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December 22, 2008

District of Columbia Zoning Commission
441 4th Street, N.W. – Suite 210 South
Washington, DC 20001

Re: Post-Hearing Submission for Marriott International Inc. – Consolidated
PUD Map Amendment and Air Space Development in Square 370;
Zoning Case No. 08-13

Dear Members of the Commission:

In response to the request of the Zoning Commission at the hearing on this case, November 24, 2008, Applicant respectfully submits the following:

- Set of supplemental architectural Drawings dated 12-22-08 to address specific items identified by the Zoning Commission as follows (Exhibit A):
 1. Detailed elevations of exterior façades defining differences at various levels and sections of the project (see pages A301-A304, A351-A361, A515-A517).
 2. Drawings identifying ranges of building materials, colors, and textures with their relationship to where they are placed on the various façades (see sheets A350-A361).
 3. Details for the trellises, canopies, and brise soleils on L and 9th Streets (see pages A406, A351-A361).
 4. Clarification on façade overlooking the Pepco building site (see sheets A303, A304, A361, A517).
 5. Clarification of pedestrian tunnel (see sheets A513).
 6. Clarification of street level experience (see sheets A505-A515, A515A, A515B, A518).
 7. Drawings that clarify the use of space at the mechanical penthouse level, as well as proposed roof over atrium covering

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mechanical equipment (see pages A004, A219-220, A403-A405, A407). The penthouse level will not be used for habitable purposes.

Note: The new atrium roof design has been reduced in scale and in height to be no more than 18' 6" above the main roof level. This is in full accordance with previous applications of both the Zoning Regulations and the 1910 Height Act (see Exhibit B).

8. Drawings illustrative of proposed signage and location (see sheets A301-A304, A505-A512, A515-A518).
 9. LEED checklist (see sheet A005)
- Construction Management Plan (Exhibit C).
 - Photograph of revised materials board (Sheet A-350) (which board will be delivered to the Zoning Office by January 8, 2009).
 - Additional community benefit contribution after meeting with Shaw Main Street and One DC (Exhibit D).
 - Estimated value of Marriott's in-kind contribution to the \$2 million job training program is \$90,000.

Applicant believes that it has furnished the information requested by the Zoning Commission and respectfully requests the Commission to approve the PUD at its January 12, 2009 public meeting.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Whayne S. Quin

Leila M. Jackson Batties

Holland+Knight

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Enclosures

cc: ANC 2F
Jennifer Steingasser
Joel Lawson
Arlova Jackson
Karina Ricks

Courtesy copies to: Steven Siegel
Marlene Johnson, Esq.
Alison Prince, Esq.

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DRAWINGS
SUBMITTED SEPARATELY
11" x 17" COIL-BOUND

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ATRIUM SKYLIGHT ENCLOSURES

The applicant has substantially revised and lowered the enclosure of the proposed Marriott Marquis Hotel atrium. Submitted to the Zoning Commission for approval is a proposal based upon structural needs, contextual design considerations and additional research. The atrium enclosure has been reconfigured with the top of the enclosure being no higher than 18' 6" above the roof and located mostly inside the mechanical roof structures so that the cover will not be visible outside the building from Massachusetts Avenue or L Street.

The design is in accordance with the long-standing application of the Zoning Regulations and 1910 Height Act as applied to coverings of an atrium in many buildings in the District. For the convenience of the Commission, a description of the new Zoning and the Height Act exceptions to height limitations for atria follows.

The Commission, of course, is familiar with the maximum heights of buildings under both the Act and the Zoning Regulations. The Act and the Zoning Regulations limit the height of the hotel building to 130 feet. The actual language of the Act that is pertinent to what may exceed that height states that "Spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks may be erected to a greater height than any limit prescribed in [the Act]." §6-601.05 (h).

Within this language, the exceptions are of two groups: (1) architectural elements and (2) utilitarian elements. The architectural elements listed are spires, towers, domes, minarets, and pinnacles. The utilitarian elements listed are penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks. With regard to both architectural and utilitarian exceptions, no height limit is provided under the Act. In both cases, the long-standing and consistent application of these provisions has been to allow other similar architectural features and other similar utilitarian needs above the height limit.

For example, in an Opinion of the Office of Corporation Counsel, the City's attorneys have ruled that other mechanical equipment, stairwells and similar items (excluding habitable space) may also be above the height limit. See Opinion, dated July 27, 1953, attached as Tab 1. In the same manner, where there are architectural elements serving as embellishments similar to the specifically listed architectural exceptions that do not allow human habitation, and are for the sole purpose of implementing the architectural design, these have been approved and permitted. The listed elements as well as the additional architectural elements have been frequently called "architectural embellishments." These additional architectural elements have been approved by virtually all agencies in the District that have review authority, including the Zoning Commission.

In the case of coverings over an atrium or skylight, several factors have been applied where they are above the 1910 Height Act: 1) the plane of the roof has been clearly established at or below the maximum height (usually by a defined roof surrounding or partially surrounding the atrium) and 2) no additional FAR is achieved. The roof is normally clear or translucent and has a structural frame to support the cover. The specific design treatment is usually chosen to match the architectural style of the building. While there are examples of atria skylights that rise above buildings of 130' in height and their mechanical penthouses of 18' 6", the attached photographs show atria skylights that are above 130' but are at or below their mechanical penthouses of 18' 6".

1. The IMF building (HQ1) at 700 19th Street, N.W. (A PUD approved by the Zoning Commission). See Tab 2 for exterior and interior photos. The skylight is above the 130' high roof and below the top of the mechanical penthouses.

2. The IMF building (HQ2) at 1900 Pennsylvania Avenue, N.W. (A PUD approved by the Zoning Commission). See Tab 3 for exterior and interior photos. The skylight is above the 130' high roof and below the top of the mechanical penthouse.

3. International Square at 18th, 19th, K and I Streets, N.W. (BZA approval). See Tab 4 for exterior and interior photos. The skylight is above the 130' high roof and below the mechanical penthouse.

4. Investment Building at 1501 K Street, N.W. (HPRB approval). See Tab 5 for exterior and interior photos. The turret-like skylight is above the 130' high roof and below or at the height of the mechanical penthouse.

5. The Homer Building at 601 13th Street, N.W. (HPRB approval). See Tab 6 for exterior and interior photos. The Skylight is above the 130' high roof and below or at the height of the mechanical penthouse.

6. The Westin (formerly the Vista) Hotel at 1400 M Street, N.W. See Tab 7 for exterior and interior photos. The skylight is above the 130' high roof and below the mechanical penthouse.

7. Thurman Arnold Building at 555 12th Street, N.W. See Tab 8 for exterior and interior photos. The skylight is above the 130' high roof and below the top of the mechanical penthouses.

As indicated above, the proposed alternative skylight design for the Marriott Marquis at 9th and Massachusetts Avenue, N.W. is entirely within and consistent with these precedents of not exceeding the height of roof structures for mechanical equipment.