

EXHIBIT A

From: LeGrant, Matt (DCRA) matthew.leggrant@dc.gov 
Subject: RE: Hilton Garden Inn, ZC Order No. 07-21B
Date: February 28, 2014 at 5:22 PM
To: Sally Blumenthal salkist2@aol.com
Cc: Majett, Nicholas (DCRA) nicholas.majett@dc.gov, Evans, Jack (COUNCIL) JACKEVANS@DCCOUNCIL.US, Florence Harmon florencedc@comcast.net, Kimbel, Sherri (COUNCIL) SKimbel@DCCOUNCIL.US

Sally Blumenthal-

I have concluded my review of your February 12, 2014 email in which you expressed concerns over the signage for the Hilton Garden Inn hotel, which was authorized by the Zoning Commission by PUD Order #07-21B. As I may have noted to you I was contacted by Christopher Collins and Kyrus Freeman, both of Holland and Knight, counsel for the hotel about this matter as well. Mr. Freeman met with me in January regarding this issue and following our meeting I wrote him [see attached letter dated 2-10-14] about my determination.

As you noted, Condition A.1 of PUD Order #07-21B addresses certain aspects of the hotel's signage. It states:

The PUD shall be developed in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 7, 2011 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the "Plans"), as modified by the guidelines, conditions, and standards herein.

Notwithstanding the notes on pages A1 and A2 of Exhibit 24, [footnote 2 states: Each note indicated that the location and dimension of the signage was for illustrative purposes only.] but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) in this Order), the hotel sign shall be above the hotel's entrance on 22nd Street as shown on those pages and that the sign cannot be at a different location or be vertically mounted on the facade of the hotel or illuminated from within.

As I noted in my letter, the Zoning Commission's approval included Exhibit 36 (which is attached to my 2-10-14 letter). That Exhibit shows the not only the sign "...above the hotel's entrance on 22nd Street..." [labeled B], but also a sign on the top of the exterior of the building [labeled B] . Although this reduced copy of Exhibit 36 is a little hard to read, (and I can ask the Office of Zoning for a larger, clearer copy if needed), I conclude that the Zoning Commission's approval did not restrict the Hilton Garden Inn to a single sign that is referred to in Condition 1.A. In fact my examination of the totality of the record allows the hotel to have a total of four signs, one for the ground floor restaurant, and three for the hotel [two at the top and the one sign above the entrance] of which the latter is limited to have the particular characteristics that are referred to in Condition A.1.

Upon receipt of your concern, I re-reviewed by 2-10-14 determination; however I do not see that there is new information that causes me to change my determination. Therefore, I conclude that the present installation of the signs at the top of the hotel building's exterior is not a violation of PUD 07-21B, so no enforcement action is applicable. The hotel entrance sign that is subject to Condition A.1 will be fully subjected to the Zoning Commission's requirements.

Please let m know if you have any further questions.

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>

Which school will your child call My School? For this coming school year (2014–15), DCPS and participating DC public charter schools will have a single application and lottery. Learn more and apply now at www.MySchoolDC.org. **March 3** is the deadline to apply for PK3 through 8th grade. More info about applying for grades 9-12 [here](#).



EXHIBIT B



BIRDS-EYE VIEW OF SITE (N.T.S.)

EXHIBIT C



EXHIBIT D

From: Sally Blumenthal salkist2@aol.com 
Subject: Hilton Garden Inn, ZC Order No. 07-21B
Date: February 12, 2014 at 1:26 PM
To: Matt.Legrand@dc.gov
Cc: Nicholas.Majett@dc.gov, Jack Evans jevans@dccouncil.us, Florence Harmon florencedc@comcast.net, Sherri Kimbel skimbel@dccouncil.us

Dear Mr. Legrant,

As the President of the Homeowners Association of 22 West, A Condominium, which is located across the street from the Hilton Garden Inn, I am writing to you to request that you enforce the provisions of the Zoning Commission's Order No. 07-21B, of February 3, 2012 in which the Commission approved PUD Modifications @ Square 50, which is currently under construction by PerStar M Street Partners, LLC.

In late December 2013, six brackets spanning about 15' were installed on the 22nd Street facade above the 10th floor and what appears to be electrical wire is dangling from the corner of the structure where the aluminum trim pieces have yet to be put in place. Attached is a photo of that condition.

22 West submitted written testimony to the Zoning Commission in opposition to the project and I testified on behalf of the Board at the hearing. Our letter of opposition is Exhibit 32 in the Zoning Commission case file. One of our most specific comments to the Commission was opposition to any signage vertically mounted on the facade of the building, particularly illuminated from within, and that only the proposed sign above the entrance on 22nd Street should be made a condition of approval of the PUD. The ANC's support of the project was similarly conditioned. The Commission discussed the issue of the signage at some length at its hearing of October 27, 2011.

Z.C Order 07-71B contains two specific references to the hotel's signage.

First, under Contested Issues, at pages 19-20, 43.b. *The Hotel's Design, Brand and Signage*: the Commission made the following finding:

"The Applicant's schematic signage plans demonstrate that the proposed signage for the hotel will be of a high quality. However, the Zoning Commission agrees with ANC2A that there must be certainty that the actual signage will not differ from that depicted by the Applicant. Therefore, the Commission is adding a condition that the hotel sign must be above the hotel's entrance on 22nd Street as shown [on] pages A1 and A1 of the Applicant's final set of plans (submitted as Exhibit 24) and the sign cannot be at a different location or be vertically mounted on the facade of the hotel or illuminated from within. The Applicant will be granted the flexibility to make such changes as are required to conform to the District's construction code."

Second, in the DECISION, at pages 22-23, A.1., PROJECT DEVELOPMENT, the Order states:

"The PUD shall be developed in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 7, 2011 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the "Plans"), as modified by the guidelines, conditions, and standards herein. Notwithstanding the notes on pages A1 and A2 of Exhibit 24, [footnote 2 states: Each note indicated that the location and dimension of the signage was for illustrative purposes only.] but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) in this Order), the hotel sign shall be above the hotel's entrance on 22nd Street as shown on those pages and that the sign cannot be at a different location or be vertically mounted on the facade of the hotel or illuminated from within."

Finally, the transcript of the Zoning Commission's meeting of December 12, 2011, at which it took final action on Z.C. Case No. 07-21B, states at pages 14-15:

VICE CHAIRMAN SCHLATER: Mr. Chairman, I would just like to say I reviewed the order in pretty good detail and I think the Office of the Attorney General did an excellent job capturing the discussion that we had. In particular, related to the discussion of the lay-by-lanes, **the discussion of the hotel signage** (sic) [Emphasis added] and the discussion of the Francis Field Park and I'm prepared to support this moving forward.

It cannot be clearer that the Zoning Commission did not approve a sign vertically mounted on the facade of the hotel and lighted from within.

Nevertheless, as a result of my inquiry to Holland and Knight on December 31, 2013, I received the following by email from Chris Collins on February 10:

Dear Sally--Thanks for your inquiry to Wayne below. The brackets in your photo are for a back-lighted sign, as shown on the plans approved by the Zoning Commission. I apologize for the delay in responding to you, but I was double-checking with the zoning authorities to confirm that this sign is permitted by the Zoning Commission's order, before responding back to you. The sign is not in violation of the zoning order.

Please feel free to call if you have any questions.

Regards,

From: chris.collins@hklaw.com  
Subject: FW: Hilton Garden Inn, Z.C. Order 07-21B
Date: February 10, 2014 at 3:24 PM
To: salkist2@aol.com

Dear Sally--Thanks for your inquiry to Whayne below. The brackets in your photo are for a back-lighted sign, as shown on the plans approved by the Zoning Commission. I apologize for the delay in responding to you, but I was double-checking with the zoning authorities to confirm that this sign is permitted by the Zoning Commission's order, before responding back to you. The sign is not in violation of the zoning order.

Please feel free to call if you have any questions.

Regards,

Chris

Christopher H. Collins, LEED AP | Holland & Knight

Partner

800 17th Street, NW Suite 1100 | Washington DC 20006

Phone 202.457.7841 | Fax 202.955.5564

chris.collins@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

From: Quin, Whayne S (WAS - X77274)
Sent: Tuesday, December 31, 2013 5:24 PM
To: Collins, Christopher H (WAS - X77841)
Subject: Fwd: Hilton Garden Inn, Z.C. Order 07-21B

From Sally B.

Sent from my iPhone

Begin forwarded message:

From: Sally Blumenthal <salkist2@aol.com>
Date: December 31, 2013 at 1:42:06 PM EST
To: <Whayne.Quin@hklaw.com>
Subject: Hilton Garden Inn, Z.C. Order 07-21B

Hi Whayne,

This was Chris Collins' case but I am writing to you because I don't have his email address.

The Board of Directors of 22 West submitted written testimony to the Zoning

Commission in opposition to this project and I testified on behalf of the Board at the hearing. While we would have much preferred residential development to yet another hotel, we enumerated a number of architectural and operational rationales as to why the proposed project would not be consistent with the high-quality residential neighborhood that the West End has become over the last decade. Our letter of opposition is Exhibit 32 in the ZC Case File.

In the interim since the Zoning Commission issued its order to approve the PUD in February 2012, I have been watching the construction progress from my apartment and I must admit that it will be an attractive building when completed although the jury is still out on whether or not it will function successfully due to its lack of sufficient operational infrastructure at what is already an extremely congested location without intruding on the neighborhood. Additionally, in the meantime, I have been elected President of the 22 West Board of Directors.

One of our most specific comments to the Zoning Commission was opposition to any signage on the facade of building, particularly illuminated from within, and that only the proposed sign above the entrance on 22nd Street should be made a condition of approval of the PUD. The ANC's support of the project was similarly conditioned. The Z.C. Order 07-21B Decision states at A.1. Project Development in part:

"The PUD shall be developed in accordance with the architectural plans and elevations . . . the hotel sign shall be above the hotel's entrance on 22nd Street . . . and that the sign cannot be at a different location or be vertically mounted on the facade of the hotel or illuminated from within."

Nevertheless in the last few days six brackets spanning about 15' have been installed on the 22nd Street facade above the 10th floor corner room and what appears to be wiring is dangling from the corner of the structure where the aluminum trim pieces have yet to be put in place. I am attaching a photo which should clarify my point.

I am hopeful that there is an explanation for these newly installed elements that is not blatantly in violation of the Commission's Order granting approval to the PUD.

I would be happy to discuss with either you and/or Chris once you have had a chance to sort this out. I can be reached at 202 338-5975.

Hope 2014 brings you health, happiness and many fish.

Sally Blumenthal

Chris

As of this email to you, my phone call to Mr. Collins, which he requested if I had any questions, has not been returned.

In light of the above, I am requesting the following to correct what is a blatant violation of Z.C Order No. 07-21B.

1. Enforcement of Z.C. Order No. 07-21B which conditions approval of the PUD on "the hotel sign shall be above the hotel's entrance on 22nd Street."
2. A copy of any documentation of a decision by you, "zoning authorities," or any other DCRA official that found that a sign lighted from within and vertically mounted on the facade is permitted by the Zoning Commission's Order.
3. A copy of your direction to the applicant that a backlighted sign shall not be vertically mounted on the facade.
4. A copy of your direction to the applicant that the brackets and electrical service shall be removed to preclude future installation of a sign vertically mounted on the facade and lighted from within.

Please feel free to contact me at (202) 338-5975 if you need additional information or wish to discuss this further.

Sally Blumenthal
1177 22nd Street, NW
Washington, DC 20037



EXHIBIT E

From: Sally Blumenthal salkist2@aol.com 
Subject: Hilton Garden Inn, ZC Order No. 07-21B
Date: February 12, 2014 at 1:26 PM
To: Matt.Legrand@dc.gov
Cc: Nicholas.Majett@dc.gov, Jack Evans jevans@dccouncil.us, Florence Harmon florencedc@comcast.net, Sherri Kimbel skimbel@dccouncil.us

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"The Applicant's schematic signage plans demonstrate that the proposed signage for the hotel will be of a high quality. However, the Zoning Commission agrees with ANC2A that there must be certainty that the actual signage will not differ from that depicted by the Applicant. Therefore, the Commission is adding a condition that the hotel sign must be above the hotel's entrance on 22nd Street as shown [on] pages A1 and A1 of the Applicant's final set of plans (submitted as Exhibit 24) and the sign cannot be at a different location or be vertically mounted on the facade of the hotel or illuminated from within. The Applicant will be granted the flexibility to make such changes as are required to conform to the District's construction code."

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Please feel free to call if you have any questions.

Regards,

Chris

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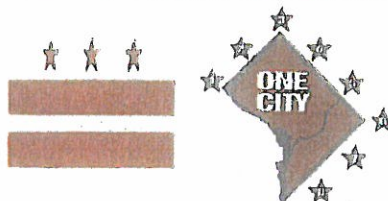
Please feel free to contact me at (202) 338-5975 if you need additional information or wish to discuss this further.

Sally Blumenthal
1177 22nd Street, NW
Washington, DC 20037



EXHIBIT F

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



February 10, 2014

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

Re: Zoning Commission Order No. 07-21B - PerStar M Street Partners, LLC (PUD
Modifications @ Square 50)

Dear Mr. Freeman:

This letter is to confirm the substance of our discussion on Friday, February 17, 2012 regarding the above-referenced matter. Pursuant to Zoning Commission Order No. 07-21B, dated November 28, 2011 (the "Order"), the Zoning Commission approved modifications to an approved PUD for a hotel to be developed on Lot 87 (former Lots 82, 84, 813, 814, and 816) in Square 50. Decision No. A. 1. on pages 22 to 23 of the Order states:

1. The PUD shall be developed in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 7, 2011 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the "Plans"), as modified by the guidelines, conditions, and standards herein. Notwithstanding the notes on pages A1 and A2 of Exhibit 24², but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) in this Order), the hotel sign shall be above the hotel's entrance on 22nd Street as shown on those pages and that the sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within.

² Each note indicated that the location and dimension of the signage was for illustrative purposes only.

You provided me with certified copies of Exhibit 24 and Exhibit 36; a certified, enlarged copy of the signage plan shown on page 4 of Exhibit 36; and portions of the public hearing and decision meeting transcript regarding the proposed signage for the hotel. Based upon my review of these materials, I interpret Decision No. A. 1. to mean that the Applicant is permitted to install up to four signs on the hotel's façades, and that the signs must be installed in the general locations and consistent with the dimensions as shown on the signage plan included as page 4 of Exhibit 36. I interpret the last sentence of Decision No. A. 1. to only impose a limitation regarding the hotel sign to be located above the hotel's entrance on 22nd Street, but not as a limitation on any of the other proposed signs.

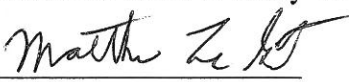
I also understand that the hotel proposes to back-light the proposed signs at the top of the building, as shown on page 4 of Exhibit 36, and that the hotel sign to be located at the ground level, above the hotel's entrance on 22nd Street as shown on that exhibit, will be a translucent acrylic panel, with the letters and symbols routed into the acrylic, and then painted, with LED light bars attached to the outside edges of the acrylic panel on the top and bottom sides. Light will be projected into the edges of the acrylic panel. The light source will not be within the acrylic panel.

The only limiting language on sign lighting in the PUD Order is that the hotel sign above the 22nd Street entrance "cannot be...illuminated from within." Although neither signage nor illuminated signage are governed by the Zoning Regulations, I interpret signs that are "illuminated from within" to include signage with an internal light source, such as lighted cabinet signs (a box with internal lighting, and a front panel where either the sign text and symbols are translucent and the remainder of the panel is opaque, or vice versa), and channel letter signs where the light source is contained within each individual letter or symbol. "Halo signs" and "back-lighted" signs, where the light source is located behind each opaque letter or symbol in the sign, and is not internal to the sign itself, and acrylic panel signs, with an external light source as described here, are not in my view "illuminated from within."

I note that the DC Building Code makes a distinction between internally-illuminated signs and other types of illuminated signs. For instance, internally illuminated flashing signs are permitted in the Gallery Place area (10 DCMR Section 3107.18). In addition, although "internally-illuminated, plastic faced box or cabinet signs" are "not appropriate for historic buildings and districts" (10 DCMR Section 2505.3), they can be readily found in other commercial areas throughout the District of Columbia. Signage consisting of free standing, back-lighted opaque letters (of the type proposed at the top of the building), are the only type of illuminated signs permitted in areas subject to the Shipstead Luce Act and the Old Georgetown Act (10 DCMR, Sections 3107.4.1.3 and 3107.4.2.3).

Based upon all of the above, I interpret the PUD language prohibiting signs that are "illuminated from within" not to apply to back-lighted and halo signs utilizing opaque letters, or acrylic panel signs with an external light source, as proposed for this project.

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

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: PUD #07-21B Exhibits

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

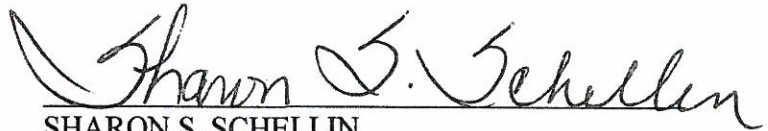


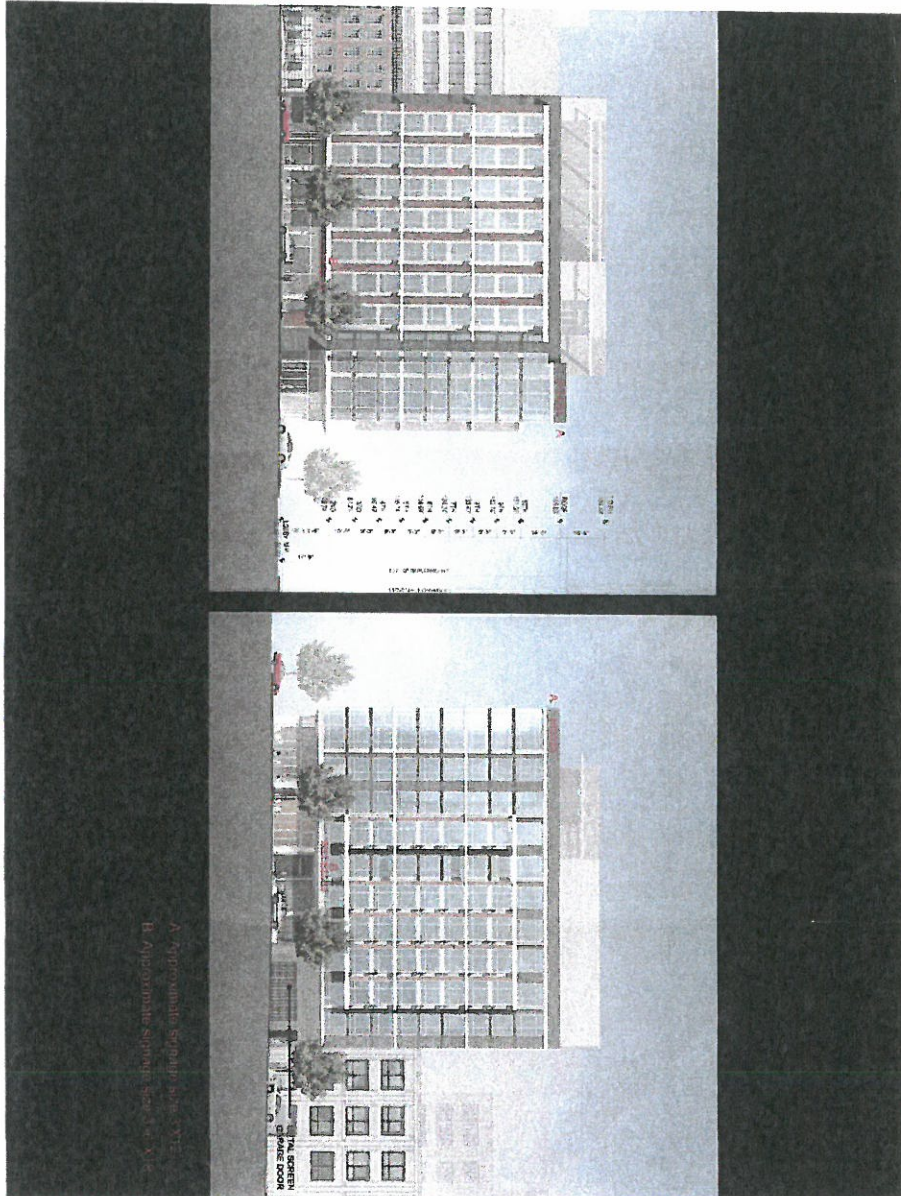
February 23, 2012

Re: Z.C. Case No. 07-21B (PerStar M Street Partners, LLC – 2201 M St., N.W.)

To Whom It May Concern:

I hereby certify that attached hereto, and bearing my initials in red ink in the lower right corner of each page, is a true copy of part of Exhibit 36 (enlarged copy of one slide on page 4) – consisting of 1 page – of the official record of the Zoning Commission for the District of Columbia in Z.C. Case No. 07-21B.


SHARON S. SCHELLIN
SECRETARY TO THE ZONING COMMISSION



A. Approximate building scale
B. Approximate building scale

ZONING COMMISSION
District of Columbia
CASE NO. 07-21B
EXHIBIT NO. 36 ^{Part of} pg. 4

EXHIBIT G

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

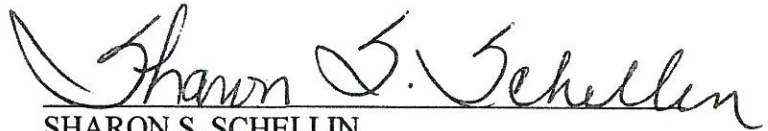


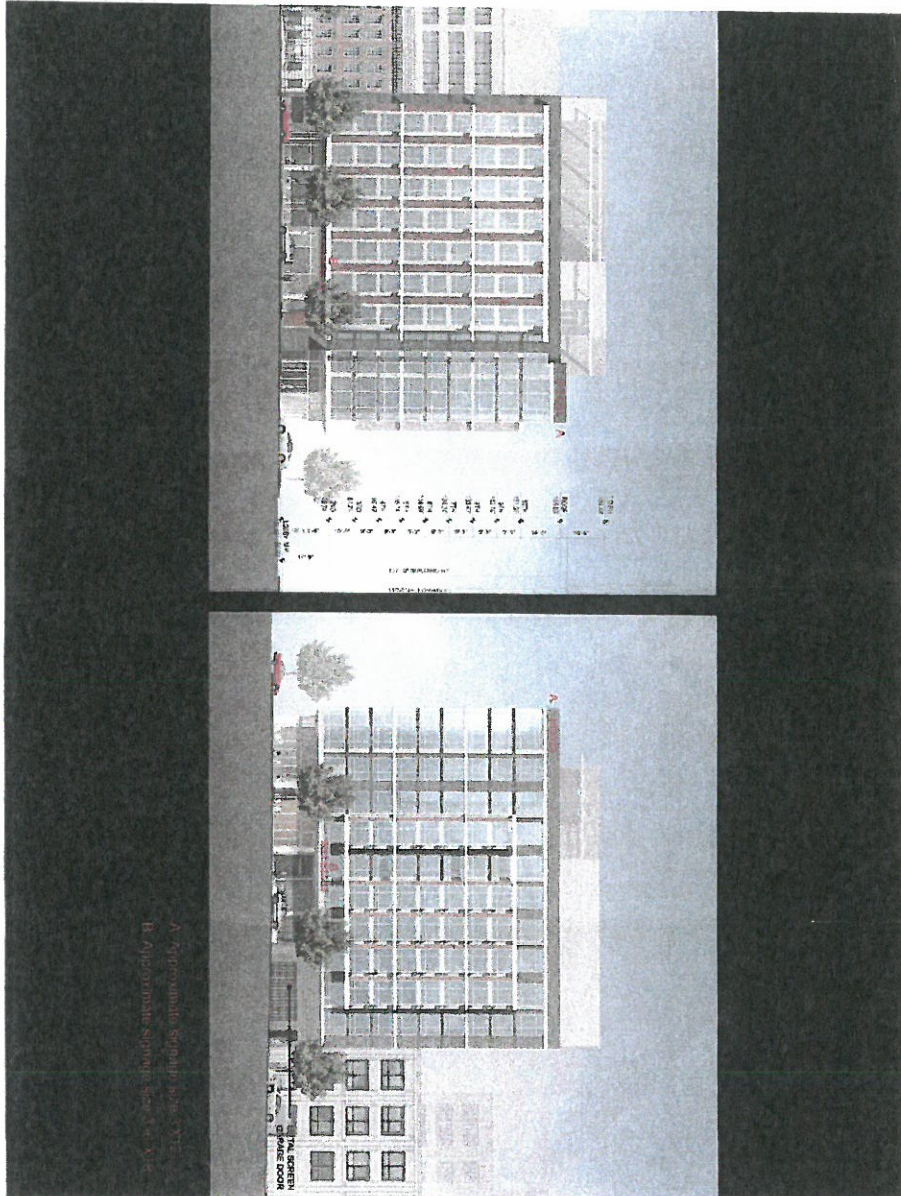
February 23, 2012

Re: Z.C. Case No. 07-21B (PerStar M Street Partners, LLC – 2201 M St., N.W.)

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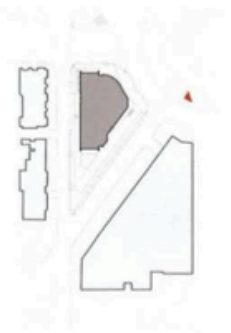

SHARON S. SCHELLIN
SECRETARY TO THE ZONING COMMISSION



A. Approximate building height
B. Approximate square footage

ZONING COMMISSION
District of Columbia
CASE NO. 07-21B
EXHIBIT NO. 36, pg. 4

EXHIBIT H



PERSPECTIVE VIEW LOOKING SOUTHWEST FROM WASHINGTON CIRCLE

THE GEORGE WASHINGTON UNIVERSITY - School of Public Health and Health Services
 Second-Stage PUD Application, Square 39
 December 22, 2010

A.20