

February 10, 2022

Via IZIS

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Post-hearing Submission - BZA Case No. 18701E – 1247 E Street, SE

Dear Members of the Board:

In response to the Boards request for a joint letter regarding specific ANC conditions, we are writing this letter on behalf of the Applicant to confirm that we agree to the conditions as recommended by the ANC in their February 9 submission (BZA Exhibit 26, a copy of which is also attached here too) and we request that the Board impose these exact conditions on any approval of the Application.

Respectfully Submitted,

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

Alexandra Wilson

Alexandra Wilson, Esq.
Sullivan & Barros, LLP



February 9, 2021

921 Pennsylvania Avenue SE
Washington, DC 20003
6B@anc.dc.gov

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Mr. Frederick Hill, Chairperson
Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street NW, Suite 200/210-S
Washington, DC 20001

VIA: Interactive Zoning Information System Filing - IZIS

RE: BZA 18701E: 1247 E Street SE; Modification of significance to include general retail, service, and office uses in addition to the restaurant use within an existing, semi-detached, two-story with cellar, apartment house the RF-1 zone.

Dear Chairperson Hill:

As the authorized representative of ANC 6B and chair of ANC 6B, I submit this response after the initial hearing for case 18701E on February 2, 2022. In response to the questions and guidance of the Board and bounded by the initial report, ANC 6B supports this application on the following conditions:

1. The ground floor and the basement space, as identified in the Applicant's filing on February 9, may be devoted to:
 - A. Retail Use as permitted pursuant to Section U-512.1(k), as such use is defined and described in Section B-200.2(bb)
 - B. General Service Use as permitted pursuant to Section U-512.1(l), as such use is defined and described in Section B-200.2(cc)
 - C. Office Use pursuant to as permitted pursuant to Section U-510.1(r), as such use is defined and described in Section B-200.2(w)
 - D. Restaurant Use specifically as approved in BZA Order No. 18701
2. The modification to allow service and retail use is term limited to 12 years. This period is to ensure the applicant has enough time for a 10-year lease with two years to acquire a tenant and build out the space.

(3) The conditions in the original order in case 18701 are included in this order as would apply to restaurant, service, and retail uses. Specifically, those conditions are

- A) Operating times shall not exceed 7:30 a.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 8:00 p.m., Saturday and Sunday.
- B) Subject to any conditions imposed by the Public Space Committee and Historic Preservation Review Board, trash cans shall be concealed and not visible from the street.
- C) Deliveries shall only be allowed between 8:30 a.m. to 5:00 p.m., Monday through Friday, and 9:30 a.m. to 2:00 p.m., Saturdays only.
- D) Outdoor seating shall be permitted if approved by the Public Space Committee.
- E) Outdoor seating is not permitted between the entry door on E Street and the fence line of 1245 E Street, S.E.
- F) No outdoor music shall be allowed.
- G) Subject to any conditions imposed by the Historic Preservation Office, the boarded-up door facing 13th Street shall be reopened.

These updated conditions are consistent with ANC 6B's report which conditioned its support on use restrictions if permissible by the Board. The new condition #1 is consistent with guidance from the board, which sought to tie use to a zone, in this case MU-4, the mixed-use zone closest to the property.

Thank you for your careful consideration of the initial report with ANC 6B and guidance on conditions acceptable to the Board.

Sincerely,



Corey Holman
Chair and Authorized Representative of ANC 6B

Applicant/Attorney: Hatem Hatem/Martin Sullivan

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2022, an electronic copy of this submission was served to the following:

D.C. Office of Planning
Stephen Mordfin
stephen.mordfin@dc.gov

Advisory Neighborhood Commission 6b

ANC Office
6b@anc.dc.gov

Corey Holman, Chairperson & SMD
6B06@anc.dc.gov

Respectfully Submitted,

Sarah Harkcom

Sarah Harkcom, Case Manager
Sullivan & Barros, LLP