Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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October 7, 2003

CHRISTOPHER H. COLLINS
202-457-7841

Internet Address:
chris.collins@hklaw.com

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D.C. Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 220 South
Washington, D.C. 20001

Re: BZA Application No. 17070 of Meridian International Center

Honorable Members of the Board:

At the close of the public hearing in this case, the Board directed the Applicant to submit proposed conditions for inclusion in the Order, consistent with the issues and concerns raised by the Board during the course of the public hearing.[1] The Applicant was also directed to suggest a means by which those proposed conditions in the MOU which are not appropriate for inclusion as conditions, could otherwise be incorporated into the Order, consistent with the intent of the MOU.

The Applicant suggests that those MOU conditions which the board found not to be appropriate as conditions to a BZA order could nonetheless be included in the Board's findings. The attached document contains the Applicant's proposed findings of fact on this issue, and its proposed conditions. The proposed conditions (e), (f), and (g) are identical to the proposed conditions in the OP report. Condition (h) is a modification of the OP's last condition, and includes the thresholds for attendant/valet parking offered by the Applicant during the hearing.

If you have any questions, please feel free to contact me.

Very truly yours,

Christopher H. Collins

[1] The Board specifically requested that the Applicant not submit a complete draft order at this time.

BZA
Case No. 17070
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO. 17070
EXHIBIT NO. 32

Enclosure

cc: Jeff Coudriet, ANC 1C (w/enclosure)
Beekman Place Condominium Association, Inc. (w/enclosure)
Karen Thomas, Office of Planning (w/enclosure)

BZA Application No. 17070
of
Meridian International Center

DRAFT PARTIAL FINDINGS AND CONDITIONS REQUESTED BY THE BOARD

Findings of Fact

1. The Board finds that the Applicant and the community met to discuss this application on twelve occasions, and that the Applicant and the community ultimately reached agreement on certain aspects of the Applicant's operations during construction on the existing parking lot, and after completion of construction. Those agreements were reduced to writing in a Memorandum of Understanding, which was signed by the Applicant and Advisory Neighborhood Commission 1C.

2. The Board applauds the efforts of the Applicant and the community to reach agreement on a number of issues. The Board finds, however, that a number of the issues raised in the MOU are not appropriate as conditions to a BZA Order in this case, because they are either beyond the scope of the issues that are germane to this application, or else the Board is without jurisdiction over the issues raised. However, the Board notes the existence of the Memorandum of Understanding between Meridian International Center and Advisory Neighborhood Commission 1C in the record, and notes that the parties freely agreed to come to terms on a number of items which are outside the scope of this hearing, as follows:

(a) Paragraphs 3 and 4 - Valet Parking Practice and Staffing;

(b) Paragraph 5 – Directing Guests to Parking; and

(c) Paragraph 6 – Support for Residential Permit Parking.

Although these three issues are beyond the scope of the relevant issues in this case, and beyond the Board's authority, the Board nonetheless strongly encourages the Applicant to adhere to these terms of the Agreement and expects that, if adherence does not occur, the neighborhood parties to this case will take all necessary and appropriate actions to encourage compliance with these agreements.

Conditions:

The Board reaffirms Conditions (a) through (d) of Order No. 5802, dated February 24, 1960, eliminates existing conditions (e) and (f) of Order No. 5802, and adds the following:

(e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each of the two openings. Said wall

shall be maintained so long as the parking area is used exclusively for surface parking.

(f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires that at least 38 parking spaces shall be reserved on site for that purpose so long as the improvements to be served are existing or so long as said accessory off-street parking is required by the Zoning Regulations.

(g) Meridian will lease 40 off-street parking spaces during the project construction period. The construction period is defined as the period lasting from the first day the parking spaces located on the existing lot are made inaccessible by construction, to the date Meridian takes possession and is able to use the 39 parking spaces to be built as part of the residential project on the property.

(h) Meridian will utilize attendant and/or valet parking for its events as follows:

1. for all events at Meridian where guests are expected to utilize the new parking garage, an attendant will be stationed near the garage entrance to direct guests to the Meridian parking spaces in the garage, and to provide access through the security gate;

2. for all events where 150 or more guests are expected, attendants will also be stationed in the parking garage, adjacent to the Meridian parking spaces, and in the Meridian parking lot at 1630 Crescent Place, N.W., to assist with efficient utilization of the parking area, including the use of stacked parking;

3. for all events where 200 or more guests are expected, Meridian will use valet parking.