



March 10, 2016

Board of Zoning Adjustment
Attn: Marnique Heath, Chair
441 4th Street NW
Suite 200s
Washington, DC 20001

Re: BZA Order No. 18770-A

Dear Ms. Heath and Members of the Board:

Pursuant to Section 312(a) of the zoning regulations, &pizza hereby requests an amendment to BZA Order No. 18770-A dated September 9, 2014.

&pizza regrets the confusion and miscommunication that resulted in our beginning construction without the requisite permits and not in accordance with the terms of the original BZA order. We have moved past working with those associated with that decision and have paid the fines related to the infraction.

&pizza has subsequently met with four neighborhood stakeholders and has expended a considerable amount of time and effort to reengineer the space, as it was built out before the stop work order, so that it addresses what we understand are the essential concerns behind the September 2014 BZA order. During this process, &pizza identified several items in the original BZA order that, after discussions with the four neighbors and our engineers, we felt could be better addressed through methods other than those specified in the original BZA order. In light of this we hereby request the following changes to the language of the original order all of which are acceptable to the four neighborhood stakeholders:

I. Term Reduction

Condition #1 states that the approval of the exception shall be for a period of seven (7) years. &pizza has agreed to reduce the exception to five (5) years if the original order is modified.

II. Change in Oven Type

Condition #4 states that applicant shall use vent-less oven systems and install a vent-less hood system over each oven in order to reduce odors. We have since determined that the vent-less oven systems do function well for our use. In lieu of this vent-less system, we will be installing a pollution control unit (PCU) system, including two odor control filter systems within the confines of our space that works as a scrubber eliminating odors from emanating from the space. Documents and technical specifications have been attached at exhibit 42 for your review and incorporation into the modified order.

III. HVAC Location

In addition, item #7 states, among other conditions, that the HVAC unit at the rear of the property shall be replaced with a new HVAC unit and be relocated to the roof, with sound proofing to meet the standards employed by ArtUSA at 413 8th St., SE. The four neighbors have agreed that the location of the new HVAC unit, already installed on top of the newly constructed trash enclosure rather than the roof, is acceptable to stay in its place since the entire trash enclosure roof will be

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Board of Zoning Adjustment

District of Columbia

CASE NO.18770B

EXHIBIT NO.4

soundproof to meet the standards employed at 413 8th Street as shown in the attached plans at Exhibit 41. In addition, the four neighbors support the installation of a similar unit atop the trash enclosure. Consistent with the September 2014 order, no other mechanicals will be installed on any of the roofs.

&pizza is also proposing to add two additional items:

#3(i) which makes explicit in words what was explicit in the plans attached to the original order – the trash extension will be used on for storage of trash and recycling and ,

#11, which will require the appointment of a designated member of our organization to ensure that the operations of the store will be conducted in accordance with the provisions of the BZA order.

All other items within the BZA order will remain unchanged.

Attached hereto is a revised, signed and stamped set of plans from &pizza's engineer, Cornerstone Consulting Engineers, dated February, 2016. The revised plans detail the changes referenced above as well as how &pizza has incorporated the other conditions of the BZA order into its designs. Revised BZA Order language incorporating the changes described above is also attached for your review.

If you should have any additional questions in this matter please do not hesitate to contact me.

Yours truly,



Michael Lastoria
President

w/enclosures

cc: Linda Elliott