

March 15, 2019

Meridith Moldenhauer

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mmoldenhauer@cozen.com

Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**Re: BZA Case No. 19960
Applicant's Response to ANC5C's March 12 2019 Filing and Applicant's Updated
Community Outreach Efforts**

Chairperson Hill and Honorable Members of the Board:

On behalf of the Applicant, MCF 1400 Montana, LLC and MCFI Limited Partnership (collectively the "Applicant"), we submit the following response to the ANC's March 12, 2019 filing and an updated statement regarding Applicant's community outreach efforts.

Response to ANC 5C06 Commissioner's March 12 2019 Filing

We have reviewed the statements made by the ANC 5C06 Single Member District ("SMD") Commissioner at BZA Exhibit No. 38¹ and the following is our response.

Contrary to the SMD Commissioner's statement in her March 12th filing (BZA Exhibit No. 38) that the Applicant said the March 23rd SMD meeting "did not work for them," the Applicant has always been willing to work with the SMD Commissioner and to attend a SMD meeting. The Applicant originally requested to be put on the ANC agenda for the February ANC Meeting. However, the SMD Commissioner told the Applicant that a community meeting would need to be held before the SMD Commissioner would allow the Applicant to present at an ANC meeting. Accordingly, the Applicant sent the SMD Commissioner an email on February 25th, attached at **Exhibit A**, proposing a date and time for a community meeting. The Applicant followed up with the SMD Commissioner via email on March 6th, attached at **Exhibit B**, confirming their willingness to attend an SMD meeting on March 23rd and noting their plans to proceed with the community meeting on March 14th. On March 12th, Applicant received an email from the SMD Commissioner notifying the Applicant that they would not be able to present at the March 20th ANC meeting because of "failure to come to SMD meeting," attached hereto at **Exhibit C**. As

¹We note that the Applicant was not served with the SMD's March 12, 2019 filing as required by the Zoning Regulations under Subtitle Y §§ 403.6 and 407.3. As this filing is in response to the ANC's March 12th filing, we do not believe that the Board is required to grant relief under Subtitle Y § 101.9. However, if the Board deems such waiver is needed, we believe this filing satisfies the standard.

expressed in their email to the SMD Commissioner on March 15th, attached at **Exhibit D**, Applicant continues to be willing to attend an SMD meeting on March 23rd, 2019.

Applicant's Updated Community Outreach Efforts

We take this opportunity to update the Board regarding the Applicant's March 14, 2019 community meeting. The Applicant flyer'd the community and around 20-25 people attended the meeting. The Applicant presented their plans for a 108-unit apartment building at 1400 Montana Avenue NE (the "Project") to the community last night. There was an open dialogue about the relief requested and the Project's current and future impacts on the neighborhood, including sidewalk improvements, traffic circulation, parking, and stormwater management. The Applicant pledged to work further with the community to bring the community's traffic and parking concerns to DDOT.

We thank the Board for allowing us to clarify the record and look forward to attending the April 3rd Hearing.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'MAM', with a horizontal line extending to the right.

Meridith Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2019, a copy of the Applicant's Response to ANC 5C's March 12 2019 Filing and Applicant's Updated Community Outreach Efforts and was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Stephen Mordfin
1100 4th Street SW, Suite E650
Washington, DC 20024
stephen.morfin@dc.gov

The District's Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
Anna.chamberlin@dc.gov

Advisory Neighborhood Commission 5C
c/o Jacqueline Manning, Chairperson
5C04@anc.dc.gov

Advisory Neighborhood Commission 5C06
c/o Kirsten Williams, SMD Commissioner
5C06@anc.dc.gov



Meridith Moldenhauer

Gardiner, Kari Boyd

From: Williams, Kirsten (SMD 5C06) <5C06@anc.dc.gov>
Sent: Thursday, February 28, 2019 10:44 PM
To: Gardiner, Kari Boyd
Subject: Re: Community Meeting for 1400 Montana (BZA Case No. 19960)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I need a list of people that came to the meeting and the only way yall be on the agenda is you a presentation on March 23 6-8 this is only way u be on there

From: Gardiner, Kari Boyd <KGardiner@cozen.com>
Sent: Monday, February 25, 2019 9:42:10 AM
To: kirstenstarlove@yahoo.com; Williams, Kirsten (SMD 5C06)
Cc: Moldenhauer, Meridith
Subject: Community Meeting for 1400 Montana (BZA Case No. 19960)

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Hi Kirsten:

We would like to schedule a community meeting to present the project proposed for 1400 Montana (BZA Case No. 19960) on March 14th, 2019. The church currently located at 1400 Montana is available that evening and we were able to secure it for the meeting.

We hope confirm this date works for you. If you wish to flyer, let us know or, if you need assistance flyering the meeting, we are happy to help.

Also, thank you for confirming we are on the agenda for the March 20th ANC meeting.

We look forward to presenting the project in March.

Thanks,

Kari



Kari Gardiner
Attorney | Cozen O'Connor
1200 19th Street NW | Washington, DC 20036
P: 202-747-0798
Email | Map | cozen.com

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Gardiner, Kari Boyd

From: Gardiner, Kari Boyd <KGardiner@cozen.com>
Sent: Wednesday, March 6, 2019 2:30 PM
To: 5C06@anc.dc.gov
Cc: Moldenhauer, Meridith
Subject: 1400 Montana Community Meetibg

Dear Commissioner Williams:

We understand you contacted our client about the community meeting for 1400 Montana [on March 14th](#) and we were hoping he would have heard back from you today about whether you would be able to attend.

As we have already flyered the meeting for the 14th, it is our recommendation not to cancel as some community members may already be planning to attend. If you are unable to attend and would like to hold a SMD meeting [on March 23](#), we would be more than happy to attend that meeting. Just let us know the time and place.

Thanks,

Kari Gardiner

Gardiner, Kari Boyd

From: Williams, Kirsten (SMD 5C06) <5C06@anc.dc.gov>
Sent: Tuesday, March 12, 2019 2:15 PM
To: Gardiner, Kari Boyd
Subject: Re: BZA Case No. 19960 (1400 Montana Ave)-Traffic Report and Resume

Commissioner Williams midcity financial will not present because of failure to come to SMD meeting so that they will present to be on the agenda

From: Gardiner, Kari Boyd <KGardiner@cozen.com>
Sent: Monday, March 4, 2019 10:15:05 AM
To: Manning, Jacqueline (SMD 5C04); Williams, Kirsten (SMD 5C06)
Cc: Moldenhauer, Meridith
Subject: BZA Case No. 19960 (1400 Montana Ave)-Traffic Report and Resume

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Chairperson Manning and Commissioner Williams:

Please find attached the Cover Letter, Traffic Report and Expert's Resume that were filed today in BZA Case No. 19960 for 1400 Montana Ave NE.

Let us know if you have any questions.

Thanks,

Kari Gardiner



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Gardiner, Kari Boyd

From: Gardiner, Kari Boyd
Sent: Friday, March 15, 2019 5:49 PM
To: 'Williams, Kirsten (SMD 5C06)'
Cc: Moldenhauer, Meridith
Subject: RE: BZA Case No. 19960 (1400 Montana Ave)-Traffic Report and Resume

Dear Commissioner Williams:

This email is in response to your filing with the BZA at Exhibit 38, snipped below. We have told you that we were very much willing to attend a SMD meeting on March 23rd or any other time. You have told us the meeting will be from 6pm to 8pm but have not provided us with the location of the meeting.

Again, we will attend the SMD meeting on March 23rd but need the time confirmed and to be told the location of the meeting.

Cain, Alexandra A. (DCOZ)

From: Williams, Kirsten (SMD 5C06)
Sent: Tuesday, March 12, 2019 1:05 PM
To: Cain, Alexandra A. (DCOZ)
Cc: Jacqueline Manning
Subject: Re: 1400 Montana ave 6

Dear ,BZA I had two SMD meeting Mid city financial to appear both by phone that midcity financial wil not appear or the time don't work for them and make a meeting for them on the 14th of March and I had to appear but midcity financial did not want to show up the SMD meeting to be put on the agenda . In pers I told midcity financial that the only way for them to be on the agenda is come my rescheduled meeting to on the agenda midcity financial said that midcity will show up. Now SMD meeting is 23 of March mid financial said it did not work for them by phone.

Thank you.

-Kari Gardiner



Kari Gardiner
Attorney | Cozen O'Connor
1200 19th Street NW | Washington, DC 20036
P: 202-747-0798
Email | [Map](#) | [cozen.com](#)

From: Williams, Kirsten (SMD 5C06) <5C06@anc.dc.gov>
Sent: Tuesday, March 12, 2019 2:15 PM
To: Gardiner, Kari Boyd <KGardiner@cozen.com>
Subject: Re: BZA Case No. 19960 (1400 Montana Ave)-Traffic Report and Resume

****EXTERNAL SENDER****

Commissioner Williams midcity financial will not present because of failure to come to SMD meeting so that they will present to be on the agenda

From: Gardiner, Kari Boyd <KGardiner@cozen.com>
Sent: Monday, March 4, 2019 10:15:05 AM
To: Manning, Jacqueline (SMD 5C04); Williams, Kirsten (SMD 5C06)
Cc: Moldenhauer, Meridith
Subject: BZA Case No. 19960 (1400 Montana Ave)-Traffic Report and Resume

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Chairperson Manning and Commissioner Williams:

Please find attached the Cover Letter, Traffic Report and Expert's Resume that were filed today in BZA Case No. 19960 for 1400 Montana Ave NE.

Let us know if you have any questions.

Thanks,

Kari Gardiner



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