

July 8, 2020

via IZIS

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: BZA Case No. 20204 – 1001-1003 Bryant Street, NE; Prehearing Submission.

Dear Members of the Board:

I am writing on behalf of the Applicant of the above-referenced case. Enclosed please find Exhibits A-D detailing the extensive ANC and community outreach by the Applicant, as well as additional photographs of the property and surrounding area.

Photographs

The photographs depicted in “Exhibit A” provide more context regarding the Subject Property’s location; and the character of the surrounding area. The Subject Property is located adjacent to Rhode Island Avenue, a major thoroughfare for the District. The Property is at the end of the block on a highly visible corner of Rhode Island Avenue, Bryant Street, and 10th Street (see p.1 on Photos). Directly adjacent to the Property are two new apartment buildings, located at 1005-1007 Bryant Street, NW (p.2), which effectively cut off the Subject Property from the residential neighborhood on Bryant Street. Across Rhode Island Avenue is a large apartment building, at 2504 10th Street, NE (pp. 2-6). Photographs 7-19 show commercial and residential properties within a 1-3 block radius of the Subject Property. The legend in the lower left-hand corners show the location of the Subject Property in relation to the location on the photographs.

As demonstrated by the photographs, the area is made up of a mix of apartment buildings and commercial uses. The Property is located within walking distance from Home Depot, Bank of

Board of Zoning Adjustment
District of Columbia
CASE NO.20204

America, Metro PCS, CVS, a market, and the Rhode Island metro. New residents will bring more foot traffic to the surrounding commercial corridor and the development will complement the streetscape and provide new, quality, residential housing adjacent to a commercial corridor (MU-6 Zone).

ANC and Community Outreach

The Applicant is also submitting documentation evidencing its outreach to the ANC, SMD, and the nearby community. As shown in “Exhibit B” and “Exhibit C,” the Applicant emailed property owners near 1001-1003 Bryant Street, NE, including a letter and plans for the project. The Applicant also mailed between 50-60 packages with that same information (a letter and plans) to nearby residents, including both condominium buildings next door. The Applicant contacted the ANC twice asking if they knew of anyone that wanted to have a virtual meeting, but never received a response.

Despite the fact that the Applicant has attended – and presented its project – at a Single-Member-District meeting (attended by Bryant Street residents) and a full ANC meeting – the ANC did not vote on the Application at either meeting, and has further informed the Applicant that it will not place this matter on their agenda until “the city opens back up.”

As demonstrated by “Exhibit D”, in addition to the two ANC meetings, the Applicant has reached out numerous times to the ANC since the original filing in November. The hearing was originally scheduled for February 12, 2020. The Applicant postponed that original hearing date after it could not manage to get placed on the ANC’s SMD agenda. The hearing was rescheduled for March 3, 2020; and then postponed until April, at the request of the ANC, purportedly in order to provide time for the ANC to consider the Application. In deciding to postpone, the Board

BZA Case No. 20204
July 8, 2020

specifically requested that the ANC place this case on its agenda. Due to COVID, there was no April ANC meeting and the hearing was postponed to July 29, 2020.

Once the Applicant saw that the ANC was holding virtual meetings, starting in May, it immediately reached out to the ANC in order to be placed on the agenda, as the Board had requested. Between April 13, 2020 and June 6, 2020, the Applicant emailed the ANC SMD and others numerous times with no response. Finally, on June 6, one ANC commissioner responded to the Applicant and offered to get in touch with the SMD on the Applicant's behalf. The Applicant followed up with two other emails until the SMD finally emailed the Applicant's representative on June 16, 2020. In that email, the SMD informed the Applicant that it would not place this matter on their agenda until the Applicant had a chance to meet with community members in person when the "city opens back up." (See "Exhibit D").

The Applicant has offered multiple times to present virtually, but the ANC has indicated to the Applicant that it will not place this matter on any virtual meeting agenda. Due to the uncertainties related to COVID-19, there is no known date when it will be safe to meet in person. The ANC has refused to vote on this Application since February and has ignored the Board's directive to place this item on its agenda since March. This case has already been postponed three times and postponing again – this time indefinitely apparently – would not be fair to the Applicant in light of the extensive efforts it has made to interact with the ANC and the community. The ANC has had ample opportunity to bring this Application to a vote and has opted not to. It has been nine (9) months since the Applicant filed the Application - an Application which has not changed since it was filed. Accordingly, the Applicant respectfully requests that the Board consider the Application without the benefit of ANC input.

BZA Case No. 20204
July 8, 2020

Sincerely,

Martin P Sullivan

Martin P. Sullivan, Esq.

BZA Case No. 20204
July 8, 2020

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2020, an electronic copy of this Prehearing Submission was served on the following on behalf of the Applicant, 1001 Bryant Street LLC.

Crystal Myers
Office of Planning
crystal.myers@dc.gov

Advisory Neighborhood Commission 5C

Jacqueline Manning, Chairperson
5C04@anc.dc.gov

Darlene Oliver, SMD
5C05@anc.dc.gov

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP
1155 15th Street, NW
Suite 1003
Washington, DC 20005