

To: DC Board of Zoning Appeals
Subject: Case 19608 Notice Concern #3
From: 1332 Vermont Avenue Partnership, Bernie Robinson, Managing Partner
Date: December 12, 2017

We still have concern that the development team for 1310 Vermont Avenue, NW, is still not providing the required public notice of the December 13, 2017, continuation of November 1, 2017, hearing on this case. The required notice of the November 1 hearing was NOT provided, as noted in Exhibit #43, our November 3, 2017, memo of Grave Concern #2.

The development team had ample opportunity to comply with basic BZA Rules of Practice and Procedure and did not do so:

1. Why would the development team not provide the required notice at the street frontage in accordance with Subtitle Y Sec 402.3? Because that would have provided legible PUBLIC NOTICE to the neighborhood and the development team does not wish to engage the neighborhood in its developments.
2. Indeed, the development team itself has demonstrated the lack of proper PUBLIC NOTICE in Exhibit #41, Affidavit of Posting, which was later supplemented by Exhibit #42. Exhibit #41 shows the illegibility of the posting when observed from the sidewalk in front of 1310 and Exhibit #42 clearly demonstrates that an observer has to enter a fenced, closed yard to be able to approach close enough to receive notice of the hearing. The development team is on record opposing "trespass" on its properties, so how is this posting inside a building window notice?

Does the BZA not enforce the PUBLIC NOTICE requirements of its Rules of Practice and Procedure? This would be a very bad precedent to set for PUBLIC NOTICES for BZA.

The December 13, 2017, hearing should be continued until such time as proper PUBLIC NOTICE has been given to the public.