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June 20, 2018

VIA IZIS AND HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Clarification on Plans
Modification of Consequence - Z.C. Case No. 79-19A/78-7F
4250 Connecticut Avenue, NW (Square 2047, Lot 1)

Dear Members of the Commission:

On behalf of BDC Van Ness LLC (the “Applicant”), we hereby submit a minor update to the architectural drawings (Exhibit 1F) filed with the application for a Modification of Consequence for property located at 4250 Connecticut Avenue, NW (Square 2047, Lot 1) (the “Site”).

1. **Kiss and Ride Parking Spaces**

The Site is owned by WMATA and is leased to the Applicant through an existing ground lease with 11 years remaining and the right to extend for another 49 years.¹ Through the ground lease, the Applicant owns and controls the existing building on the Site except for the 25 existing “kiss and ride” parking spaces located within the building’s parking garage (see pg. 7 of the plans submitted at Ex. 1F) and the covered bus lane located on the building’s ground floor level (see pgs. 3-4 of the plans submitted at Ex. 1F). The Applicant proposes to convert the 25 existing kiss and ride parking spaces to retail and office parking spaces for the building, and to make other improvements to this garage level to facilitate direct connections between the parking spaces and the retail/office uses within the building. The Applicant also proposes to utilize a portion of the existing bus lane for up to four new kiss and ride parking spaces, as suggested by the community.

An updated plan showing the kiss and ride garage level is attached hereto as pg. 1 of Exhibit A. This plan is identical to pg. 7 of the plans submitted at Ex. 1F except that it now correctly labels the parking spaces as “retail and building” parking and not “kiss and ride” parking. The existing conditions showing the kiss and ride garage level are shown on pg. 2 of Exhibit A.

¹ As owner of the Site, WMATA signed a letter authorizing the Applicant to file and process the subject application. See Exhibit 1B, p.2.

Given that the kiss and ride spaces are owned and controlled by WMATA, the Applicant cannot guarantee that WMATA will approve their conversion to retail and office parking use. Similarly, the Applicant cannot guarantee that WMATA will permit the bus lane to be utilized for four new kiss and ride parking spaces. However, preliminary discussions between the Applicant and WMATA have indicated WMATA's agreement with the proposed changes, particularly because the kiss and ride spaces are not currently being used for kiss and ride (or for any other use) and because the bus lane is used infrequently for emergency purposes only.

Based on the foregoing, the Applicant requests flexibility to maintain the kiss and ride parking level and the bus lane in their current conditions if WMATA does not formally agree to the proposed modification (e.g. through a modification to the ground lease).

2. Pedestrian Bridge

Condition No. 10 of Z.C. Order No. 318 provides the following:

“The applicant shall construct a pedestrian bridge, which shall be a minimum of ten feet wide, connecting the pedestrian plaza adjacent to the Student Center and Engineering buildings of the University campus with the fourth floor terrace of the building, generally as shown on sheet 8 of Exhibit No. 42 of the record.”

The pedestrian bridge was never built by Prudential Insurance Company of America, the applicant in the original PUD and the developer and previous owner of the existing building. Therefore, at the suggestion of the ANC, the Applicant requests that the Zoning Commission Order approving the subject application remove Condition No. 10, in addition to modifying Condition Nos. 2 and 11 as previously requested. Changes to a condition in a final order are properly within the Zoning Commission's scope in approving a modification of consequence. *See* 11-Z DCMR § 703.4.

The Applicant thanks the Commission for its continued review of this application.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Christopher H. Collins

Jessica R. Bloomfield

Enclosure

cc: Joel Lawson, D.C. Office of Planning (*See* Certificate of Service)
Maxine Brown Roberts, D.C. Office of Planning (w/enclosure, via Email & Hand)
Anna Chamberlin, DDOT (w/enclosures, via Email)
Advisory Neighborhood Commission 3F (*See* Certificate of Service)
Commissioner David Dickinson, ANC 3F01 (*See* Certificate of Service)
Jane Solomon, Forest Hills Neighborhood Association (*See* Certificate of Service)

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2018, a copy of the foregoing letter and attached exhibit was served by email, hand delivery, and U.S. Mail on the following:

Joel Lawson
D.C. Office of Planning
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Via Email & Hand Delivery

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