

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

March 10, 2016

Lianne Childress, Esq.
Arent Fox LLP
1717 K Street, NW
Washington, D.C. 20006



Re: Zoning Determination request regarding the installation of a retractable awning at the Hyatt Place K Street, 1522 K Street NW, Washington, D.C. (the "Property")

Dear Ms. Childress:

I understand that RLJ HP Washington DC, LLC, the owner of the Property (the "Owner"), is proposing to construct and install a retractable awning on the roof of the building located at the Property, substantially as shown on Exhibit "A" (the "Project"). The Property is in a C-4 zone and directly abuts K Street, NW. The retractable awning would be used to cover tables and chairs for the comfort of patrons of the rooftop bar at the Hyatt Place hotel.

The purpose of this letter is to confirm this office's interpretation of the Zoning Regulations with respect to retractable awnings and to confirm that our office will approve the grant of a permit for the construction of the Project.

As a general matter, so long as a rooftop retractable awning is extended for less than ½ of each year and the space covered by the awning is not enclosed by walls, the awning would not be subject to Floor Area Ratio requirements under §11-771 of the District of Columbia Municipal Regulations (the "DCMR") or height requirements under §11-770 of the DCMR. If the awning were to remain extended for longer than ½ of the year, then it would be subject to height restrictions, but would only be subject to Floor Area Ratio requirements if the area it covers was enclosed by walls (given the Zoning Regulations' definition of "Gross Floor Area" under §11-199.1 of the DCMR). Any permanent supports for the awning would need to be setback from the building roofline on a one-to-one ratio basis.

It is the Office of the Zoning Administrator's position that:

- 1) That so long as a retractable awning is extended for less than ½ of a calendar year, it is not subject to height or setback requirements.
- 2) So long as the area covered by a retractable awning is not enclosed by walls, it is not included in a calculation of Gross Floor Area.
- 3) Temporary plastic curtains, used only during inclement weather, are not considered "walls" for the purpose of calculating "Gross Floor Area".

4) So long as the permanent supports for the awning are set back from the roofline of the building at a one to one ratio, they will meet the requirements of DCMR.

Attached to this letter are renderings that graphically illustrate the Project.

Accordingly, I am pleased to confirm that when the Owner files plans substantially in accordance with the attached renderings for a building permit, our office will approve those plans.

Sincerely, 
Matthew Le Grant
Zoning Administrator

cc:

Mr. Scott Hammons (via email at shammons@rljlodgingtrust.com)
Frederick McKalip, Esq. (via email at fmckalip@rljlodgingtrust.com)
Gerard Leval, Esq. (via email at Gerard.Level@arentfox.com)

Attachments: Renderings