

GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

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February 16, 2017

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

**Re: Case No. 19450 — Application of District Department of General Services
Revised Form 135 – Self Certification
Consent to extend time for the Party in Opposition and the Applicant to file
submissions in the record before the March 1 hearing.**

Dear Chairman Hill and Honorable Members of the Board:

On behalf of Applicant District of Columbia Department of General Services (the “Applicant”), please find enclosed the revised Self-Certification Form 135 at **Tab “A”**. The Applicant provides this to reflect that special exception relief from Subtitle U § 203.1(j), as the Applicant will be required to temporarily relocate accessory parking for the MPD on the adjacent tennis courts during construction of the Project.

Also, during the February 8, 2017 advanced party status consideration hearing, the BZA waived Subtitle Y § 404.9 and established a schedule for the Party in Opposition to file a submission and the Applicant to respond in writing before the March 1 hearing. In light of this additional relief, the Applicant and the Party in Opposition jointly consent to extend the date for the Party in Opposition to file its submission to Tuesday, February 21, 2017. The Applicant would then respond by Monday, February 27. Email correspondence between counsel for the Applicant and Party in Opposition documenting the consent to this extension is provided here at **Tab “B”**.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

A handwritten signature in blue ink, appearing to read 'Moldenhauer', is written over a thin horizontal line.

By: Meredith H. Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2017, I served a copy of this Cover Letter with Updated Form 135, via email, to the following:

D.C. Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024
Maxine.BrownRoberts@dc.gov

D.C. Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003
evelyn.israel@dc.gov

Advisory Neighborhood Commission 3C
Nancy MacWood, Planning and Zoning Committee Chairperson
nmacwood@gmail.com

Angela Bradbery, Single Member District 3C06
3C06@anc.dc.gov

Neighbors for Responsive Government
David W. Brown, Esq.
401 E. Jefferson Street, Suite 206
Rockville, MD 20850
brown@knopf-brown.com
joy@knopt-brown.com



Meridith H. Moldenhauer

TAB A



**BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA**



FORM 135 – ZONING SELF-CERTIFICATION

| <i>Project Address(es)</i> | <i>Square</i> | <i>Lot(s)</i> | <i>Zone District(s)</i> |
|----------------------------|---------------|---------------|-------------------------|
| 3320 Idaho Avenue, NW | 1818 | 849 | RA-1 |
| | | | |
| | | | |

Single-Member Advisory Neighborhood Commission District(s): **3C06**

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

| Relief Sought | <input type="checkbox"/> §3103.2 - Use Variance | <input checked="" type="checkbox"/> §3103.2 - Area Variance | <input checked="" type="checkbox"/> §3104.1-Special Exception |
|-------------------------|---|---|---|
| Pursuant to Subsections | F § 303.1; C § 901.1; C § 302.2 | F § 303.1; C § 901.1; C § 302.2 | U § 420.1(f); U § 302.1(j) |

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner s behalf in this matter.

**I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)**

| | |
|---|--|
|  | Greer J. Gillis <i>Owner's Name (Please Print)</i> |
|  | Meridith H. Moldenhauer <i>Agent's Name (Please Print)</i> |

| | | | | | | |
|------|----------------|--------------|---------------|----|----------------------------|--|
| Date | 2/16/17 | D.C. Bar No. | 494695 | or | Architect Registration No. | |
|------|----------------|--------------|---------------|----|----------------------------|--|

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

| | |
|--------------------------|--|
| <input type="checkbox"/> | Accepted for filing. |
| <input type="checkbox"/> | Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required. |
| <input type="checkbox"/> | Rejected for failure to comply with the provisions of <input type="checkbox"/> 11 DCMR §3113.2; or <input type="checkbox"/> 11 DCMR - Zoning Regulations. Explanation _____ |

| | | | |
|-----------|--|------|--|
| Signature | | Date | |
|-----------|--|------|--|

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. _____

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

- All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
- Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

| ITEM | EXISTING CONDITIONS | MINIMUM REQUIRED | MAXIMUM ALLOWED | PROVIDED BY PROPOSED CONSTRUCTION | VARIANCE Deviation/Percent |
|--|---------------------|------------------|-----------------|------------------------------------|----------------------------|
| Lot Area (sq. ft.) | 200,965 sq. ft. | N/A | N/A | N/A | NONE |
| Lot Width (ft. to the tenth) | 429.4' | N/A | N/A | N/A | NONE |
| Lot Occupancy (building area/lot area) | 10% | N/A | 40% | 28% | NONE |
| Floor Area Ratio (FAR) (floor area/lot area) | .2 | N/A | 0.9 | .65 | NONE |
| Parking Spaces (number) | N/A | 23 | 46 | 23 | NONE |
| Loading Berths (number and size in ft.) | 0 | 1 | N/A | 0 | 1 |
| Front Yard (ft. to the tenth) | N/A | N/A | N/A | N/A | NONE |
| Rear Yard (ft. to the tenth) | N/A | 20' | N/A | 205' | NONE |
| Side Yard (ft. to the tenth) | N/A | 3"/1 ft. (18') | N/A | 60' (north-side); 23' (south side) | NONE |
| Court, Open (width by depth in ft.) | N/A | N/A | N/A | N/A | NONE |
| Court, Closed (width by depth in ft.) | N/A | N/A | N/A | N/A | NONE |
| Height (ft. to the tenth) | N/A | N/A | 40'/3 stories | 72'/6 stories | 32'/3 stories |

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.



TAB B

Samantha Mazo

From: Meridith Moldenhauer
Sent: Thursday, February 16, 2017 10:55 AM
To: David W. Brown
Cc: Samantha Mazo
Subject: Re: BZA Case Nos. 19540 and 19542

Dave - I received your email and your voicemail. We will file the required documents with the BZA and confirm that given Monday is a holiday you will be filing your submission with OZ on Tuesday.

Sent from my iPhone

On Feb 16, 2017, at 10:21 AM, David W. Brown <brown@knopf-brown.com> wrote:

Meredith,

While reserving all procedural and substantive objections to changes in the applications, I agree on behalf of my clients to a one-day mutual extension of our filing deadlines as you proposed, if you will do the necessary filing.

Best regards,
Dave

At 08:57 AM 2/16/2017, you wrote:

Dave-

As you know, this firm represents DGS in BZA Case Nos. 19540 and 19542. We wish to make you aware of minor changes to the relief that will be needed for these cases, as described below.

In light of these changes, DGS proposes that we will consent for an extension on the filings for the parties in opposition from Friday February 17 to Monday, February 20 to provide your clients additional time to respond. DGS would then respond to your filing by Monday, February 27. If you agree with this change, we will file a summary informing the Board.

BZA Case No. 19540

-

- Add request for a special exception pursuant to Subtitle U Section 203.1(J) to permit temporary, interim accessory parking for MPD to be located on the adjacent tennis courts during

construction.

-

BZA Case No. 19542

-

- Reduced the number of on-site parking spaces to three so that one of the four parking spaces can be dedicated to van use.

-

Updated Self-Certification forms reflecting these changes will be filed with the Board and served on you by today.

All the best, and please let me know if you have any questions about the above.

Meridith