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November 2, 2015

Via Email: bzasubmissions@dc.gov
Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001
Attn: Mr. Clifford Moy

Re: BZA Case No. 18881 – Nando's of Woodley Park, LLC

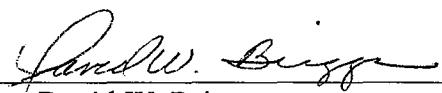
Dear Board Members,

In response to the instructions from Mr. Clifford Moy of the Office of Zoning, we attach two letters in support of the ten-year approval limit in the above-referenced case. The first letter is from Nando's of Woodley Park, LLC, amending its motion for reconsideration to accept the ten-year limit and the three additional conditions listed in our May 1, 2015, letter. The second letter is from Grosvenor Urban Retail, LLP, the owner of the property, also agreeing to the ten-year limit.

We respectfully request the Board to grant a modification to the approved order on this basis.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
David W. Briggs

DWB/rcf

Attachments (2)

cc: Mr. Shawn Baxter

Board of Zoning Adjustment
District of Columbia
CASE NO.18881A
EXHIBIT NO.6

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing letter and attachments were served this **2nd day of November, 2015**, via *electronic mail* on the following:

Chairperson
Advisory Neighborhood Commission 3C
P.O. Box 4966
Washington, D.C. 20008
Email all@anc3c.org

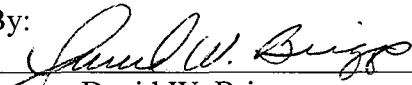
Peter Brusoe, President
Woodley Park Community Association
P.O. Box 4852
Washington, D.C. 20008
Email: pwbrusoe@gmail.com

Mr. Lee Brian Reba
Single Member District Commissioner 3C- 01
Advisory Neighborhood Commission 3C
2829 Connecticut Avenue, N.W.
Washington, D.C. 20008
Email: 3C01@anc.dc.gov

Salim Zaytoun
Café Paradiso 2
649 Connecticut Avenue, N.W.
Washington, D.C. 20008
Email: ParadisoDC@hotmail.com

Ms. Gwendolyn Bole
Single Member District Commissioner 3C- 02
Advisory Neighborhood Commission 3C
2829 Connecticut Avenue, N.W.
Washington, D.C. 20008
Email: 3C02@anc.dc.gov

Perry C. Reith
Senior Asset Manager
Grosvenor Urban Retail LP
1701 Pennsylvania Avenue, N.W., Suite 1050
Washington, D.C. 20006
Email: perry.reith@grosvenor.com

By: 

David W. Briggs



November 2, 2015

Via Email

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: BZA Case No. 18881 – Nando's of Woodley Park, LLC

Dear Board Members:

Nando's of Woodley Park, LLC ("Nando's"), the applicant in the above-referenced case, is pleased to confirm that it is in favor of a ten-year term limit on the approval granted by the Board, which will allow Nando's to establish a fast-casual restaurant at 2631 Connecticut Avenue, N.W. We are very grateful to the diligent work of the authorized representatives of Advisory Neighborhood Commission ("ANC") 3C, Mr. Lee Brian Reba and Ms. Gwen Bole, who have persisted in their efforts to bring Nando's to the Woodley Park community. Without their perseverance, Nando's would not have revisited its decision to forego this location and the landlord would not have suspended its subsequent negotiations with a potential convenience store tenant or mattress retailer. We thank the Board for reopening the record to reconsider whether the five-year time limit imposed in the BZA order should be extended to ten years.

Nando's hereby modifies its Motion for Reconsideration dated May 1, 2015, to request the following conditions in the BZA order (changes shown in red):

1. The Board's approval shall be valid for a period of **TEN (10) YEARS** beginning on the date the certificate of occupancy is issued.
2. The Applicant shall use the existing trash compactor at the Site.
3. The Applicant shall use the same waste collection company as other eating establishments in the building in order to reduce the number of trash pick-ups and trucks using the alley.
4. Trash service at the Site shall occur at least five times per week.
5. All food and drinks consumed on the premises shall be served on/in non-disposable tableware with no exceptions. Wait staff shall serve all food and alcoholic beverages¹ to patrons, and wait staff will clear and clean the tables after patrons finish their meals. Carry-out service shall be clearly subordinate to the principal on-premises use.
6. The property owner and the Applicant shall communicate with ANC 3C and the Woodley Park Community Association on a quarterly basis and make a reasonable attempt to resolve any issues regarding trash removal and rodent control, or assist in any way in the cleanliness of the alley.

With respect to Condition No. 1, Nando's respectfully requests that the time limit start with the issuance of the certificate of occupancy. As the Board explained when it reconsidered the time limit, the purpose is to assess any adverse effects that may occur by virtue of introducing another eating establishment to

¹ Patrons may visit beverage stations for refills of non-alcoholic beverages.



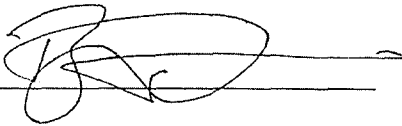
Woodley Park neighborhood.² We believe, however, that the potential adverse effects cannot begin to be evaluated until the business is in operation, which is triggered by the certificate of occupancy. We will, of course, defer to the Board's judgment on this matter.

The Applicant is very appreciative of the Board's willingness to consider extending the five-year limit to ten years. Such a modification would allow Nando's to invest the substantial amount of \$1.7 million in renovation costs and bring a highly-desired use to the Woodley Park neighborhood, as demonstrated by the ANC vote and the 140-plus residents and businesses who signed petitions in support of this application.

We look forward to your deliberations on this matter on November 3, 2015.

Very truly yours,

Nando's of Woodley Park, LLC

By: 

² See BZA Transcript, June 9, 2015, at 11-12.



GROSVENOR

Via Electronic Transmission

2nd November 2015

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: BZA Case No. 18881 – 2631 Connecticut Ave., N.W. (Nando's)

Dear Board Members:

Grosvenor Urban Retail, LP, the owner of the building at 2361 Connecticut Avenue, N.W., was delighted to learn that the Board of Zoning Adjustment ("BZA") may change the five-year limit to ten years in the BZA order approving Nando's Peri Peri to locate in our building. Grosvenor strives to bring the highest quality retailers and services to neighborhoods and believes that Nando's is the right fit for our building in the Woodley Park community. When Nando's informed us in July that it would not be moving forward with this site because the \$1.7 million investment couldn't be justified for just a five-year period, we were obviously disappointed. We had no choice but to start pursuing the interest expressed by a mattress retailer and a convenience store. Through the ANC's diligent efforts, however, we now have new hope that we will be able to lease this space to Nando's, which we believe is a highly-desirable and long-term quality tenant.

Thank you for allowing us to express our continued interest in leasing this space to Nando's Peri Peri restaurant.

Sincerely,

Perry C. Reith
Senior Asset Manager

Grosvenor Americas

Direct Line 202-777-1270
Mobile 202-438-4861
Email perry.reith@grosvenor.com