

July 15, 2026

Via JZIS

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

Re: Applicant's Reply to ANC 4C's Response- BZA Case No. 21462

Dear Members of the Board:

The Applicant submits this brief reply to ANC 4C's response and respectfully renews its request that the Board deny the postponement and proceed on July 22, 2026.

The primary unresolved issue between the parties is monetary, and it is unrelated to the relief requested. Enclosed are the two draft community agreements exchanged by the parties: the Applicant's draft and the ANC's draft. A comparison shows that the Applicant has agreed to every operational request the ANC has made that relates to the legal criteria governing this special exception. The only outstanding items are monetary: a profit-sharing provision contained in the ANC's draft agreement, and a request in the alternative, made at the ANC meeting, for an annual cash donation of \$20,000 per year to charity. Neither a profit share nor an annual cash payment bears any relationship to the criteria the Board applies in evaluating the requested relief. The Applicant's position is simple: it agreed to reasonable operational conditions tied to the standards for approval, but it declined to agree to recurring monetary payments untethered to those standards.

The Chair's response confirms the postponement is a consequence of that impasse, not of a scheduling conflict. The Chair states that "when negotiations failed last week, ANC 4C and I had to change our plans." The July 22 graduation ceremony did not arise last week. By the Chair's own account, that commitment long predated this motion. What changed last week was not the Chair's availability; it was the ANC's posture following the Applicant's refusal of the monetary terms. A party's decision to seek participation after negotiations fail does not transform a long-known personal commitment into good cause for a multi-month delay, particularly where, given the Board's August recess, "any date later than July 22" likely means October.

The claimed lack of notice is not accurate. The ANC has known for at least a month that at least one member of community opposed this application; an opponent appeared and spoke at the ANC's own meeting in June. The suggestion that the ANC had no reason to anticipate participating in this hearing until last week is not consistent with its own record.

The Chair's response is internally inconsistent. The Chair states both that the ANC did not

intend to participate in this hearing until negotiations failed last week, and that he has "spent the most time discussing, researching, and preparing for this case" and is "uniquely qualified" to represent the ANC. Both cannot be true. If the ANC only recently decided to participate, no Commissioner has been preparing for this hearing, and the asserted irreplaceability falls away. Moreover, the record the Chair describes, including the parties' meetings, correspondence, and presentations, was, as detailed in the Applicant's opposition, shared with and involved all Commissioners.

The ANC's remaining alternatives stand unrebutted. The Chair's response addresses the substitution alternative only by asserting his own unique qualifications and addresses the time-adjustment alternative only by noting that personal devices are not permitted inside the DC Jail. That point explains why he cannot participate during the ceremony, not why a morning or late-afternoon hearing slot could not accommodate it. Critically, the response is silent on the third alternative: the ANC may set forth its issues and concerns in a written resolution, to which the Board must give great weight with or without a representative present. The ANC's participation rights are fully protected by any of these paths.

The asserted absence of harm conflates the merits with the motion. Whether the proposed use benefits the community is the merits question for the hearing itself. The prejudice relevant here is prejudice from delay: a vacant storefront on the Georgia Avenue corridor, and an owner and tenant bearing carrying costs for months while the space sits idle.

Taken together, the record reflects a monetary demand unrelated to the criteria for relief, a postponement motion filed only after that demand was refused, a conflict that was known well in advance, internally contradictory justifications, and silence on the alternatives that would fully protect the ANC's participation. That record is difficult to reconcile with a good-faith scheduling issue. Neither the Board nor the Applicant should bear the burden of the Chair's work conflict when the ANC has multiple avenues for meaningful participation. The Applicant respectfully requests that the Board deny the postponement and proceed as scheduled.

Respectfully Submitted,

Alexandra Wilson

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2026, an electronic copy of this submission was served to the following:

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Respectfully Submitted,

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