

Cochran, Patricia (DCOZ)

From: Brooks, Alison (SMD 4B08)
Sent: Monday, March 25, 2024 10:56 AM
To: Brad Garness; Colson, T. Michelle (SMD 4B01); Palmer, Erin (SMD 4B02); Smith, Zurick (SMD 4B03); Yeats, Evan (SMD 4B04); Gilligan, Kevin (SMD 4B05); Johnson, Tiffani (SMD 4B06); Cohen, Michael (SMD 4B07); Thompson, Derrick (SMD 4B09); Berry, Jinin (SMD 4B10)
Cc: 'Hunt, Kelly (Council)'; 'Royster, Charnisa (Council)'; pajohns2@gmail.com; Johnson, Tiffani (SMD 4B06); 'Madeline Daniels Benderev'; 'Victoria Battista'; EOM (EOM); bellhouseiv@gmail.com; Reid, Robert (DCOZ); Moy, Clifford (DCOZ); Mehlert, Keara (DCOZ); DCOZ - BZA Submissions (DCOZ)
Subject: Re: ANC 4B Resolution #4B-23-1007 improperly applied to Adjustment #21103.
Resolution is for 19887.

Follow Up Flag: Follow up
Flag Status: Completed

Brad,

As I mentioned when I spoke with you, you haven't attended meetings and heard from the entire community. While you have the support of some, you do not speak for the entire community. I have continued to hear from other residents some of whom you have reached out to, and some you have not. We are aware of what our next steps must be. I have arranged a community meeting on Thursday at 6pm. I am waiting on the venue to be confirmed and I will share it with you.

Regards,

Alison Brooks
Chair, 4B
Commissioner, 4B08
240-423-0826 - cell

<https://anc4b.com/>

From: Brad Garness <brad.garness@gmail.com>
Sent: Monday, March 25, 2024 10:48:54 AM
To: Colson, T. Michelle (SMD 4B01) <4B01@anc.dc.gov>; Palmer, Erin (SMD 4B02) <4B02@anc.dc.gov>; Smith, Zurick (SMD 4B03) <4B03@anc.dc.gov>; Yeats, Evan (SMD 4B04) <4B04@anc.dc.gov>; Gilligan, Kevin (SMD 4B05) <4B05@anc.dc.gov>; Johnson, Tiffani (SMD 4B06) <4B06@anc.dc.gov>; Cohen, Michael (SMD 4B07) <4B07@anc.dc.gov>; Brooks, Alison (SMD 4B08) <4B08@anc.dc.gov>; Thompson, Derrick (SMD 4B09) <4B09@anc.dc.gov>; Berry, Jinin (SMD 4B10) <4B10@anc.dc.gov>
Cc: 'Hunt, Kelly (Council)' <khunt@dccouncil.gov>; 'Royster, Charnisa (Council)' <CRoyster@dccouncil.gov>; pajohns2@gmail.com <pajohns2@gmail.com>; Brooks, Alison (SMD 4B08) <4B08@anc.dc.gov>; Johnson, Tiffani (SMD 4B06) <4B06@anc.dc.gov>; 'Madeline Daniels Benderev' <madelinebenderev@gmail.com>; 'Victoria Battista' <victoriabattista@gmail.com>; EOM (EOM) <eom@dc.gov>; bellhouseiv@gmail.com <bellhouseiv@gmail.com>; Reid, District of Columbia CASE NO.21103
EXHIBIT NO.41

Robert (DCOZ) <robert.reid@dc.gov>; Moy, Clifford (DCOZ) <clifford.moy@dc.gov>; Mehlert, Keara (DCOZ)

<Keara.Mehlert@dc.gov>; DCOZ - BZA Submissions (DCOZ) <DCOZ-BZASubmissions@dc.gov>

Subject: ANC 4B Resolution #4B-23-1007 improperly applied to Adjustment #21103. Resolution is for 19887.

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Some people who received this message don't often get email from brad.garness@gmail.com. [Learn why this is important](#)

Greetings Stakeholders,

The community has clearly spoken. No proposal will be accepted for this space that doesn't include commercial spaces.

As you can see in the exhibits for this application include an ANC 4B resolution. This resolution must be removed. The resolution is for a different application. These two are not the same, and hence such the ANC resolution doesn't match and is null.

Show: 10	▼ entries	
Exhibit #	Exhibit Description	Number of Pages
1A	Application Form - SUPERSEDED - SEE EXHIBIT #1B	1
1B	Updated Application Form	1
2	DC Surveyor's Plat	1
3	Statement of Existing and Intended Use	1
4	Zoning Self-Certification	2
5	Color Photographs	2
6	List of Names and Mailing Addresses of Property Owners within 200 Ft.	5
7	Burden of Proof	7
8	Letter of Authorization	1
9	Certificate of Proficiency	1
10	Architectural Plans and Elevations	14
11	Cover Letter from Applicant w/Certificate of Service	3
12	Receipt	1
13	BZA Notice of Virtual Public Hearing	4
14	BZA Attestation/PHN List of Referrals	1
15	Cover Letter from Applicant Enclosing ANC 4B Resolution and Email Correspondence	2
15A	ANC 4B Resolution	3
15B	Email Correspondence with Alison Brooks, ANC 4B	2
16	Returned PHNs	4
17	Comments in Opposition from Victoria Battista, Brad Garness and Other Concerned Neighbors	7

This resolution is not for the application; however, it has been allowed to stand as an exhibit. It needs to be removed.



RESOLUTION #4B-23-1007

**Supporting Application for Zoning Modification to Board of Zoning
Adjustment Order No. 19897-C for 5501 1st Street, NW
Adopted October 23, 2023**

The ANC passed a resolution in support of #19887, the current application is #21103. Hence the resolution is not legally applicable. Period.

Further it is disturbing that the developers attorney can simply state that an ANC resolution for one application (entirely different submission) can be submitted for a different subject application:



March 5, 2024

Eric J. DeBear

Direct Phone 202-747-0769
edebear@cozen.com

Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, D.C. 20010

**Re: BZA Case No. 21103
Cover Letter with ANC 4B Resolution**

Dear Chairperson Hill,

Please find enclosed the resolution of Advisory Neighborhood Commission 4B ("ANC") in support of the subject application. A copy of the ANC resolution is attached at Tab A. The ANC resolution was adopted in October 2023 in connection with a modification to a prior BZA approval under case number 19897C. The proposed 47-unit residential building ("Project") at 71 Kennedy Street NW ("Property") under the subject application is the same as was submitted in the modification under case number 19897C.¹ Accordingly, ANC Chair Brooks confirmed that the ANC's resolution from October 2023 can be submitted for the subject application. A copy of correspondence with ANC Chair Brooks is enclosed at Tab B.

Thank you for your attention to this matter and we look forward to presenting the application to the Board at the hearing on April 24, 2024.

Sincerely,

COZEN O'CONNOR

[Signature]

The stakes are too high to simply allow the developer's attorney to state that "ANC Chair Brooks confirmed" that one can apply to another. This is not the case. The resolution legally cannot apply to a different application. Allowing such degrades the entire process. The confirmation was short sighted. This doesn't align with the communities real wants & needs, and is being done in a fashion that erodes the communities trust for the ANC stewardship.

Legally the approval only applies to the old application, and not the new one.

Respectfully,

Concerned Citizens who love Kennedy Street

From: Brad Garness [mailto:brad.garness@gmail.com]
Sent: Thursday, March 21, 2024 11:54 AM
To: 4B01@anc.dc.gov; 4B02@anc.dc.gov; 4B03@anc.dc.gov; 4B04@anc.dc.gov; 4B05@anc.dc.gov; 4B06@anc.dc.gov; 4B07@anc.dc.gov; 4B08@anc.dc.gov; 4B09@anc.dc.gov; 4B10@anc.dc.gov
Cc: 'Hunt, Kelly (Council)'; 'Royster, Charnisa (Council)'; pajohns2@gmail.com; 'Brooks, Alison (SMD 4B08)'; 'Johnson, Tiffani (SMD 4B06)'; 'Madeline Daniels Benderev'; 'Victoria Battista'; eom@dc.gov; bellhouseiv@gmail.com; 'Reid, Robert (DCOZ)'; 'Moy, Clifford (DCOZ)'; 'Mehlert, Keara (DCOZ)'; bzasubmissions@dc.gov
Subject: Urgent Community Demand: Mixed-Use Space at 1st and Kennedy St. NW - Public Testimony Regarding 21103 RE1-LLC

Dear Neighborhood Commissioners,

We write to emphasize the unified voice of our community regarding the development at 1st & Kennedy St. NW. Over 100 households have come together, demanding the inclusion of mixed-use ground floor commercial space.

We the people are actively amplifying our opposition to any development lacking ground floor retail. We urge you to heed the community's call for inclusive development that enhances our neighborhood's vitality. We want affordable housing ownership above a ground floor business and won't accept anything less.

While speaking with neighbors and members of our shared community, I have not met a single person who supports destroying our commercial spaces. The corner of 1st & Kennedy has been historically underrepresented and real suffering has occurred as a result of poor community planning.

The impacts of removing the commercial spaces will continue this trend and will result in further suffering. Real families have suffered.

Poor community planning contributes to high crime rates through various factors such as inadequate social infrastructure, limited economic opportunities, substandard housing conditions, unsafe public spaces, transportation barriers, segregation, and ineffective policing.

We understand that the city as a whole is desperate for new affordable housing; however, this does not mean we should apply short sighted solutions that will negatively impact the neighborhood. If you destroy the commercial spaces you are neglecting the burgeoning neighborhood's needs!

We demand urban planning strategies that are focused on community development, equitable access to resources, and effective crime prevention measures. It is clear that support for a project lacking a ground floor retail component should NOT have been given by the ANC. We call upon you to correct the course.

We request the following actions:

- Block any development lacking a retail ground floor component at 1st & Kennedy St. NW.
- Require any new proposal to include bottom floor retail spaces at 1st & Kennedy St. NW.
- Apply pressure to the Board of Zoning Adjustment to support our concerns & objectives.
- Communicate the desires of the community to the Council, Mayor, & other Stakeholders.

Thank you for your attention to this urgent matter.

Sincerely,

Concerned Citizens who love Kennedy Street