

**District of Columbia
Board of Zoning Adjustment
441 4th Street NW
Washington, DC 20001**

Appeal of ANC Commissioner
Chris Otten SMD 1C02 (2009-2010)
Community Organizer --
Ward One Library Coalition

Appeal No. 18152

2011 JUN 11 AM 8:38

RESPONSE TO DCRA'S MOTION TO DENY CONTINUANCE.
A CONTINUANCE IS MERTORIOUS.

The depiction by DCRA's counsel to the appellant's request for continuance as "disingenuous" unnecessarily and resolutely mischaracterizes the appellants' motion for more time.

This matter is quite important to the Ward One community as the Mount Pleasant Library is the only library in the entire Ward, and all Ward One ANC's are affected by this project. Time to deliberate something this important should be afforded to make sure all concerns are reviewed and contended with meaningfully.

Ward One ANC's have not all been involved meaningfully in the project, unless the ANC rigorously spent Commission meeting time passing resolutions asking to be part of the planning process.

Ward One ANC Commissioners desperately tried to signal the attention of DCPL and DCRA of the many community concerns regarding the library project. Attempts to show these agencies how the ANC's definitively desired to play a helpful role with this important library project fell on deaf ears as many ANC resolutions were either ignored outright or responded to with agency letters lacking any meaningful information.

ANC-1D has explicitly demonstrated agency dismissal of hundreds of critical points of concern, most recently when ANC-1D enrolled all of their past resolutions into one resolution to resend and request a meaningful agency response. To date no meaningful response has been given to ANC-1D by DCPL or DCRA. (See Exhibit 1 -- "ANC-1D Resolutions").

Another example, one perhaps Mr. Surabian isn't aware of, is the fact that it took DCRA nearly three months to respond to ANC-1C's request to briefly explain in an outline how the library plans had been changed by DCRA in order to issued a construction permit (See Exhibit 2 -- "ANC-1C's July and September 2010 Resolutions").

An ANC motion was passed and sent to DCRA by ANC-1C's Chair, Wilson Reynolds, back during the first week of September 2010. ANC-1C received a confusing response from DCRA on November 24, the day before Thanksgiving (See Exhibit 2(c) -- "DCRA's responses to ANC-1C").

The response from DCRA had no cover letter and was bereft of any timely information, containing only internal DCRA documents with indecipherable internal jargon that was dated back to January 2010. Commissioners could not interpret the information and inquiries into as such have been left unanswered by Mr. Surabian's DCRA colleagues.

In fact, ANC-1C has been seeking a response about how DCRA affected changes to the library plans ever since they hired an independent expert architect to look at the plans back in April 2010.

The expert architect produced a report outlining the key problems with the plans focusing on two key components, fire safety and ADA issues associated with the proposed accessibility ramp. This report was sent to DCRA and DCPL as well as the City Council (See Exhibit 3 -- "ANC-1C Expert Architectural Report Conclusions").

Since July 2010, ANC-1C has simply tried to understand how the report and concerns being raised therein had any effect on the library plans but could get no meaningful response from DCRA. (See Exhibit 2(b) -- "DCRA's responses to ANC-1C").

Lackadaisical responses from the Executive agencies involved in this library project simply have kept Ward One ANC's in the dark by providing very little meaningful information. The responses and lack thereof genuinely demonstrates the limited agency engagement with local ANC's who simply wanted to play a role in planning their only Ward One library, a very important project that ANC's were chartered to assist with.

Another serious and even more pertinent example of inadequate engagement is the fact that Ward One ANC's never received in full any letter from the Zoning Administrator regarding determination of the library's rear yard.

DCRA's counsel appeal response dated January 7, 2010 refers to a letter of determination penned sometime in March 2009 by the Zoning Administrator, Matt LeGrant, and serves as the key centerpiece explanation for DCRA's counsel to ask the Board to deny Appeal #18152.

Yet, this important determination letter was never mailed in full, electronically or otherwise, to any Ward One ANC Commission. Mr. Surabian's appeal opposition motion dated January 7, 2011 is the first time this key piece of information has been shared with anyone publicly.

This lack of active engagement between DCRA and DCPL with ANC's and the public means that local ANC's and neighborhood groups never had any timely opportunity to oppose or seek remedy of the Zoning Administrator's determination letter through proper administrative channels, which is especially troublesome in light of what can be deemed the perilous situation this determination letter precipitates.

Since the rear yard requirement has been shown to be a serious concern by ANC-1C per their January 5, 2011 resolution asking for the Board's review of such, this letter of determination with attachments by the Zoning Administrator is of utmost importance in registering complete understanding of the appeal.

Besides the fact that ANC's are now in a major transition period going into a new election cycle and need more time for new Commissioners and reconstituted ANC committees to take this library matter up with due diligence, the request for continuance is further based on the fact that the recently released Zoning Administrator's letter must be given time for review by the appellants in order to provide a complete and judicious appeal.

For such an important project that has such an important impact for the entire Ward One and more local Mount Pleasant residential corridor surrounding the library, the request for continuance/postponement on Appeal #18152 is indeed meritorious.

More time is needed for the appellants and their counsel to review the Zoning Administrator's letter of determination which was not delivered in full until January 7, 2011.

For the above reasons, the Board should grant a continuance given the merits of the appeal.

Respectfully submitted,

CHRIS OTTEN
ANC Commissioner (2009-2010)
Community Organizer,
Ward One Library Coalition

January 10, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Pre-hearing statement was served by email on this 10th day of January 2011 to the following:

Jay A. Surabian, Counsel DCRA
jay.Surabian@dc.gov

Ginnie Cooper, Director DC Public Library
ginnie.cooper@dc.gov

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