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July 22, 2008

Zoning Commission for
the District of Columbia
441 Fourth Street, N.W.
Suite 210
Washington, D.C. 20001

ZONING COMMISSION
District of Columbia

CASE NO. 08-13
EXHIBIT NO. 14

Re: Z.C. Case No. 08-13 (Marriott International, Inc. – Consolidated PUD & Related Map Amendment @ Square 370) – Modification Request for Concurrent Consideration of an Air Space Development pursuant to the Public Space Utilization Act.

Dear Members of the Commission:

On behalf of the applicant in the above-referenced case, this is to request a modification of the application to permit the concurrent consideration of an Air Space Development pursuant to the Public Space Utilization Act (D.C. Official Code § 10-1121.01 *et seq.*) and § 3010.2(c) of the Zoning Regulations (Title 11 DCMR). The Commission set down the Consolidated PUD & Related Map Amendment application (the "PUD Application") at its July 14th public meeting and the Office of Zoning has tentatively scheduled a hearing on that application for November 24, 2008. The applicant respectfully requests the Commission set-down the proposed Air Space Development application at its public meeting on July 28, 2008, and consolidate the PUD Application and the Air Space Development application so that they may be heard together at a single hearing on November 24, 2008.

After discussions yesterday between the Applicant, the Office of Attorney General ("OAG"), the Washington Convention Center Authority ("WCCA") and the Office of the Deputy Mayor for Planning and Economic Development ("ODMPED"), the determination was made that the most appropriate way to obtain approval of the hotel uses in the subsurface public space adjacent to the PUD site is under the Public Space Utilization Act ("the Act"), rather than through the Public Space Rental Act, which only allows for the issuance of a vault permit. The Applicant intends to file with the Department of Consumer and Regulatory Affairs as soon as possible the applications and plans necessary for completing the review under the Act through other agencies of the proposed use of public space below Massachusetts Avenue, 9th Street and L Streets, Northwest, adjacent to the private property included within the PUD.

The general use of public space was described in the architectural plans previously submitted with the PUD Application. Submitted with this letter request is the completed Zoning Commission's Application for Approval of Use of Air Rights (Form 106). Also enclosed are additional application materials and plans showing the public space usage for the hotel, which uses may be amended in accordance with the Commission's regulations as the PUD proceeds.

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Holland+Knight

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The Commission processed and approved, in a similar manner, the request for public space approval concurrently with a PUD in Zoning Case No. 01-07C for a project at 1700 K Street, N.W. (See Order No. 961, Case No. 01-07C). The Office of Planning, OAG, WCCA, and ODMPED all support the concurrent processing of the public space request with the consolidated Planned Unit Development.

For the reasons stated, the Applicant respectfully requests approval by the Zoning Commission of the concurrent set-down.

Respectfully submitted,



fw Whayne S. Quin
M. Carolyn Brown
Leila Batties

WSQ:lsn

Cc: Alan Bergstein, OAG
Michael Krainak, OAG
Steve Siegel, ODMPED
Jennifer Steingasser, OP
Norman Jenkins, Marriott
Robert Knopf, Quadrangle
Marlene Johnson, WCCA
Allison Prince, Esq., Counsel to WCCA
Karina Ricks, DDOT
ANC 2F

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**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**



APPLICATION FOR APPROVAL OF USE OF AIR RIGHTS

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

In accordance with the provisions of the District of Columbia Public Space Utilization Act of 1968 (D.C. Code, §7-1031, et seq., 1981), request is hereby made to determine the use to be permitted and to establish regulations applicable to the use of such airspace, details of which are as follows:

Square No.	Lot No.	Square Feet	Existing Zoning	Requested Zoning
370	18, 21, 22,	82, 888+/-	DD/C-2-C and	ZONING COMMISSION District of Columbia
	24, 801-806,		DD/C-3-C	
	830-839,			CASE NO. _____
	843, 845			EXHIBIT NO. _____

Previous zoning (ZC and/or BZA) actions, including Order No.(s), affecting the above properties: **N/A**

Address or boundary description of the premises: **B/W Massachusetts and L Streets, bounded by 9th Street on East & 10th Street on West.**

Private property area:	82,888+/-	Square Feet	Acres	Baist Atlas No.	1	Page	29
Public property area:	26,332.5	Square Feet	Acres				
Advisory Neighborhood Commission(s):	2F		ANC/SMD(s):	2F06			

If applicable, Historic District(s), in which site is located: **N/A**

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

Signature:	<i>Whayne S. Quin for</i> <small>Signature</small>	Date:	7-22-08
Name:	Marriott International, Inc. <small>Please Print</small>	Owner:	<input type="checkbox"/>
		Petitioner:	<input checked="" type="checkbox"/>

Person(s) to be notified of all actions:

Name:	Whayne S. Quin, Esq./Leila Batties, Esq.		
Address:	Holland & Knight 2099 Pennsylvania Avenue, N.W., Washington, D.C.		
Zip Code:	20006	Phone No.:	(202) 955-3000

DO NOT WRITE BELOW THIS LINE

Date Received:		Date Accepted:	
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ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.