 addition of 71 hotel rooms established a requirement for 18 parking spaces, and the 2006 addition of 56 hotel rooms triggered a requirement of 14 additional parking spaces.³ Therefore, the existing improvements on the Record Lot require a total of 32 parking spaces.

The improvements associated with the hotel include an underground parking structure containing 140 parking spaces. Since the existing uses have a parking requirement of 32 spaces, the Record Lot complies with the parking requirements of the Zoning Regulations, and currently contains an excess of 108 parking spaces. This parking is located on the Record Lot, but not on the Property.

The proposed Project contains 160 residential units, which triggers a requirement for 54 additional parking spaces. You have proposed the use of the excess parking spaces in the hotel garage towards the parking requirement for the Project.

As discussed above, the Record Lot is divided into separate A&T lots, one of which is the Property. Furthermore, as discussed above, the Project will be constructed as an addition to existing improvements on the Record Lot, such that the structures constitute one building for zoning purposes.

As I have previously determined (see Oct 12, 2010 Zoning Determination letter attached as Exhibit E), Section 2116.1 of the Zoning Regulations provides that all parking spaces must be located on the same lot with the buildings or structures they are intended to serve. Furthermore, Section 199 states that a lot may be a record lot or an A&T lot. Therefore, as I have previously concluded, required parking spaces need not be located on the same A&T lot of the associated use so long as they are located on the same underlying record lot as the building they are intended to serve.

Accordingly, excess parking spaces located on the separate hotel A&T lot may be used to satisfy the parking requirement for the Project, because they are located on the same underlying Record Lot.

² At the time of construction of the new hotel in 1978, the CR Zone did not impose a parking minimum on hotels. Furthermore, the pre-existing retail uses (Lulu's, on the Property, and Blackie's, on the Record Lot) were constructed prior to 1958 and required no parking.

³ No additional parking was required for the 2006 change in retail tenants from Blackie's to Walgreens and Starbucks, since the area devoted to retail use remained the same.

VI. Loading

According to the Comp Sheet, in 1978, the uses on the Record Lot required 2 loading berths and 6 delivery spaces, which are located off Ward Place.⁴ The 1990 and 2006 additions of hotel rooms did not trigger a requirement for additional loading.⁵ Therefore the current improvements comply with the loading requirement.

The Project contains over 50 dwelling units, which triggers a requirement for additional loading under the Regulations. Specifically, the requirement is for one (1) 55-foot berth, one (1) 200 square foot platform, and one (1) 20-foot loading space. For zoning purposes, this loading may be located anywhere on the Record Lot, for the reasons discussed in Section V above.

VII. Inclusionary Zoning

Under Section 2602.1(c)(iii) of the Regulations, Inclusionary Zoning ("IZ") applies to additions containing 10 or more multifamily dwelling units that increase the gross floor area of the entire development by 50% or more. Additions that increase the GFA of the development by less than 50% are exempt from IZ. As stated in my prior Zoning determination letter dated November 18, 2010, this exemption applies to residential additions to both residential and commercial buildings.

Accordingly, so long as the Project has a gross floor area that is less than 50% of the gross floor area of the existing improvements on the Record Lot, the Project will be exempt from IZ.

VIII. Conclusion

Based on the foregoing, the existing improvements on the Record Lot comply with the parking and loading requirements of the Zoning Regulations, and the proposed Project will fully comply with the use, density, lot occupancy, court, parking and loading requirements of the Regulations. Accordingly, when you file the plans for a building permit, I will approve drawings if they are consistent with the calculations and exhibits referred to above. Please let me know if you have further questions.

Sincerely, Matthew Le Grant

Matthew Le Grant
Zoning Administrator

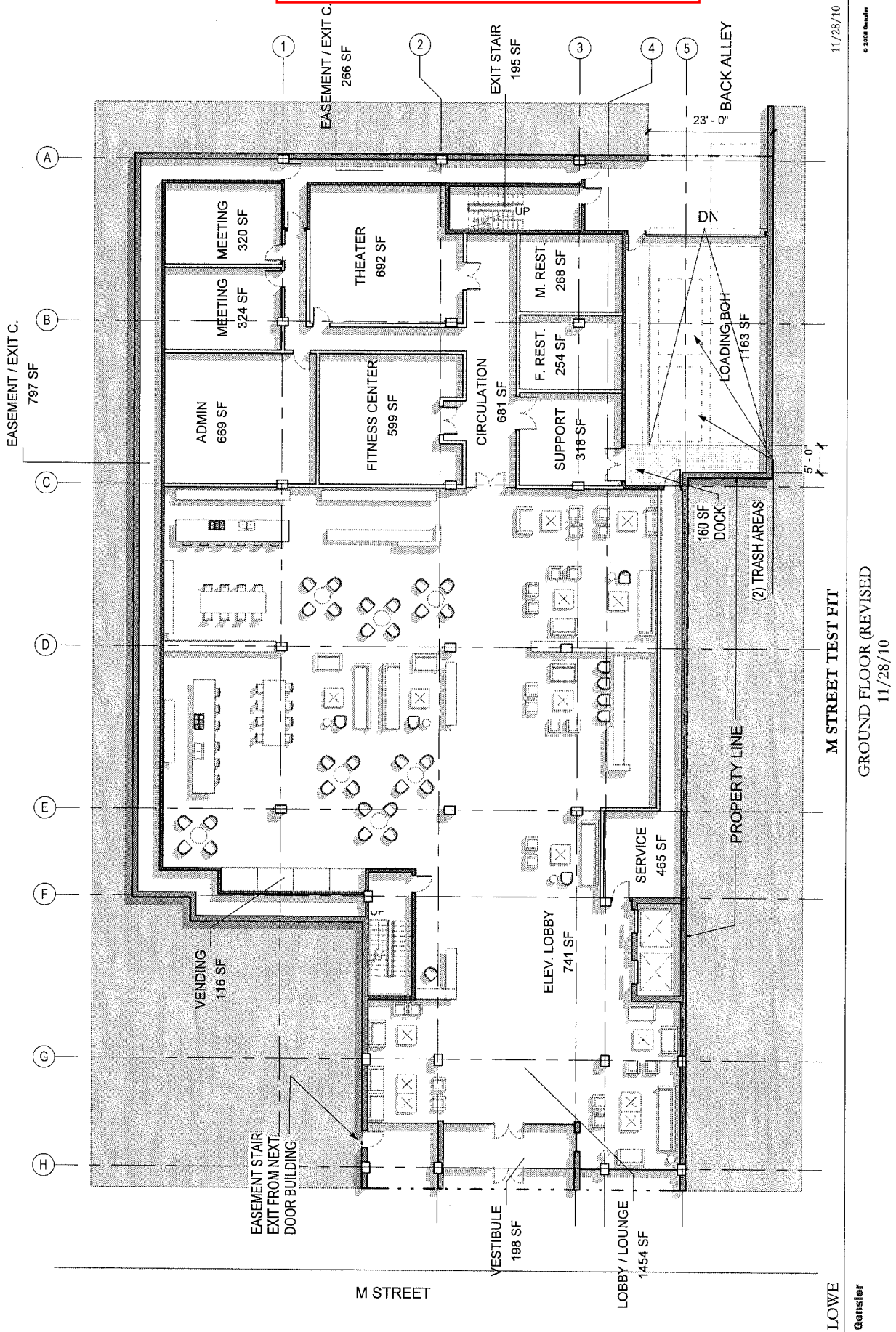
Attachments

File: Determination Ltr re 2109 M St to Epting 12-6-2010

⁴ Again, per the 1978 Comp Sheet, the pre-existing retail uses (Lulu's, on the Property, and Blackie's, on the Record Lot) required no loading.

⁵ No additional loading was required for the 2006 change in retail tenants from Blackies to Walgreens and Starbucks, since retail uses between 5,000 s.f. and 20,000 s.f. require the same amount of loading as a drug store of the same size, and retail uses less than 5,000 s.f. do not require any loading space.

EXHIBIT A



11/28/10

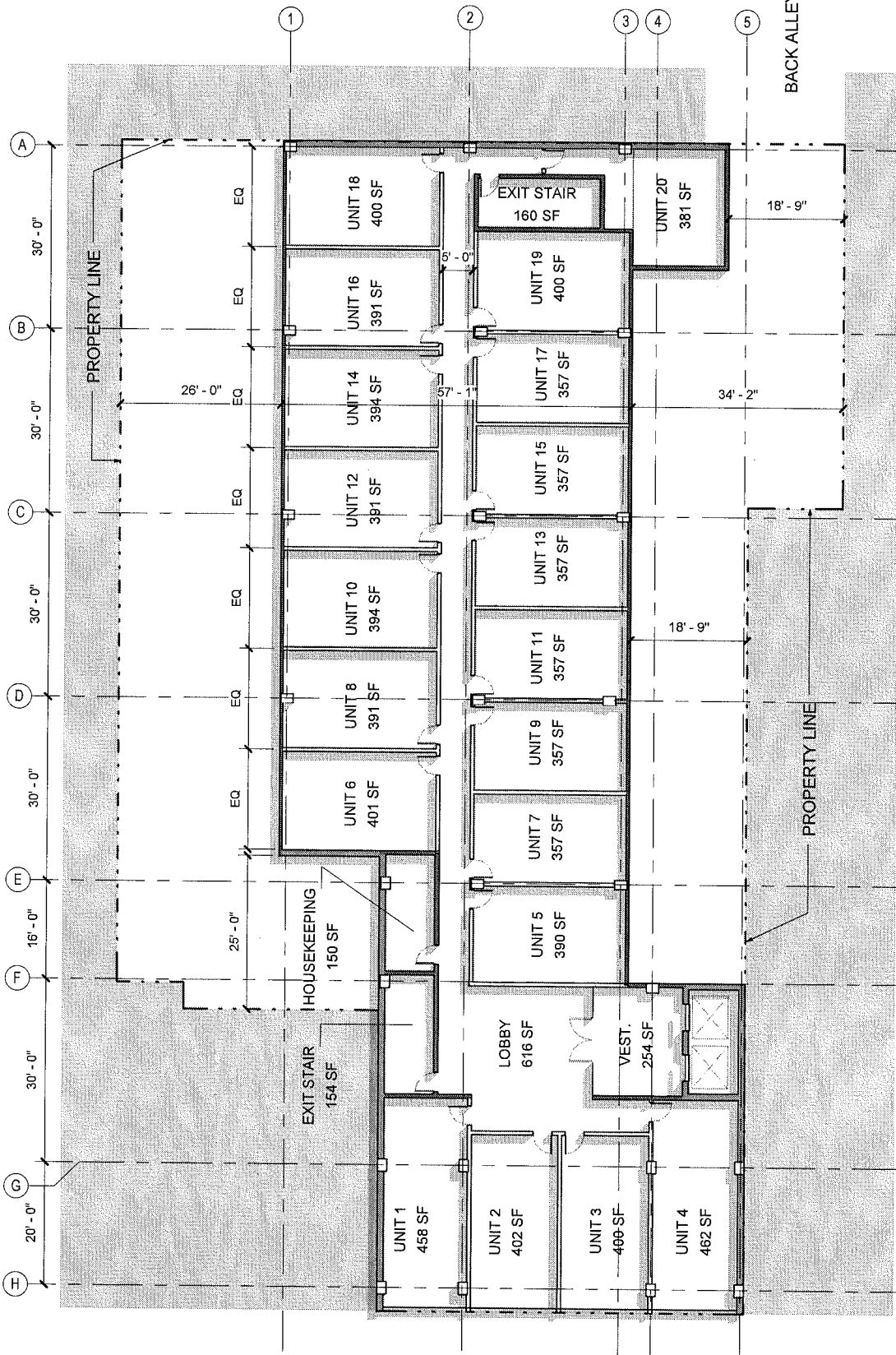
© 2010 Gensler

LOWE

Gensler

GROUND FLOOR (REVISED)

11/28/10



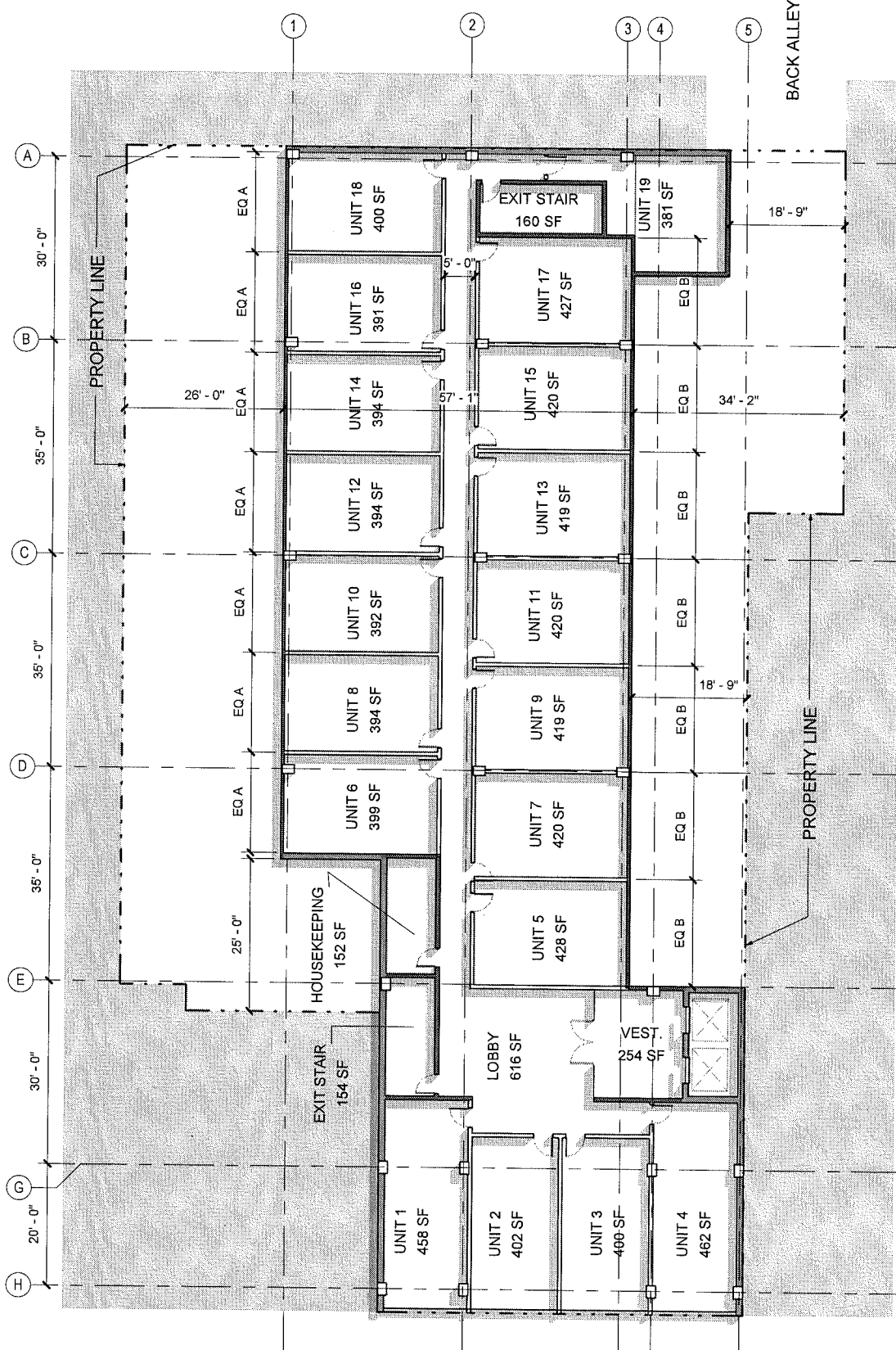
M STREET

LOWE
Gensler

M STREET TEST FIT
TYPICAL FLOOR (REVISED
11/26/10)

11/26/10

© 2010 Gensler

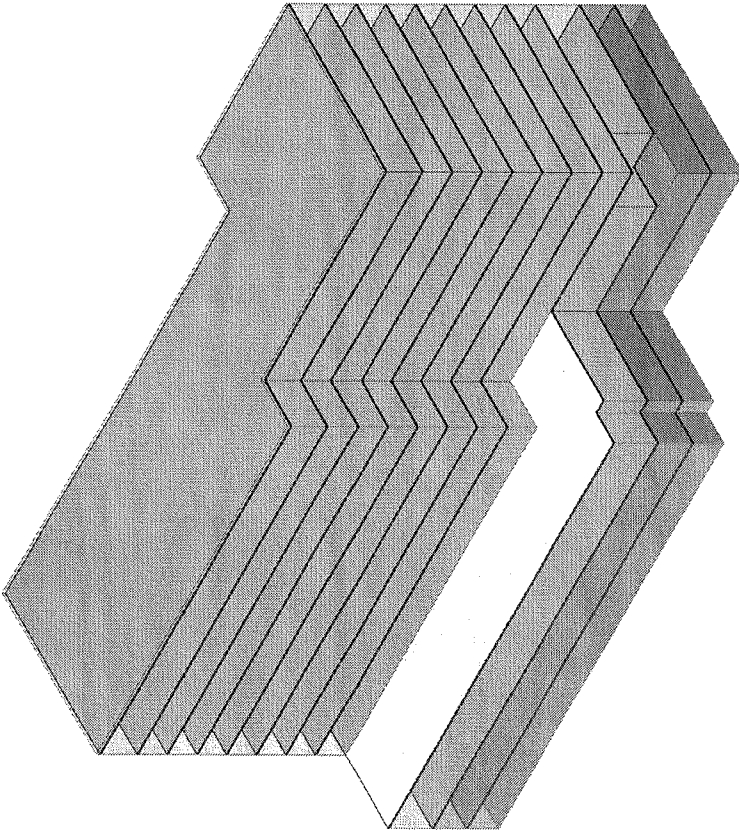


M STREET

LOWE
Gensler

M STREET TEST FIT
 TYPICAL FLOOR 152 UNITS
 (REVISED 11/26/10)

11/26/10
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FLOOR PLATE SCHEDULE	
LEVEL	GROSS FLOOR AREA
GF LEVEL	18020 SF
LEVEL 2	10710 SF
LEVEL 3	10710 SF
LEVEL 4	10710 SF
LEVEL 5	10710 SF
LEVEL 6	10710 SF
LEVEL 7	10710 SF
LEVEL 8	10710 SF
LEVEL 9	10710 SF
Grand total: 9	103710 SF

NOTE:
FLOOR AREAS REFLECT FULL FLOOR PLATES MASURED TO THE EXTERIOR EDGE OF WALL AS PLANNED DURING TEST FIT STAGE. THEY INCLUDE ELEVATOR SHAFTS, STAIRS, ETC IN EACH FLOOR. THESE ARE PROVIDED FOR REFERENCE ONLY.

EXHIBIT B**DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR**

Washington, D.C., August 13, 2008

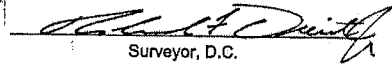
Plat for Building Permit of SQUARE 70 LOT 190

Scale: 1 inch = 50 feet

Recorded in Book 171 Page 184

Receipt No. 05949

Furnished to: JAN MARUT

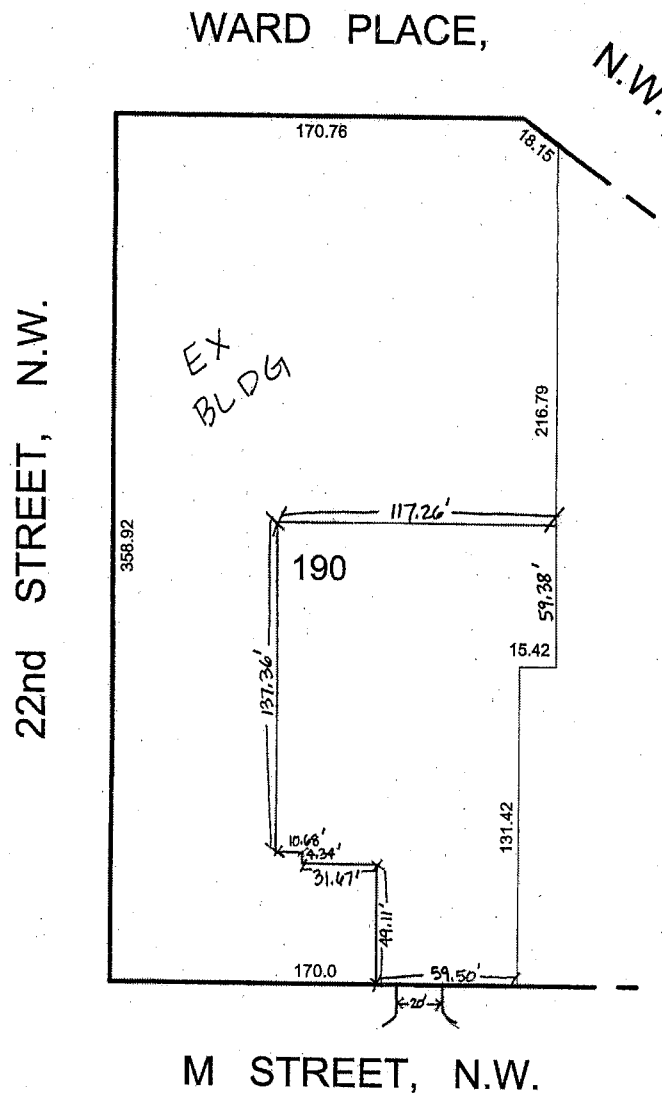

Surveyor, D.C.By: L.E.S. 

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



October 12, 2010

Mr. Kyrus L. Freeman
Holland & Knight LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington DC 20006

Re: Parking Requirements for Record Lot 207 in Square 204 (the "Property")

Dear Mr. Freeman:

This is to confirm the substance of our discussion on Friday, October 1, 2010 concerning the above referenced Property. You have asked for confirmation of the parking computations and requirements applicable to the Property.

The Property is located in the northwest quadrant of the District and is generally bounded by V Street on the north, 14th Street on the east, U Street on the south, and 15th Street on the west. The Property is zoned R-5-D. The Property is improved with a multi-family dwelling building currently known as "Campbell Heights Apartments" but whose name is changing to "Paul Laurence Dunbar Apartments" and that contains 171 units. You provided a copy of the following items during our meeting:

1. A copy of a plat prepared by VIKa showing the existing conditions of the Property;
2. Certificate of Occupancy No. 1002566 authorizing use of the Property as a 171 unit apartment building with 51 required automobile parking spaces;
3. A copy of a plat and legal descriptions prepared by VIKa showing the proposed division of Record Lot 207 into two assessment and taxation ("A&T") lots;
4. A copy of the existing building's Resident Selection Criteria, indicating that the building's households must be an "Elderly/Disabled family;"
5. A copy of a Section 8 Housing Assistance Payments ("HAP") Contract identified as HAP Contract Number DC398023001, and extensions of the contract.

A. Parking Requirements

Pursuant to section 2101.1 of the Zoning Regulations, "Publically assisted housing, reserved for the elderly and/or handicapped" in all zoning districts are required to provide one (1) off-street parking space for each six (6) dwelling units. The information you submitted indicates that the building's residents are limited to elderly or disabled families receiving Section 8 assistance. I, therefore, conclude that the building is "publically assisted housing, reserved for the elderly and/or handicapped," and is thus required to provide one (1) off-street parking space for each six (6) dwelling units. The information you submitted indicates that the existing building includes 171 units. Thus, pursuant to section 2101.1 of the Zoning Regulations, and based on the above facts, I find that 29 off-street parking spaces are required for the existing building. Accordingly, I will advise DCRA's Permit Operations Division to amend the existing Certificate of Occupancy to indicate that 29 parking spaces are required for the existing building.

B. Location of Parking Spaces

You indicted that the owner of the Property is dividing Record Lot 207 into two A&T lots, with the existing building to be located on the "Proposed Residue Lot" A&T lot shown on the plat prepared by VIKa, and with the 29 parking spaces to be located on the "Proposed Lot A" A&T lot. You also indicated that at some point in the future, the owner anticipates constructing a new building on the "Proposed Lot A" A&T lot, connecting that new building to the existing building such that they constitute one building for zoning purposes, and locating the 29 parking spaces required for the existing building in a below-grade garage to be constructed under the future new building.

Section 2116.1 of the Zoning Regulations provides that, except as provided in other sections of the Zoning Regulations, all parking spaces must be located on the same lot with the buildings or structures they are intended to serve. Section 199 of the Zoning Regulations defines a "lot" as follows:

[T]he land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded in the records of the Surveyor of the District of Columbia.

11 DCMR §199.

Based upon the definition of "lot" in section 199 of the Zoning Regulations, I find that an A&T lot is a "lot" for the purposes of section 2116.1 of the Zoning Regulations. Therefore, placement of the 29 parking spaces required for the existing building on the new A&T lot -- "Proposed Lot A" -- can be done as a matter-of-right and does not require a special exception pursuant to section 2116.5 of the Zoning Regulations since those spaces will be located on the same underlying Record Lot as the building they are intended to serve.

In addition, if at some point the owner constructs a building on the new A&T lot, and such building is connected to the existing building to the extent, if any, required under then applicable zoning, the 29 parking spaces required for the existing building can be relocated to a

below-grade garage beneath the new building, provided that the underlying Record Lot 207 is maintained, and provided further that the 29 required parking spaces are accessible to the residents of the existing building.

Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

File: Determination Ltr re Parking SSL 204 207 to Freeman 10-12-2010

Avitabile, David

From: Avitabile, David
Sent: Monday, August 26, 2013 6:36 PM
To: 'LeGrant, Matt (DCRA)'
Cc: 'Ilan Scharfstein'; Epting, John
Subject: 2121 M Street -- Review of our discussion
Attachments: Roof Terrace Sketch.pdf; Sq 70 Comp Sheets.PDF; Determination Ltr re 2109 M St to Epting 12-6-2010.pdf

Matt,

Thank you for meeting with us to review the current development plans for 2121 M Street NW and confirm (or in some cases, reconfirm) the application of the Zoning Regulations. The property is located in Square 70, Lot 880 (part of record lot 190) ("Property") in the CR Zone District. We propose to construct a hotel with 168 rooms, some ground floor retail and function room spaces, and 34 parking spaces, as shown on the attached plans ("Project").

The following email summarizes our discussion for your confirmation. We have also included a revised roof plan, as discussed below.

Lot:

- Our property 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, you confirmed the structures will constitute one building for zoning purposes.

Height:

- We will use the same measuring point as the Washington Marriott, which according to the Marriott's Comp Sheet (attached) was on M Street NW.
- Our Project will be constructed to a maximum height of 90 feet as measured to the top of the roof and excluding our parapet, which will be less than three feet in height.
- Accordingly, you agreed that the Project complies with height requirements of the Zoning Regulations.

Density:

- Pursuant to your prior determination letters (including most recently the letter dated December 6, 2010 and attached to this email), approximately 120,639.91 square feet of density remains available on the lot. Our Project contains 110,173 square feet of gross floor area.
- We have concluded that, of the total amount of available remaining density, only 8,459 square feet remains available for nonresidential uses. As indicated on the plans and development summary, only 7,041 square feet of gross floor area within the Project will be devoted to the nonresidential components of a hotel use. The balance is devoted to guest rooms and service areas, which constitute residential uses under Section 631.2 of the Zoning Regulations.
- Accordingly, you confirmed that the Project conforms to the density limitations of the Zoning Regulations.

Public Space at Ground Level:

- As we discussed, 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, we 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, you 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.

Lot Occupancy:

- The Zoning Regulations permit a lot occupancy of 100% for nonresidential uses; for purposes of lot occupancy, hotel use is considered to be a nonresidential use under Section 634.3 of the Zoning Regulations. The uses on the lot consist entirely of hotel and retail uses; that is, non-residential uses under Section 634. Upon completion of our Project, all improvements on the underlying record lot will occupy 90.3% of the lot. Accordingly, you agreed that the lot will continue to conform with the lot occupancy requirements upon completion of the Project.

Rear Yard:

- Pursuant to Section 636.5, no rear yard is required for a corner lot abutting three or more streets. The lot fronts on three streets – M Street, 22nd Street, and Ward Place. The Comp Sheet confirms that no rear yard was required for the Marriott. According, as an addition to an existing single building for zoning purposes that fronts on three streets, you agreed that no rear yard is required for the Project.

Courts:

- The CR District requires that hotels provide courts with a width of 2.5 inches per foot of height, and, for closed courts, an area that is twice the square of the required court width.
- Pursuant to your prior determination letter, you concluded that the Project would create two courts – one closed court on the west side of our Project, and one open court on the east side of our Project.
- As we discussed, the closed court has a height of 76'9", width of 33' 0 3/4", and area of 4,69 square feet. Accordingly, you affirmed that this court complies with the Zoning Regulations.
- As we discussed, the open court is a part of a "chain of courts" extending to Ward Place and it is therefore an open court. We also discussed that the open court actually consists of two contiguous open courts: the loading area and private alley, which has a height of 89'6" and width of 22' 3 7/8"; and the court above the first floor, which has a height of 76'9" and width of 16' 3 3/8". Accordingly, you confirmed that both open courts comply with the open court requirements of the Zoning Regulations.

Parking:

- A hotel in the CR District requires one parking space per 4 rooms and one parking space per each 300 square feet in the largest function room or exhibit space. The Project contains 168 rooms and a 1,710 square-foot function space, for a total parking requirement of 48 spaces.
- As we discussed, the existing Marriott hotel has more parking than is required under the Zoning Regulations. 32 spaces were required and 140 were provided, for a surplus of 108 parking spaces.
- Pursuant to your prior determination letter, you concluded that the Project could meet its parking requirement by using excess parking at the Marriott, because it is still within the single record lot. As we discussed, our Project will have a total parking requirement of 48 spaces, which will be satisfied for zoning purposes with 34 parking spaces within the Project and the remaining 14 spaces within the Marriott garage. Accordingly, you agreed that the Project complies with the parking requirements

Loading:

- As we discussed, the Project triggers a loading requirement for one 30-foot deep berth, one 100 square foot platform and one 20-foot deep delivery space. This loading may be located anywhere on the record lot and will be provided as shown on the proposed plans.

Roof Structure

- As we discussed, the proposed Project contains a roof structure that is set back from all exterior walls (that is, the south wall that faces M Street and the north wall that faces the open court). No setback is required from the east wall, which is a lot line wall that abuts another 90-foot tall building, or from the west wall, which faces a closed court within the single record lot.
- Pursuant to our discussion, we have modified the roof structure to reduce the amount of accessory space within the structure and clarify that the enclosed space is intended to be used for uses that are accessory to the rooftop recreation space , as shown on the attached plan. Please confirm that the revised roof plan is acceptable.

Thank you very much for your time and attention to this matter; we hope that it will help expedite the permit review of this “matter of right” project.

Best,
Dave

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.

David M. Avitabile

Associate

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Direct Fax (202) 263-0528

DAvitabile@goulstonstorr.com

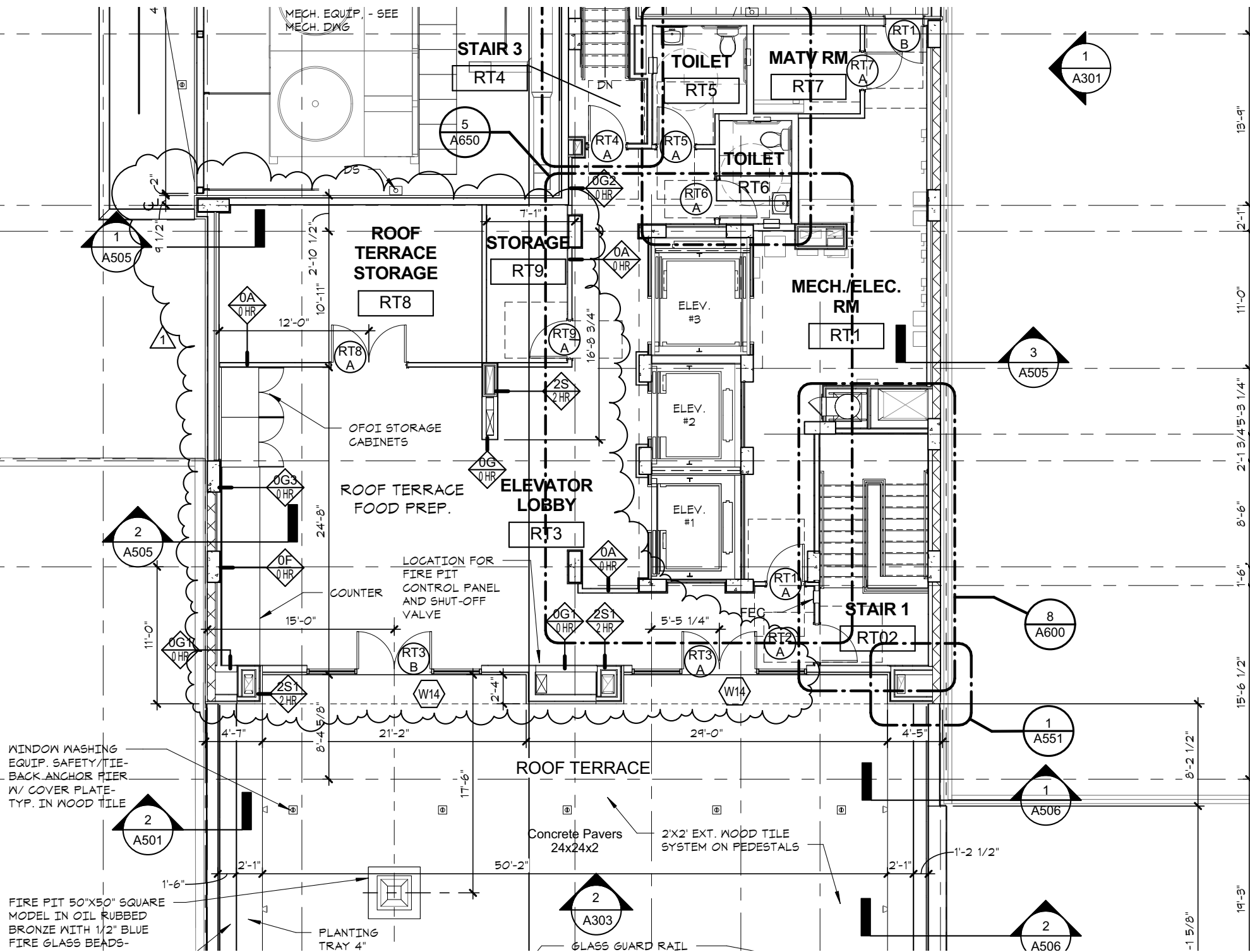
***goulston&storr*s**

A Professional Corporation

1999 K Street, N.W., 5th Floor * Washington, DC 20006-1020

(202) 721-0011 * Fax (202) 721-1111 * www.goulstonstorr.com

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Avitabile, David

From: Avitabile, David
Sent: Sunday, November 10, 2013 12:32 PM
To: 'Ndaw, Mamadou (DCRA)'
Cc: 'LeGrant, Matt (DCRA)'; Epting, John; 'Ilan Scharfstein'
Subject: 2121 M Street (B1310607) - Response to Zoning Review Comments
Attachments: RE: 2121 M Street -- Review of our discussion; 2121 M Street -- Review of our discussion; 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 coping 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.

David M. Avitabile

Associate

Direct (202) 721-1137

Direct Fax (202) 263-0537

DAvitabile@goulstonstorrs.com

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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.

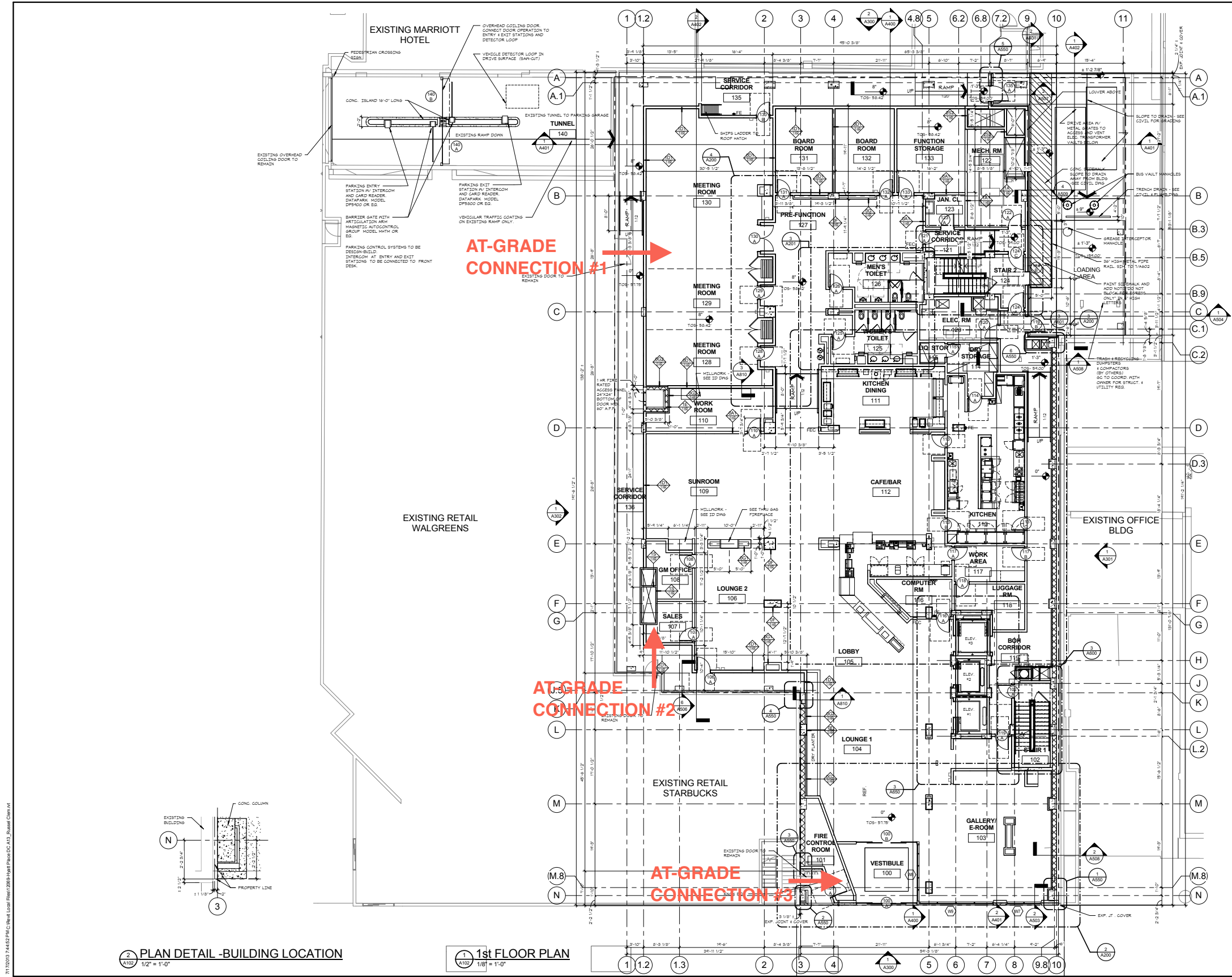
Hyatt Place Hotel
2121 M Street, NW
Washington, D.C. 20036

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
Copyright: © 2013 Jonathan Nehmer + Associates, Inc.
SHEET TITLE

1st FLOOR PLAN

A102



	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

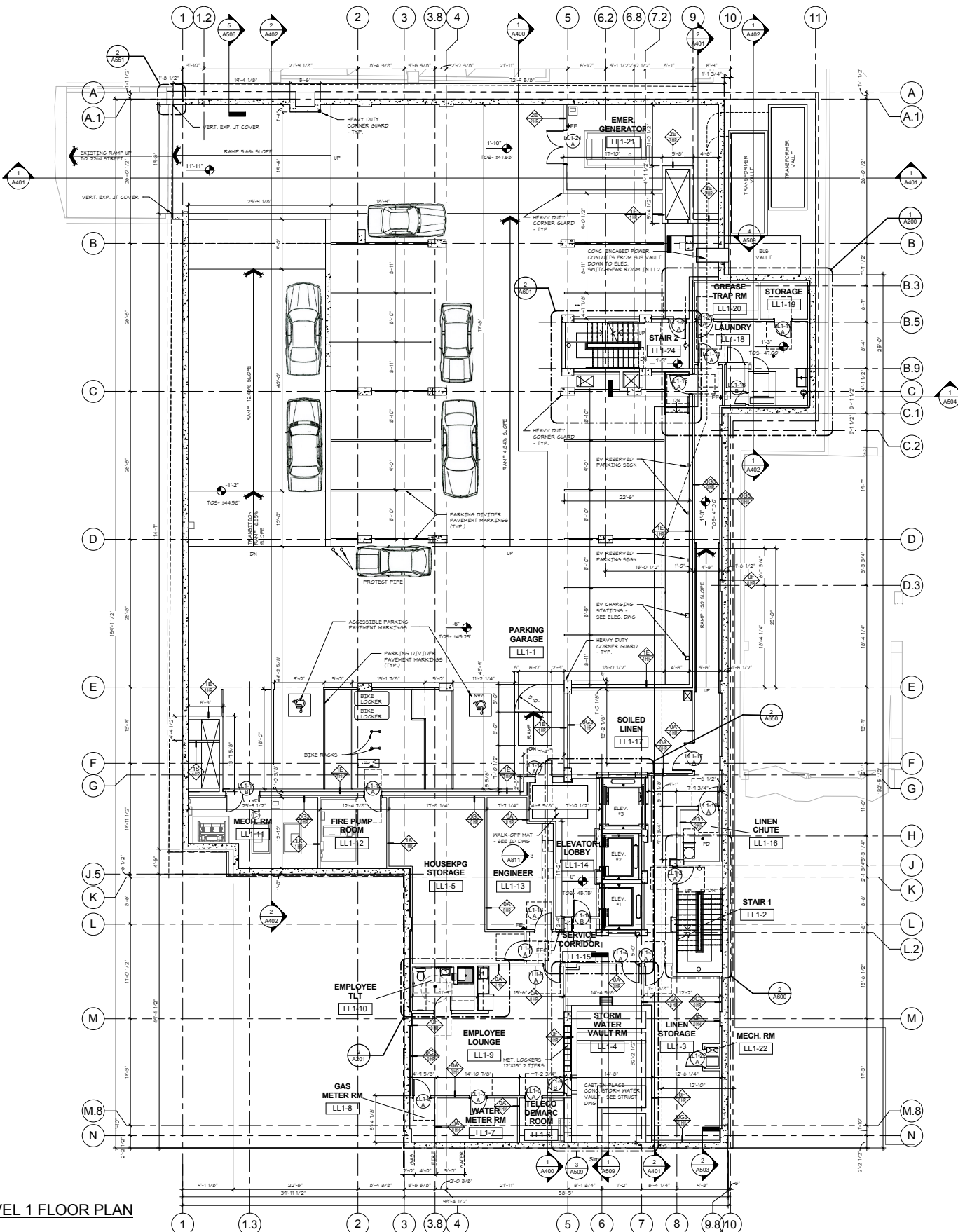
Project Number: 12069

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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

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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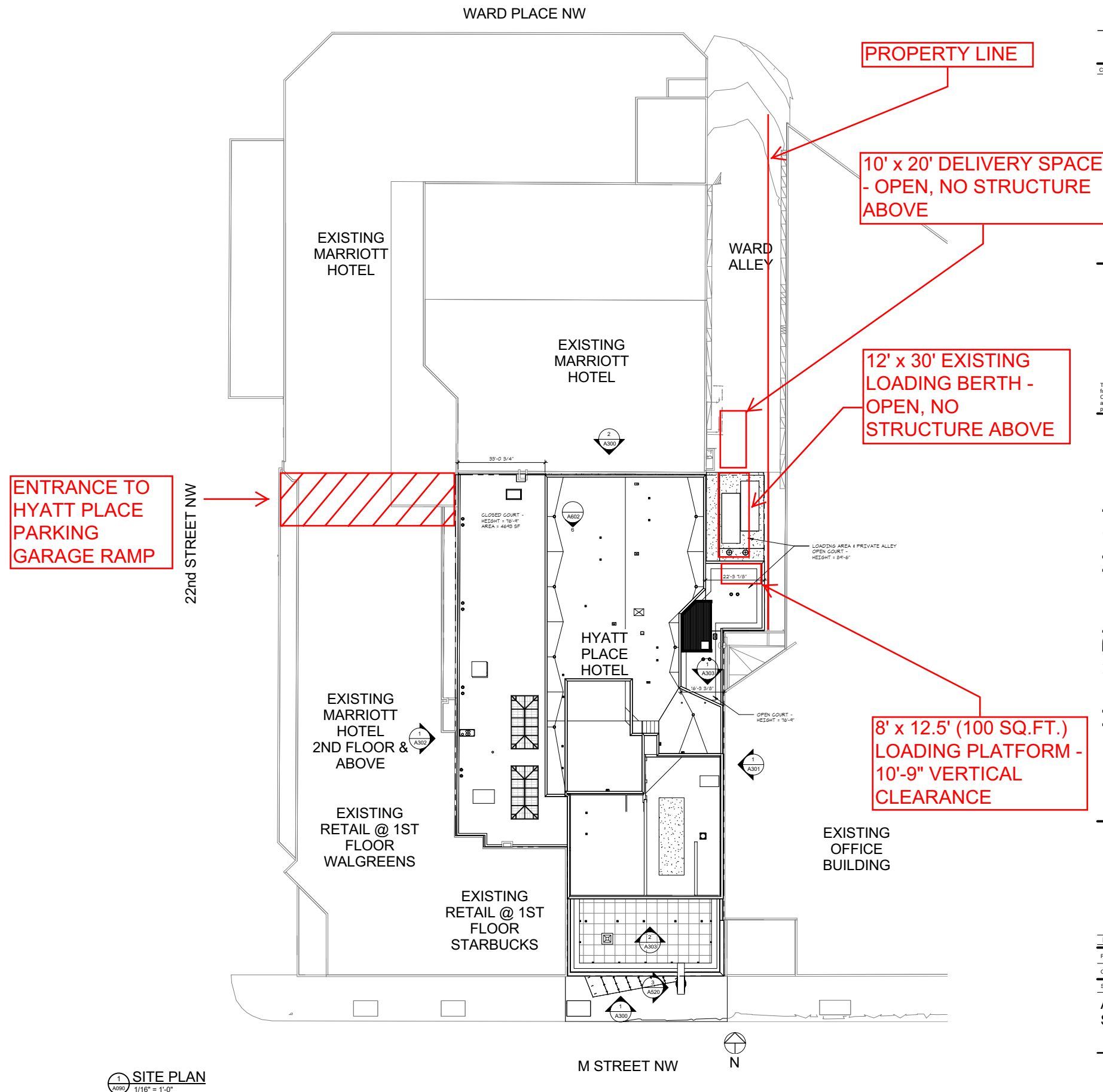
Project Number: 12069

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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
50% DESIGN DEVELOPMENT	02/01/2013
100% SCHEMATIC DESIGN	01/04/2013

Project Number: 12069

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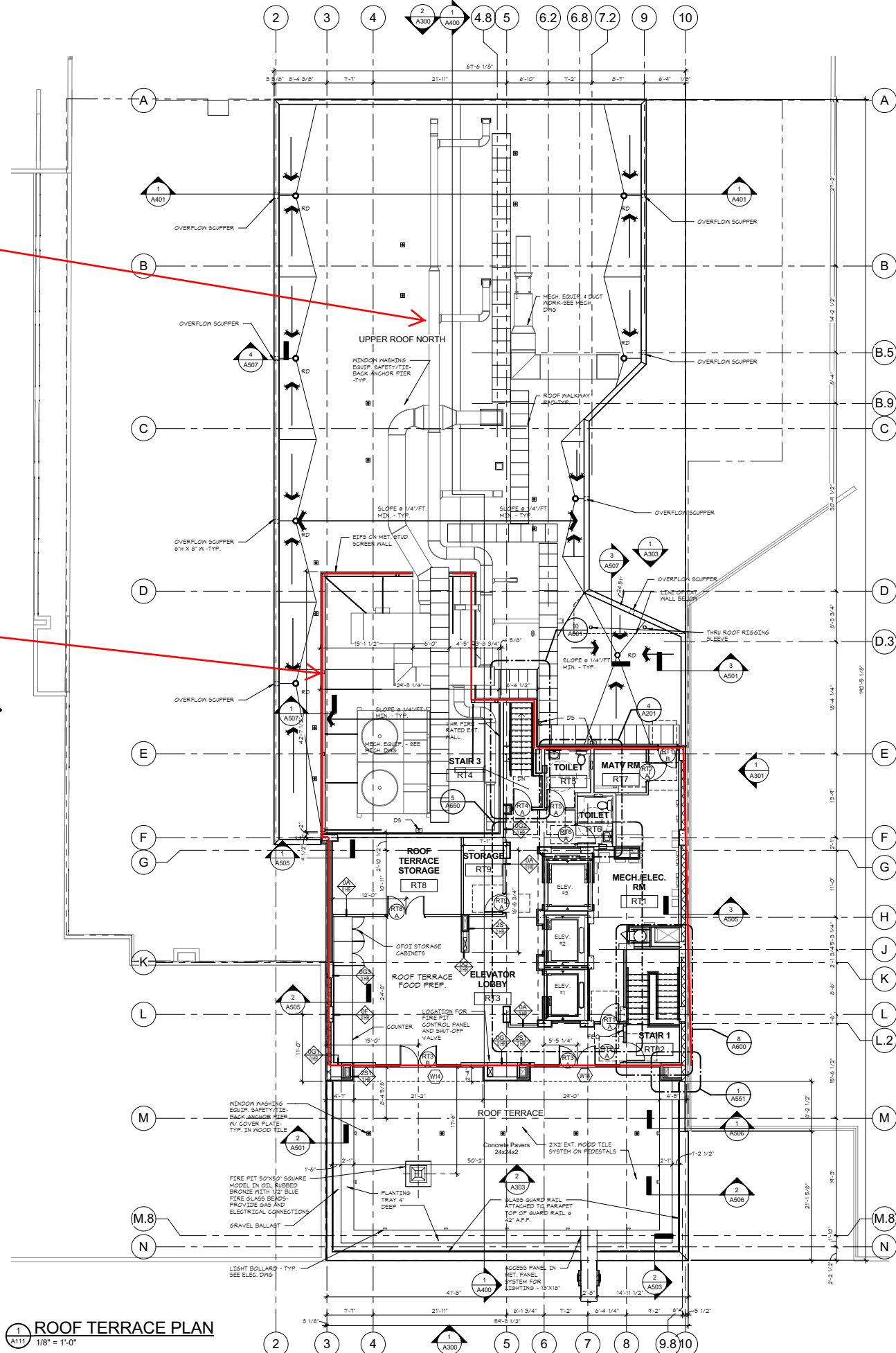
SHEET TITLE

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"

LI-2-3
5/1/58

DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF LICENSES AND INSPECTIONS
ZONING DIVISION

ZA-78-
FILE NO. 663

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner MR. U.G. AUGER		2. Location 1221-22 ND ST, N.W.		3. Square 70
4. Lot 187	5. Zone CR	6. Use of Building or Structure HOTEL	7. New ☒ Addition to Alter existing	
8. Type of Structure Conforming Nonconforming	9. Use of Structure Conforming ☒ Nonconforming	10. Width of Adjacent Streets, 22 ND ST. - 90' M ST. - 90' WARD PL. - 50'	11. Width of Adjacent Alleys PUBLIC ALLEY-30'	
12. Width of Restriction Lines None	13. Application of Act of June 1, 1910 Height of Bldg. - 110' Excess Height - None	14. Type of Lot Corner ☒ Through ☒ Triangular Alley Interior	15. Number of Dwelling Units HOTEL ROOMS 354	
16. Lot Area Required - NP 59,291.95 Provided -	17. Lot Occupancy No Allowed - LIMIT Provided - 54,918.26	18. Gross Floor Area Total 213,864.42 204,160.77 F.A.R. = 4,703.65	19. Cellar Area Total 81,616.05	20. Floor Area Ratio G.O. = 355,751.7 Allowed - 213,864.42 Provided - 204,160.77
21. Number of Residential Parking Spaces MAX HOTEL SPACES = 89 Required - NONE Provided - 89 Open Area - None Within Bldg.		22. Number of Commercial Parking Spaces Required - Provided - Open Area - Within Bldg. -		23. Number of Loading Berths Required - 2 MAX = 4 SERVICE SPACE REQ = 6 Provided - 2 LOAD BERTHS 6 SERVICE SPACES
24. Height of Bldg. Curb, to first floor - 90' Allowed - 1.7' to high point of roof - 90' Grade, to first floor - .85' to ceiling top story - 90.85' to high point of roof - 107.52'		25. Number of Stories Allowed - NP. Provided - 9 Basement - None Cellar - 3 PENTHOUSE - ☒		26. Rear Yard Depth - None - None Side Yard Width - None - None Open Court Width - 16.3 - 46.5' Closed Court Width - 14.47 - 8' Closed Court Area - None - None

REMARKS:

(PENTHOUSE)

REFERENCE ELEVATION -

T.C. = 57.2' 1ST FL. = 55.5'
MIDDLE OF LOT ON 'M' ST.

~~BED ON EXCESS PARKING~~

COMPLIES WITH REQUIREMENT.

FEB 2 1979 DE ZONING REGULATIONS

PENTHOUSE = .37 = 21,938.02
F.A.R.
PROVIDED = 9,703.65
HEIGHT = 17.52'

~~TOPO FROM HIGHWAY~~ (SUBMITTED 7/18/78)

~~PLANS TO M.R.O. ON POOF STRUCTURES~~ - Will submit on 12-14-78 to Zoning

TRIED TO REACH MR. GITLIN ON ^{EXCESS} PARKING 9/14/78. ARCHITECT CONTACTED -
(840-9700) Changes made 9/15/78 - R Smith 9/15/78

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner Ulysses L. Lulu H. Anger		2. Location 1221, 22 nd St NW		3. Square 70	
4. Lot 190		5. Zone CR		6. Use of Building or Structure Hotel	
7. New Addition to ☒		8. Type of Structure Conforming ☒ Nonconforming		9. Use of Structure Conforming ☒ Nonconforming	
10. Width of Adjacent Streets, 22 nd St 90' Hard pl 50' M St 90'		11. Width of Adjacent Alleys None		12. Width of Restriction Lines None	
13. Application of Act of June 1, 1910 Height of Bldg. 110' Excess Height -		14. Type of Lot Corner ☒ Triangular Interior		15. Number of Dwelling Units Existing 350 Allowed 71	
16. Lot Area Required <u>NP</u> Provided 64445.98 sq ft		17. Lot Occupancy Allowed <u>NP</u> Provided -		18. Gross Floor Area Total Exist 222074.30 Add 37988.57 260059.87 sq ft	
19. Cellar Area Total 81616.05 sq ft (Existing)		20. Floor Area Rat (6.0) 362487.78 Allowed - 260059.87 sq ft Provided -		21. Number of Residential Parking Spaces Required <u>18</u> Provided - Open Area - Within Bldg. -	
22. Number of Commercial Parking Spaces Additional Required <u>18</u> Provided <u>18</u> (Total of 107 Spaces) Open Area - Within Bldg. ☒		23. Number of Loading Berths Required - Provided - Existing		24. Height of Bldg. Allowed <u>90'</u> Curb, to first floor <u>0.8'</u> to high point of roof <u>90'</u> Grade, to first floor <u>91.65'</u> to ceiling top story - to high point of roof -	
25. Number of Stories Allowed <u>HL</u> Provided <u>9</u> Basement - Cellar <u>3 (Existing)</u>		26. Required Rear Yard Depth - Side Yard Width - Open Court Width - Closed Court Width - Closed Court Area -		27. Provided Rear Yard Depth - Side Yard Width - Open Court Width - Closed Court Width - Closed Court Area -	

REMARKS, * M St. ref. for ht 57.2'

gulf. the architect on 8/1/88
at 9:15 AM. Mr. Lee that he
was ready for signing at the
early office.

COMPLIES WITH REQUIREMENTS
OF ZONING REGULATIONS
8/11/88

Architect
GTR Silvia Maynard
229-9300

Allowable FAR
(6.0) → 386675.85 sq ft
(-) Appraised to lot 188 → 24188.10
362487.78 sq ft

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Office of the Zoning Administrator



March 2, 2005

Norman M. Glasgow, Jr.

Steven E. Sher

Director of Zoning and Land Use Services

Holland & Knight LLP

Suite 100

2099 Pennsylvania Avenue, N.W.

Washington D.C. 20006

Re: Square 70 – CR District Covenants Allocating Density

Gentlemen:

This is to confirm the substance of our discussion on Wednesday, February 16, 2005, concerning the allocation of density on various lots in Square 70, the block bounded by M, N, 22nd and 21st Streets and New Hampshire Avenue, N.W. The property at issue is known as lot 190 and is located in the southwest corner of the Square at the northeast corner of the intersection of 22nd and M Streets. It is improved with a hotel which also contains the Blackie's House of Beef restaurant. The subject property is zoned CR and has been so zoned since 1974.

The CR District allows a maximum floor area ratio (FAR) of 6.0, of which no more than 3.0 may be used for other than residential purposes. Under §631.3, "the allowable residential and nonresidential bulk of a CR District may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided that the aggregate residential and nonresidential floor area may not exceed the limits for the CR District." Further, §631.4 requires that a covenant running with the land be executed by all owners of the properties involved and the District of Columbia.

You advised that a series of covenants, starting in 1975 and ending in 1987, were executed and recorded apportioning the density of lot 190 and a number of other lots in Square 70 also zoned CR. Subsequent to the last covenant, an application was filed for a building permit to construct an addition to the existing hotel. The Zoning Administrator reviewed that application and prepared a Zoning Computation Sheet, No. 88-97, reflecting the density allowed. That sheet, dated August 11, 1988, as complying with the requirements of the Zoning Regulations, indicates that:

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4564 Fax: (202) 442-4863

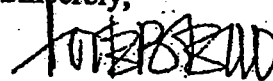
Exhibit B

Lot area	64,445.98 sf
Allowable gross floor area @ 6.0	386,675.88 sf
Gross floor area apportioned to lot 188	24,188.10 sf
Remaining FAR available to lot 190	362,487.78 sf
Existing gross floor area at the time	222,074.30 sf
Gross floor area or proposed addition	37,985.57 sf
Total resulting gross floor area	260,059.87 sf

You advised that a permit was issued and the building was subsequently constructed in accordance with the plans on which the computations were determined.

Based on the computations set forth above, I conclude that there are 102,427.91 square feet of gross floor area remaining on lot 190 available for future development on that lot. The computations do not distinguish between residential and nonresidential space on the lot. The available density could be used for residential purposes (including multiple dwellings or guest room areas or service areas within a hotel). Computations must be provided for any future development to demonstrate that the limit of 3.0 FAR on nonresidential floor area is not being exceeded.

Sincerely,



Toye Bello
Zoning Administrator

22nd & M Associates, LLC
5301 Wisconsin Avenue, NW, Suite # 510
Washington, DC 20015
Tel. # (202) 686-3000; Fax # (202) 686-3617

May 25, 2006

Department of Consumer & Regulatory Affairs
Building and Land Regulation Administration
941 N. Capitol Street, NE
Washington, DC 20002

Re: 1217 22nd Street, NW
Interior Alteration

To whom it may concern:

The existing number of parking spaces at 1217 22nd Street, NW is 140 spaces. The parking requirement for the 1981 building under the then CR zoning regulations was 0 requirement. The parking requirement for the 1990 building under the then CR regulations was 1 space per 4 rooms and the current parking regulation for the CR zone is 1 space per 4 rooms.

1981 building	354 rooms	0 parking spaces required
1990 building	71 rooms	18 parking spaces required
2006 reconfiguration	56 rooms	<u>14 parking spaces required</u>

TOTAL

32 parking spaces

With 140 existing parking spaces we have met the parking requirements under the CR zoning.

Sincerely,



Meera S. Friemel

/mibv

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



February 13, 2009

Norman M. Glasgow, Jr.
Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
Suite 100
2099 Pennsylvania Avenue, N.W.
Washington D.C. 20006

Re: Square 70 – CR District Covenants Allocating Density

Gentlemen:

This is to confirm the substance of our discussion on Thursday, January 29, 2009, concerning the allocation of density on lot 190 in Square 70, the block bounded by M, N, 22nd and 21st Streets and New Hampshire Avenue, N.W. Lot 190 is located in the southwest corner of the Square at the northeast corner of the intersection of 22nd and M Streets. It is improved with a hotel which also formerly contained the Blackie's House of Beef restaurant and Lulu's restaurant and supper club. The subject property is zoned CR and has been so zoned since 1974.

The CR District allows a maximum floor area ratio (FAR) of 6.0, of which no more than 3.0 may be used for other than residential purposes. Under §631.3, "the allowable residential and nonresidential bulk of a CR District may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided that the aggregate residential and nonresidential floor area may not exceed the limits for the CR District." Further, §631.4 requires that a covenant running with the land be executed by all owners of the properties involved and the District of Columbia.

You advised that a series of covenants, starting in 1975 and ending in 1985, were executed and recorded apportioning the density of lot 190 and a number of other lots in Square 70 also zoned CR. In the 1985 covenant, the property is indicated as having a total permitted gross floor area of 365,634.53 square feet.

Subsequent to the last covenant, an application was filed for a building permit to construct an addition to the existing hotel. The Zoning Administrator reviewed that application and prepared a Zoning Computation Sheet, No. 88-97, reflecting the density allowed. That sheet, dated August 11, 1988, as complying with the requirements of the Zoning Regulations, indicates that:

Lot area	64,445.98 sf
Allowable gross floor area @ 6.0	386,675.88 sf
Gross floor area apportioned to lot 188	24,188.10 sf
Remaining FAR available to lot 190	362,487.78 sf
Existing gross floor area at the time	222,074.30 sf
Gross floor area or proposed addition	37,985.57 sf
Total resulting gross floor area	260,059.87 sf

The Zoning Computation Sheet assumed a maximum permitted density of slightly less than that provided for in the 1985 covenant. As the more restrictive of the two numbers, I have relied on the Computation Sheet number for the purposes of this determination. You advised that a permit was issued and the building was constructed in accordance with the plans on which the computations were determined.

This information was presented to and reviewed by then Zoning Administrator Toye Bello in 2005. By letter dated March 2, 2005, he concluded that

"Based on the computations set forth above, I conclude that there are 102,427.91 square feet of gross floor area remaining on lot 190 available for future development on that lot. The computations do not distinguish between residential and nonresidential space on the lot. The available density could be used for residential purposes (including multiple dwellings or guest room areas or service areas within a hotel). Computations must be provided for any future development to demonstrate that the limit of 3.0 FAR on nonresidential floor area is not being exceeded."

Subsequent to the construction of the addition, permits were issued by the District in 2006 to demolish the one story portion of the building which contained Lulu's. Pursuant to a plat, dated March 14, 2006 and revised May 15, 2006, prepared by Wiles Mensch Corporation, and based on a letter, dated January 26, 2009, from Davis Carter Scott, architects, the gross floor area removed from the building pursuant to those permits constituted 18,212 square feet.

February 13, 2009
Page 3

Based on the computations set forth above and following on the conclusions reached by the Zoning Administrator in 2005, I conclude that there are now 120,639.91 square feet of gross floor area remaining on lot 190 available for future development on that lot. That comprises the 102,427.91 square feet found in 2005 plus the addition of the 18,212 square feet removed pursuant to the 2006 permits. The available density may be used for residential purposes (including multiple dwellings or guest room areas or service areas within a hotel) and, within that total, up to 18,212 square feet of gross floor area may be used for nonresidential uses to replace the gross floor area formerly devoted to Lulu's. Further computations must be provided for any future development to demonstrate that the limit of 3.0 FAR on nonresidential floor area is not being exceeded.

Please let me know if I may be of further assistance.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Avitabile, David

From: LeGrant, Matt (DCRA) [matthew.legrant@dc.gov]
Sent: Sunday, October 27, 2013 4:36 PM
To: Avitabile, David
Cc: Epting, John
Subject: RE: 2121 M Street -- Review of our discussion

David Avitabile:

Thanks for the clarification, as well as illustrative plans that were attached to your email. By this email I am confirming my agreement with its analysis, and its conclusion that the areas of the rooftop structure comply with Section 411 of the Zoning Regulations.

Best Regards,

Matthew Le Grant

Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
Email: matt.legrant@dc.gov
Web: <http://dcra.dc.gov/service/zoning-dcra>

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From: Avitabile, David [mailto:DAvitabile@goulstonstorrs.com]
Sent: Wednesday, October 16, 2013 1:07 PM
To: LeGrant, Matt (DCRA)
Cc: Epting, John
Subject: RE: 2121 M Street -- Review of our discussion

Matt,

Please see attached for the whole roof plan and then a second page outlining the outdoor terrace and the interior accessory space. The outdoor terrace (B) is 1,687 s.f., and the interior space (A) is 480 s.f. This means that the interior space is 28-29% of the exterior space – however, our client noted that this is a function of the lot size and building configuration, which limits the size of the exterior space. In the absolute, the 480 s.f. interior space is small.

We welcome your thoughts and thank you for your attention to this. Please let me know if you'd like to discuss further by phone.

Best,

Dave

David M. Avitabile

Associate

Direct (202) 721-1137

Direct Fax (202) 263-0537

DAvitabile@goulstonstorrs.com

goulston&storrs

From: LeGrant, Matt (DCRA) [mailto:matthew.legrant@dc.gov]

Sent: Friday, October 11, 2013 5:49 PM

To: Avitabile, David

Cc: Epting, John

Subject: RE: 2121 M Street -- Review of our discussion

David Avitabile:

Two things on the roof structure:

- 1- Do you have an image of the entire roof and the structures on it?
- 2- What is the percentage of the accessory interior rooftop penthouse space compared to the outdoor roof area that it serves?

Best Regards,

Matthew Le Grant

Zoning Administrator

Dept of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th St SW - Room 3100

Washington, DC 20024

Phone: 202 442-4652

FAX: 202 442-4871

Email: matt.legrant@dc.gov

Web: <http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>

New, expanded library hours start **Oct. 1**. More hours for story time. More hours for community meetings. More hours to use free computers. Check out the library's new hours at dclibrary.org/newhours.

From: Avitabile, David [mailto:DAvitabile@goulstonstorrs.com]

Sent: Wednesday, October 09, 2013 12:28 PM

To: LeGrant, Matt (DCRA)

Cc: Epting, John

Subject: FW: 2121 M Street -- Review of our discussion

Hello Matt,

I just wanted to follow up about this issue. Our client is eager to, at a minimum, get feedback on whether the revised roof sketch (attached) is acceptable. Please let me know if it is or if you would like us to come in for additional discussion. Thank you so much.

- dave

David M. Avitabile

Associate

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Direct Fax (202) 263-0537

DAvitabile@goulstonstorrs.com

***goulston*&storrs**

From: Avitabile, David
Sent: Wednesday, October 02, 2013 12:24 PM
To: 'LeGrant, Matt (DCRA)'
Cc: 'Ilan Scharfstein'; Epting, John
Subject: FW: 2121 M Street -- Review of our discussion

Hello Matt,

I wanted to follow up with you regarding whether revised roof structure shown on the attached plan is acceptable and also confirmation of the remaining items in my initial email. Please let me know if you would like to discuss this further. Thank you so much.

Best,
Dave

David M. Avitabile

Associate

Direct (202) 721-1137

Direct Fax (202) 263-0537

DAvitabile@goulstonstorrs.com

***goulston*&storrs**

From: Avitabile, David
Sent: Thursday, August 29, 2013 4:30 PM
To: 'LeGrant, Matt (DCRA)'
Cc: 'Ilan Scharfstein'; Epting, John
Subject: FW: 2121 M Street -- Review of our discussion

Matt,

Sorry to follow up with you so soon on this one. If at all possible, we'd greatly appreciate it if you could just quickly review the revised roof terrace sketch and give us a read on whether it is acceptable. Thanks so much.

- Dave

David M. Avitabile

Associate

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DAvitabile@goulstonstorr.com

goulston&storr

From: Avitabile, David

Sent: Monday, August 26, 2013 6:36 PM

To: 'LeGrant, Matt (DCRA)'

Cc: 'Ilan Scharfstein'; Epting, John

Subject: 2121 M Street -- Review of our discussion

Matt,

Thank you for meeting with us to review the current development plans for 2121 M Street NW and confirm (or in some cases, reconfirm) the application of the Zoning Regulations. The property is located in Square 70, Lot 880 (part of record lot 190) ("Property") in the CR Zone District. We propose to construct a hotel with 168 rooms, some ground floor retail and function room spaces, and 34 parking spaces, as shown on the attached plans ("Project").

The following email summarizes our discussion for your confirmation. We have also included a revised roof plan, as discussed below.

Lot:

- Our property 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, you confirmed the structures will constitute one building for zoning purposes.

Height:

- We will use the same measuring point as the Washington Marriott, which according to the Marriott's Comp Sheet (attached) was on M Street NW.
- Our Project will be constructed to a maximum height of 90 feet as measured to the top of the roof and excluding our parapet, which will be less than three feet in height.
- Accordingly, you agreed that the Project complies with height requirements of the Zoning Regulations.

Density:

- Pursuant to your prior determination letters (including most recently the letter dated December 6, 2010 and attached to this email), approximately 120,639.91 square feet of density remains available on the lot. Our Project contains 110,173 square feet of gross floor area.

- We have concluded that, of the total amount of available remaining density, only 8,459 square feet remains available for nonresidential uses. As indicated on the plans and development summary, only 7,041 square feet of gross floor area within the Project will be devoted to the nonresidential components of a hotel use. The balance is devoted to guest rooms and service areas, which constitute residential uses under Section 631.2 of the Zoning Regulations.
- Accordingly, you confirmed that the Project conforms to the density limitations of the Zoning Regulations.

Public Space at Ground Level:

- As we discussed, 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, we 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, you 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.

Lot Occupancy:

- The Zoning Regulations permit a lot occupancy of 100% for nonresidential uses; for purposes of lot occupancy, hotel use is considered to be a nonresidential use under Section 634.3 of the Zoning Regulations. The uses on the lot consist entirely of hotel and retail uses; that is, non-residential uses under Section 634. Upon completion of our Project, all improvements on the underlying record lot will occupy 90.3% of the lot. Accordingly, you agreed that the lot will continue to conform with the lot occupancy requirements upon completion of the Project.

Rear Yard:

- Pursuant to Section 636.5, no rear yard is required for a corner lot abutting three or more streets. The lot fronts on three streets – M Street, 22nd Street, and Ward Place. The Comp Sheet confirms that no rear yard was required for the Marriott. According, as an addition to an existing single building for zoning purposes that fronts on three streets, you agreed that no rear yard is required for the Project.

Courts:

- The CR District requires that hotels provide courts with a width of 2.5 inches per foot of height, and, for closed courts, an area that is twice the square of the required court width.
- Pursuant to your prior determination letter, you concluded that the Project would create two courts – one closed court on the west side of our Project, and one open court on the east side of our Project.
- As we discussed, the closed court has a height of 76'9", width of 33' 0 3/4", and area of 4,69 square feet. Accordingly, you affirmed that this court complies with the Zoning Regulations.
- As we discussed, the open court is a part of a "chain of courts" extending to Ward Place and it is therefore an open court. We also discussed that the open court actually consists of two contiguous open courts: the loading area and private alley, which has a height of 89'6" and width of 22' 3 7/8"; and the court above the first floor, which has a height of 76'9" and width of 16' 3 3/8". Accordingly, you confirmed that both open courts comply with the open court requirements of the Zoning Regulations.

Parking:

- A hotel in the CR District requires one parking space per 4 rooms and one parking space per each 300 square feet in the largest function room or exhibit space. The Project contains 168 rooms and a 1,710 square-foot function space, for a total parking requirement of 48 spaces.
- As we discussed, the existing Marriott hotel has more parking than is required under the Zoning Regulations. 32 spaces were required and 140 were provided, for a surplus of 108 parking spaces.
- Pursuant to your prior determination letter, you concluded that the Project could meet its parking requirement by using excess parking at the Marriott, because it is still within the single record lot. As we discussed, our Project will have a total parking requirement of 48 spaces, which will be satisfied for zoning purposes with 34 parking spaces within the Project and the remaining 14 spaces within the Marriott garage. Accordingly, you agreed that the Project complies with the parking requirements

Loading:

- As we discussed, the Project triggers a loading requirement for one 30-foot deep berth, one 100 square foot platform and one 20-foot deep delivery space. This loading may be located anywhere on the record lot and will be provided as shown on the proposed plans.

Roof Structure

- As we discussed, the proposed Project contains a roof structure that is set back from all exterior walls (that is, the south wall that faces M Street and the north wall that faces the open court). No setback is required from the east wall, which is a lot line wall that abuts another 90-foot tall building, or from the west wall, which faces a closed court within the single record lot.
- Pursuant to our discussion, we have modified the roof structure to reduce the amount of accessory space within the structure and clarify that the enclosed space is intended to be used for uses that are accessory to the rooftop recreation space , as shown on the attached plan. Please confirm that the revised roof plan is acceptable.

Thank you very much for your time and attention to this matter; we hope that it will help expedite the permit review of this “matter of right” project.

Best,
Dave

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.

David M. Avitabile

Associate

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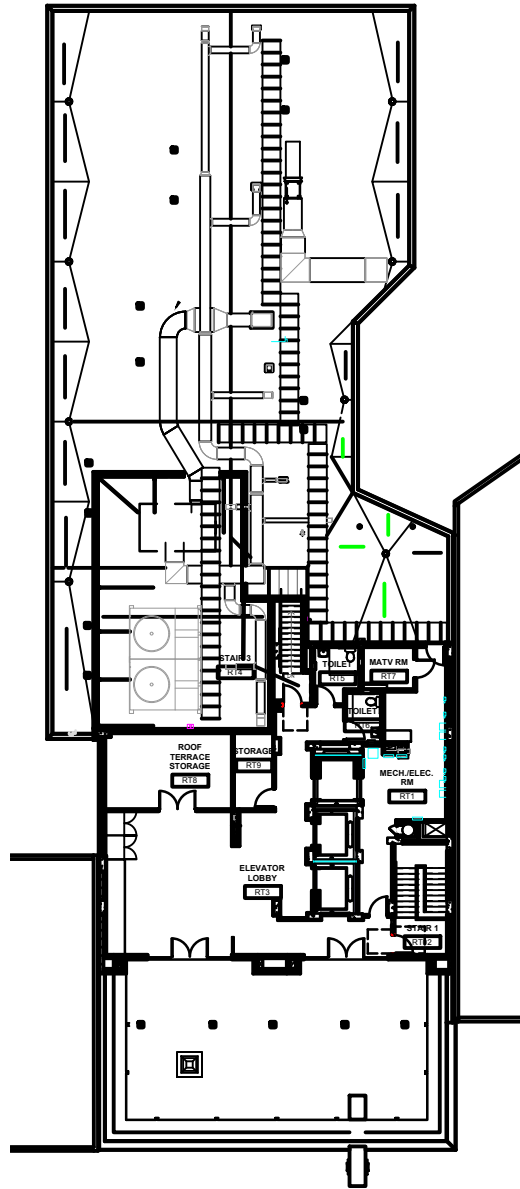
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ROOF TERRACE



HYATT PLACE HOTEL

2121 M St. NW, Washington DC 20036



JONATHAN NEHMER + ASSOCIATES, INC.

Architecture

Interior Design

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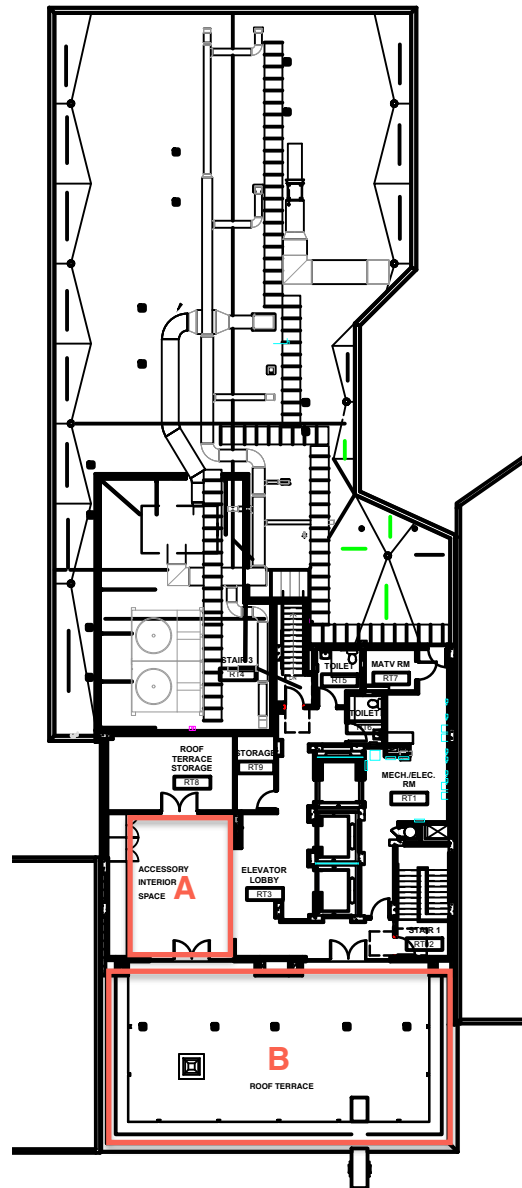
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ROOF TERRACE



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