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June 12, 2015

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

**Re: Application No. 18987 – 1124-1126 Florida Avenue N.E.
Supplemental Submission of the Applicant**

Chairperson Lloyd Jordan and Honorable Members of the Board:

On behalf of the Applicant, Pierce Investments, LLC, enclosed please find the Supplemental Submission for the above-referenced application. At the conclusion of the hearing on June 9, 2015, the Board requested updated plans from the Applicant detailing the recent changes made to the proposed project. Notably, the Board specifically inquired about the neighborhood servicing retail space's height. As detailed in the revised plans at Exhibit A, the first commercial floor is sunken 6" and has a height 12' 6" above grade. The requested height relief is directly connected to the environmental conditions of the Property and to providing a neighborhood servicing retail at an appropriate height. Without the height relief it will not be possible to have a neighborhood servicing retail space.

The Board also left the record open for ANC 5D to submit a resolution to the Board given that the ANC meeting was held on June 9th, the evening of the hearing. At the time of this filing, the ANC had not submitted anything to the Board. The Applicant attended the June 9th ANC meeting, and in absence of a resolution from the ANC, submits the following brief summary of what occurred at the ANC meeting and the compromise the parties reached.

At the ANC meeting there were community members in support of the proposed project and there were also community members who raised some concerns. Those in support of the project expressed satisfaction over the project's final design and commended the improvement of the environmentally contaminated eyesore. The primary concern of those in opposition to the project was the height of the project and the limited notice for the most recent SMD meeting. The statements of opposition closely aligned with the view point expressed by Ms. Ramsey, who attended the BZA hearing and lives four blocks away from the project. She attended the ANC

Board of Zoning Adjustment
District of Columbia

meeting and was one of two community members who voiced concerns. The Applicant, in response to the community's comments, offered to reduce the height of the building by 3' 6 ½", thus eliminating the height variance but also eliminating the neighborhood servicing retail. The Applicant stated that the community could decide what would best suit their needs.

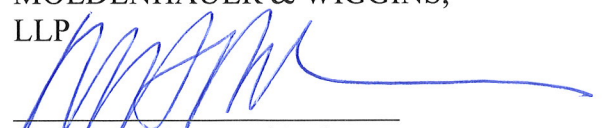
Upon hearing from those in the audience, the ANC Commissioners expressed a desire to hear from more community members. Therefore, ANC 5D opted to take no action Tuesday night, hold an emergency SMD meeting this week and issue a decision at a specially held ANC meeting. The ANC Chair stated that a letter would be sent to the Board requesting an additional two weeks to submit a resolution.¹ The Applicant expressed substantial concern over additional delay. However, the Applicant conceded that *if* the ANC was able to orchestrate meetings that quickly, he was willing to agree to a two week delay. However, it was made very clear to the ANC that the Applicant was concerned about additional delays, especially considering we are entering into the summer months. Moreover, the Applicant has already delayed this project and benefited from extensive community outreach.

The Applicant has reached out to the Chair of the ANC and the SMD Commissioner via email, inquiring about the letter that was supposed to be sent to the Board. As of close of business on Friday a letter had not been submitted to the Board and the ANC has not responded to our inquiry. Since the ANC has not requested an additional two weeks to submit a recommendation, has failed to submit anything at all regarding their opinion of the proposed project, and no SMD meeting has been noticed yet, the Applicant respectfully request that the Board make a decision regarding the proposed project. The Applicant attended multiple meetings coordinated by the SMD Commissioner and has already delayed this project once to conduct additional community outreach. The ANC has not submitted anything to the Board, despite stating that they would on Tuesday evening. The Applicant's offer to the community of having a structure at 50' without neighborhood servicing retail or a structure at 53'6 ½" with neighborhood servicing retail is still available. The Applicant presents these alternatives to the Board, for the Board to consider for approval. If the Board approves the proposed project without a height variance, the Applicant will supplement the record with revised plans detailing that change. We respectfully submit that the Applicant has satisfied the area variance standard.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS,
LLP


By: Meridith H Moldenhauer

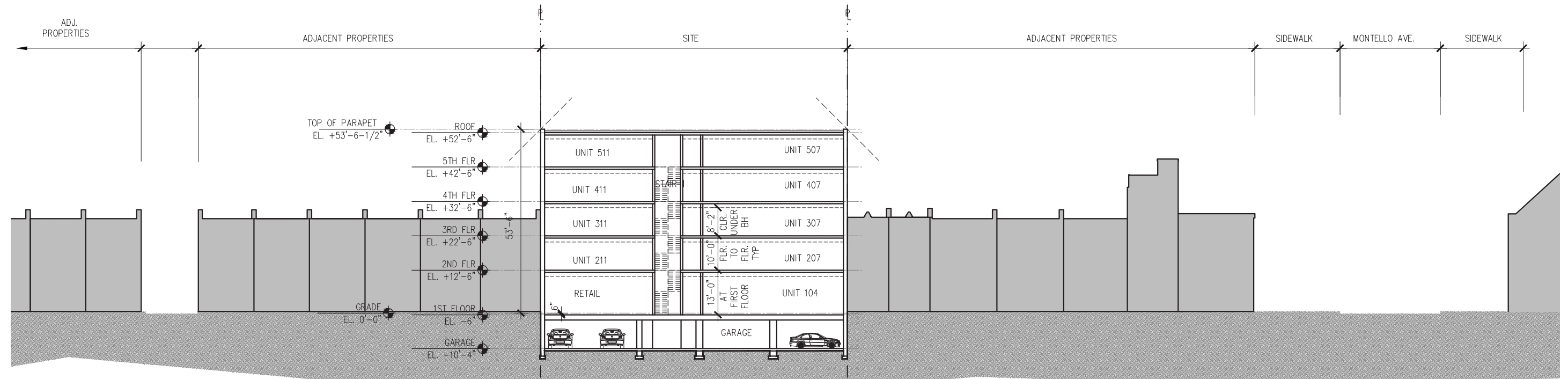
¹ ANC 5D Chair, Kathy Henderson, stated that she would personally send the letter to the BZA following the meeting on June 9, 2015.

Enclosures:

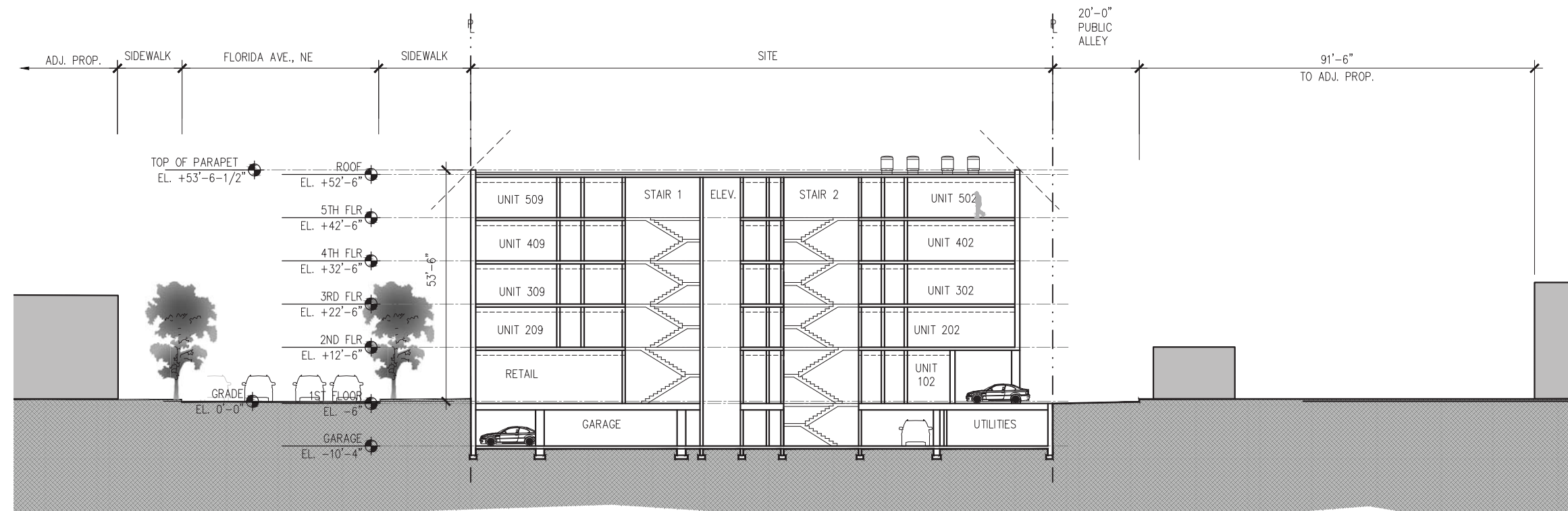
Exhibit A: Revised Architectural Plans

Cc: Advisory Neighborhood Commission 5D
c/o Cathy Henderson, Chair (via email)
Single Member District 5D03 Representative, Yvonne Buggs (via email)
Stephen Mordfin, Office of Planning (via email)
Cliff Moy, Board of Zoning Adjustment (via email)

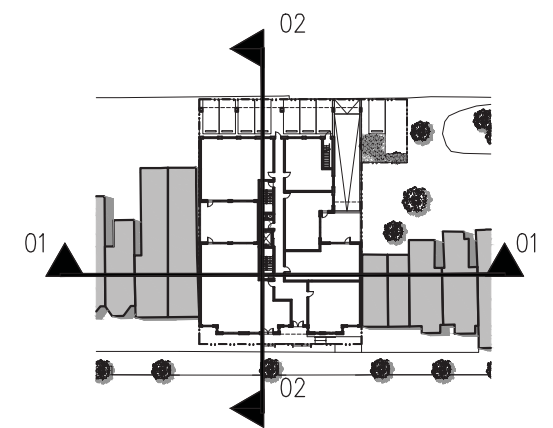
EXHIBIT A



1 BUILDING SECTION
SCALE: 1/30" = 1'-0"



2 BUILDING SECTION
SCALE: 1/30" = 1'-0"



KEYPLAN
SCALE: N.T.S.

FLORIDA AVE., NE

1124-1126 FLORIDA AVE NE

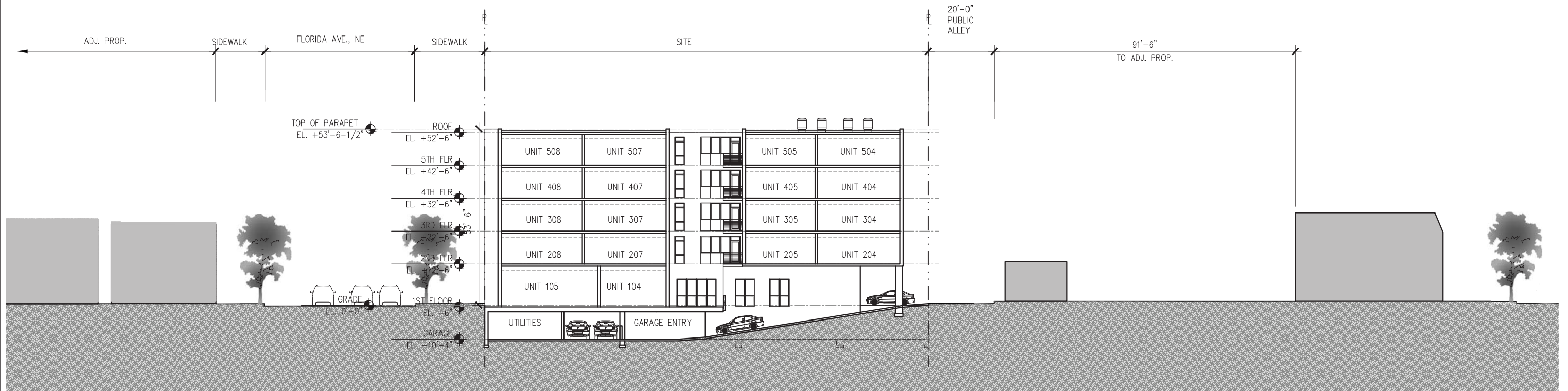
1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A



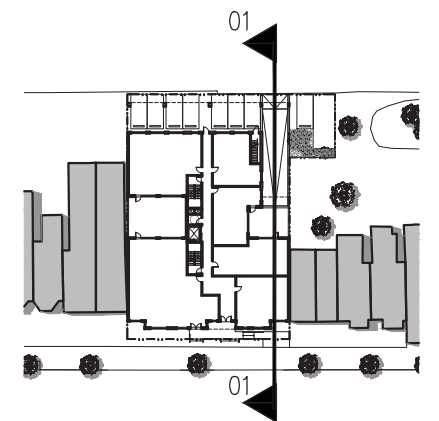
PGN Architects, PLLC
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BUILDING SECTIONS A 0.10

BZA SUBMISSION 06/11/2015



1 BUILDING SECTION
SCALE: 1/30" = 1'-0"



KEYPLAN
SCALE: N.T.S.

FLORIDA AVE., NE

1124-1126 FLORIDA AVE NE

1124-1126 Florida Ave NE
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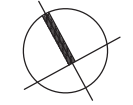
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BUILDING SECTIONS A 0.10A

BZA SUBMISSION 06/11/2015



1 FIRST FLOOR
SCALE: 1/30" = 1'-0"



1124-1126 FLORIDA AVE NE

1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A

PGN ARCHITECTS
PGN Architects, PLLC
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1 TYPICAL FLOOR PLAN (FLOORS 2-4)
SCALE: 1/30" = 1'-0"



1124-1126 FLORIDA AVE NE

1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A

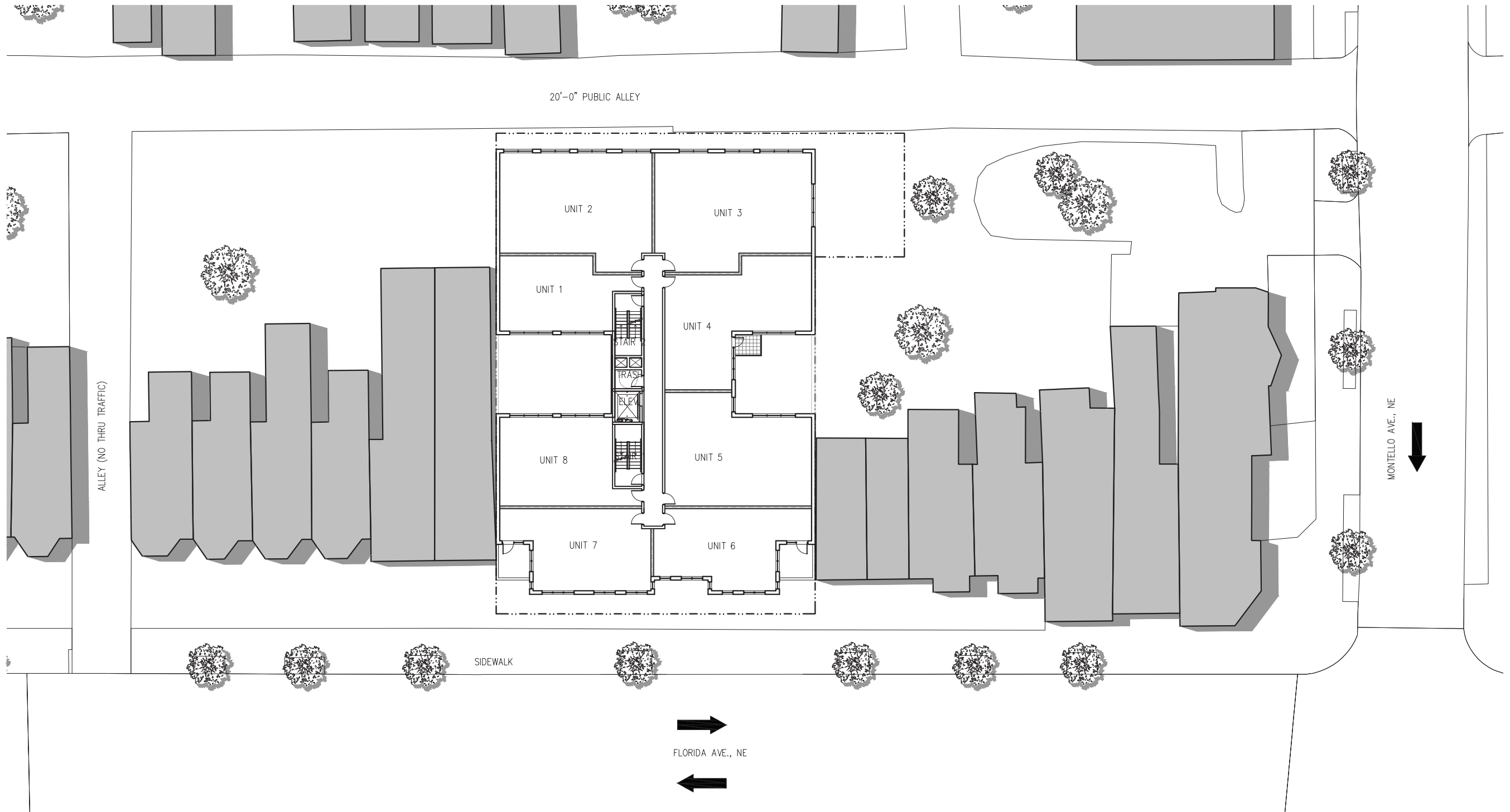


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TYPICAL FLOOR PLAN (FLOORS 2-4)

A 1-2

BZA SUBMISSION 06/09/2015



1 FIFTH FLOOR PLAN
SCALE: 1/30" = 1'-0"

1124-1126 FLORIDA AVE NE

1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A



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FIFTH FLOOR PLAN A 1-2A
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1 ROOF PLAN
SCALE: 1/30" = 1'-0"



1124-1126 FLORIDA AVE NE

1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A



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ROOF PLAN | A 1-3
BZA SUBMISSION | 06/09/2015



1 CELLAR PLAN
SCALE: 1/30" = 1'-0"



1124-1126 FLORIDA AVE NE

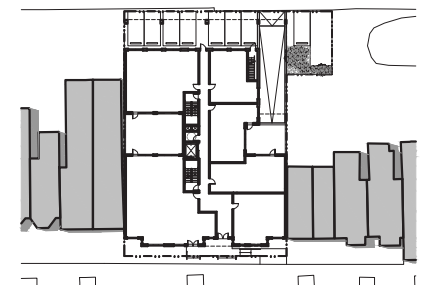
1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A



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1 SOUTH BUILDING ELEVATION
SCALE: 1/30" = 1'-0"



KEYPLAN
SCALE: N.T.S.

01
FLORIDA AVE., NE

1124-1126 FLORIDA AVE NE

1124-1126 Florida Ave NE
Washington, DC 20002
Square: 4070 Lot No: 0808 Zone: C-2-A



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SOUTH BUILDING ELEVATION A 2.2
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