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LICENSED IN MD & DC

June 8, 2018

VIA IZIS

Frederick Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW; Suite 210S
Washington, D.C. 20001

**Re: BZA Application No. 19722 (Kline Operations)
Party Opponent's Response to Applicant's
Supplemental Filing**

Dear Chairperson Hill and Members of the Board:

On behalf of Mr. Aubrey Stephenson, please accept this response to the supplemental filing by the Applicant in the above-referenced matter. While Mr. Stephenson welcomes productive use of the Applicant's property, he remains very concerned about the adverse impact the project will have, in its present form, on his buildings at 460 and 462 K Street, NW, Washington, D.C.

A. Applicant's Outreach

Although Mr. Stephenson's property is closest to the proposed project, the Applicant did not engage in any outreach with him until after the April 4, 2018 BZA hearing. While the parties have discussed an agreement to address property damage, to date no agreement has been reached. Indeed, that process stalled while Mr. Stephenson engaged the services of technical

professionals to explain the intricacies of the proposed project and the range of adverse consequences to his property.

B. Alley Use & Loading Dock

The Applicant's supplemental filings have not ameliorated Mr. Stephenson's concerns with the alley use and loading dock activity for the planned hotel. As can be seen from the photographs submitted with Ogden Cap Properties' ("Ogden") June 1st Response to Applicant's Supplemental Filing, the alley is very narrow and presents a very tight fit for a truck traveling along that path. This alley serves truck traffic for trash pick-up from Mr. Stephenson's buildings, which are occupied by tenants with robust business operations and employees. Routinely trash pick-up trucks have to make several maneuvers while an assistant guides the driver to navigate the alley. Therefore, trash pick-up will be greatly hampered by the anticipated blockade of the alley by delivery trucks opting to park in the alley rather than navigate the narrow space to Applicant's single loading dock.

Mr. Stephenson was skeptical about the Applicant's traffic expert's initial suggestion that there would be only 6 truck deliveries accessing the narrow alley. However, in its Supplemental submission the Applicant has reduced the number to 2 trucks a day. Even from a lay person's view that seems to be a gross miscalculation for an 11-story hotel containing 153 rooms. In reviewing the experience Ogden provides from The Jefferson Hotel, which averages 15 deliveries a day for a hotel with 99 rooms, it appears that the Applicant is making a concerted effort to minimize the evident negative impact to Mr. Stephenson's and other neighboring properties. This volume of delivery activity, which Applicant will not be able to constrain

between 12:00 p.m. and 4:00 p.m., will necessarily cause noise disturbances and traffic clogs in the area.

Also, upon further examination of the alley and property lines, Mr. Stephenson believes that delivery trucks to Applicant's proposed hotel will be infringing on his property. He is in the process of securing the survey of the area to confirm the property lines.

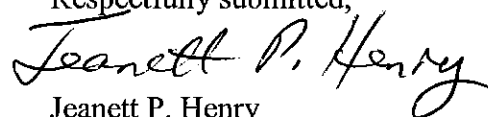
C. Property Damage from Construction

At the April 4, 2018 BZA hearing and in his Form 140, Mr. Stephenson articulated concerns about damage to his property from Applicant's proposed construction. An engineer's review of the Applicant's current schematic drawings raises further concerns. While the schematic drawings show a one-story below grade basement space that will require below-grade excavation that is more than 10 feet deep, it is not clear how the Applicant intends to excavate this space. Mr. Stephenson has been advised that the contractor will likely use some sort of temporary support of excavation system ("SOE") that has the potential to deflect and possibly disturb the earth and structures on his property. Depending on the SOE system selected, there could even be tiebacks that extend below Mr. Stephenson's buildings. However, that critical factor cannot be assessed without more information from the Applicant's design and construction teams.

D. Conclusion

Mr. Stephenson purchased 462 and 460 K Street in 2001 and 2003, respectively. At that time the Mount Vernon Triangle was still a blighted area that held great promise with the new convention center as an anchor. The past 15 years ushered in development that has led to

creation of a thriving mixed use neighborhood with character. Mr. Stephenson also desires to see the neighborhood further developed but not at his expense. Accordingly, Mr. Stephenson respectfully requests that the Board deny the Applicant's request for special exception and variance relief.

Respectfully submitted,

Jeanett P. Henry

CERTIFICATE OF SERVICE

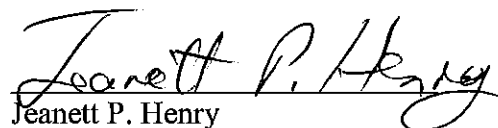
I hereby certify that on June 8, 2018 I served a copy of this Response to Applicant's Supplemental Filing via email as follows:

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