



March 8, 2019

ANC 3E c/o Lisner Home
5425 Western Ave. NW Suite 219
Washington, DC 20015
Attn: John Bender - Chairperson

RE: Chevy Chase Pavilion ZC Order 517 – Response to Proposed Resolution

To Whom This May Concern:

This letter, shall constitute written response and update to the enclosed resolution presented at ANC's January 10, 2019 meeting.

The ANC resolution stated the following with regards to Chevy Chase Pavilion building operations:

- (1) ANC 3E has found on many occasions that the Pavilion has locked their exterior doors when Metrorail is operating, thus undercutting the amenity of providing "Support to the Metro system and direct Metro access" and that "[t]he project shall provide a direct connection to the Friendship Heights Metrorail Station,"
- (2) ANC 3E has found on many occasions that the Embassy Suites hotel located within the Pavilion has been unwilling to offer meeting space or even respond to emails requesting meeting space availability which is clearly contrary to the listed amenity from the 1987 order...
- (3) ANC 3E has observed that the Pavilion continuously uses their loading dock during the hours of "7:00AM to 9:00AM or from 4:30PM to 6:00PM" and furthermore has no signage as required in the PUD order indicating whether the parking garage is full (see attachments), and
- (4) the 2012 renovation resulted in the addition of rooftop mechanical equipment on sub-roof of the property on the northwest corner which does not adhere to the DC Zoning Laws required 1:1 setback and has resulted in continuous noise and vibration issues for the immediate neighbors a situation Clarion Partners has refused to do anything to remedy and there appear to be 2 additional zoning violations for rooftop mechanical equipment not meeting the required 1:1 setback...
- (5) the Pavilion has currently been cited for illegally installing electrical conduit and electric boxes in many of its tree boxes, has illegally enclosed many of its tree boxes and as of today has had Christmas lights illegally encircling all of its street trees and has on numerous previous occasions been cited for illegally working in and occupying public space.

With respect to item (1), the property provides unrestricted access to the Friendship Heights metro station between the hours of 5:30am-12:00pm. We have recently provided the property's security contractor with written directive to ensure these hours of access are maintained at all times. We believe the hours of

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access previously noted is adequate and provides the neighboring community with "Support to the Metro system and direct Metro access".

With respect to item (2), as of January 2018, Embassy Suites hotel is owned and managed by a separate entity. The ownership of CLPF-CC Pavilion, LLC does not have any influence over the decisions made on behalf of the hotel entity. With that being said, we have informed the hotel of the past tradition of the hotel providing meeting space to the ANC. We understand that it is the ANC's preference to hold its meetings in one of the hotel's conference spaces but should the hotel prove unresponsive, we will provide a meeting space for the ANC within the atrium area as provided in the PUD order or within the office space of the Pavilion. Please provide us with a meeting schedule and we will work to obtain a viable meeting space for the ANC to host future meetings..

With respect to item (3), Chevy Chase Pavilion currently maintains load dock hours of 7:00am-7:00pm Mon-Thur., 7:00am-9:00pm. Fri., 7:00am-4:00pm Sat., and is closed on Sundays. While we acknowledge these hours do not coincide with the pre-existing PUD. These hours were previously established to avoid disrupting neighboring residents in the early hours of the mornings or in the middle of the night. Provided further insight from the ANC on this matter we are more than willing to modify loading dock hours of operation within the PUD to meet the needs of our neighboring association(s). Additionally the property has engaged a signage vendor to upgrade our garage signage to notify drivers of "available parking" with the garage. We anticipate installation of the new signage in the coming weeks.

With respect to item (4), the equipment was installed to exhaust smoke from the Civil Cigar Lounge in the Pavillion which had been a source of complaints from the neighbors. As soon as we became aware of the issue, we contacted DCRA to investigate. DCRA responded on January 31, 2019 as follows:

"...In regard to the lower roof concerns, he has determined that the mechanical equipment that was installed, as well as the screening, in their current locations, were approved via building permit B1307120. Further, this building permit and its associated building plans were approved by zoning. As such, no zoning enforcement action is required....Following the last DCRA noise inspection, conducted in response to the noise complaint about the mechanical equipment on the lower roof, the agency concluded that the noise was in compliance with the maximum levels allowed by the building code and closed the case. Since that time, DCRA is not aware of new complaints filed about the noise from the mechanical equipment."

This information and further clarification was provided to the ANC on February 13, 2019. We are aware that since then the Zoning Administrator has expressed some question regarding the correctness of DCRA's issuance of the permit. With that being said, Chevy Chase Pavilion ownership recognizes the adjacent townhouse neighbors are bothered by the noise of the equipment. As we have discussed previously, we are in discussion with the Lounge to vacate their space in the Pavilion and we have agreed to remove the equipment within 90 days of their vacating of the project.

With respect to item (5), Chevy Chase Pavilion does not have any outstanding violations pending with DCRA as it relates to permitting for perimeter trees. The trees and enclosed planters along Military are the property and responsibility of Chevy Chase Pavilion. The trees along Wisconsin Avenue are also



maintained by Chevy Chase Pavilion however we are currently working with DDOT to determine future responsibility and ownership. On November 29, 2016 permit #E1701615 was obtained for the purpose of wiring and installation of fixtures and lamp holders for all perimeter trees. We have notified the lighting vendor who installs holidays lighting to properly remove all lights in a timely manner following the respective holiday(s).

Lastly, during the neighborhood walkthrough performed January 29, 2019 it was noted that a number of vendors making delivery to Chevy Chase Pavilion have opted to park their vehicle and unload shipment on Military Avenue. This is clearly not in regulation with traffic laws and we are vehemently opposed to such activity. We have instructed our security provider to immediately notify any vendors spotted attempting to park along Military road to move their vehicle and properly unload shipment utilizing the loading dock if/when available. Security also informs the vendor they will not be allowed entry to building unless they comply with our instructions. We believe this has resolved an issue contributing to a back log of traffic along Military Road. We will continue to monitor this situation and help with traffic enforcement to the best of our efforts.

Should you have any questions or comment regarding the items noted above please contact me at dante.jofferion@cushwake.com or 202-594-3891.

Regards,

Dante Jofferion

Dante Jofferion, CPM
Associate Director

Cc: ANC File
Lauren Holden, CLPF-CC Pavilion, LLC
c/o Clarion Partners