Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, DC 20008

June 13, 2002

Geoffrey Griffis
Chair, Board of Zoning Adjustment
441 4th Street, N.W., Suite 210 South
Washington, DC 20001

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Re: BZA Appeal No. 16879 (Sunrise)

Dear Mr. Griffis and Members of the Board:

We are in receipt of a letter dated June 10, 2002 from Shaw Pittman LLP implying that the Nebraska Avenue Neighborhood Association ("NANA") is now trying to incorporate new appeal of the Final Orders Nos. 16716A and 16716B into the current appeal No. 16879. This is not the case. We clearly state that the **current appeal is based solely on new materials** presented in the application for Permit No. B442149 and other material provided to NANA by DCRA for the first time on April 10, 2002. The Shaw Pittman attorneys are incorrect in asserting that this Appeal is to reopen the prior Appeal and Decision.

Appeal based on **new materials** is properly allowed. At the time of filing appeal No. 16879, DCRA had not provided (and still has not provided) **full access to the application materials** for building permits at 5111 Connecticut Avenue, the development submitted by Louis Reyes, Sunrise Assisted Living, et al ("Sunrise"). This is in spite of considerable due diligence by NANA and ANC 3G. When new materials were made available to us by DCRA (both application materials for Permit No. B442149 and additional material on April 10, 2002), we used those materials to submit our statement and exhibits for the June 18, 2002 Appeal Hearing before the BZA.

As stated in that submission, the ONLY other materials included in that submission (and by reference from the permit application materials) are <u>EXAMPLES</u> of inconsistencies and ambiguity in the approved application materials. It is important to understand that DCRA has allowed multiple versions and self-contradictory plans of building elements in the approved permit plans. In fact, this is not a re-appeal of issues based on materials available during Appeal No. B16716 and decided under Final Orders Nos. 16716A and 16716B.

Yours truly,

Page Chiapella

Page Chiapella, President
Nebraska Avenue Neighborhood Association

BZA
Case No. 16879
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.39

Certificate of Service

I hereby certify that on June 13, 2002, a copy of the foregoing letter was mailed first class, postage prepaid, to the following:

Maureen E. Dwyer, Esq.
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Page Chiapella 6/13/02