



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 19116

Motion of:

☐ Applicant

☐ Petitioner

☒ Appellant

☐ Party

☐ Intervenor

☐ Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Reconsider Summary Order issued December 02, 2015 -- Letter of Reconsideration Attached

Points and Authorities:

Please state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form.

Pursuant to 11 DCMR 3125.9, no order of the Board shall take effect until ten (10) days after it becomes final pursuant to 3125.6

The Board issued a Summary Order 12/02/2015 in BZA Case 19116 without comment from ANC 4C, a party to the case.

RECEIVED
D.C. OFFICE OF ZONING
2015 DEC 10 PM 1:51

CERTIFICATE OF SERVICE

I hereby certify that on this

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day of

December

,

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I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via:

☒ Mailed letter

☐ Hand delivery

☐ E-Mail

☐ Other _____

Signature:

Print Name:

Taalib-Din A. Uqdah, Secretary obo/ANC 4C (SMD 4C01)

Address:

801 Shepherd Street, NW; Washington, DC 20011

Phone No.:

202-421-8945

E-Mail:

4C01@anc dc gov

Board of Zoning Adjustment
District of Columbia

CASE NO.19116
EXHIBIT NO.35



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY PLEASE FILE A FORM 150 – MOTION.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 19116

I, ANC 4C Taalib-Din Uqdah, Secretary hereby request the following relief:

☐ Accept an untimely filing of _____

☒ To reopen the record to accept Letter of Reconsideration

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

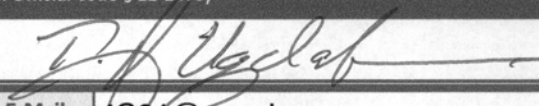
Reopen the Record: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for, must be submitted separately from this form. No substantive information should be included on this form.**

The Board issued a Summary Order 12/02/15 in BZA Case 19116 without comment from ANC 4C, a party to the case.

Pursuant to 11 DCMR 3125.9, no order of the Board shall take effect until ten (10) days after it becomes final pursuant to 3125.6

ANC NOTATION: IZIS CLAIMS ANC IS "NOT A PARTY" TO THIS CASE
SEE FORM 150

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date:	December 10, 2015	Signature:	
Name:	Taalib-Din A. Uqdah, Secretary	E-Mail:	4C01@anc.dc.gov
Address:	801-Shepherd St., NW; Washington, DC 20011		
Phone No.:	202-421-8945	Fax No.:	



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P.O. Box 60847
Washington, DC 20039

December 09, 2015

Marnique Y. Heath, Chairwoman
Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square
441 4th Street NW, Suite 200/210-S
Washington, DC 20001

Re: Letter of Reconsideration

BZA Application No. 19116 of DC Department of General Services

Dear Chairwoman Heath:

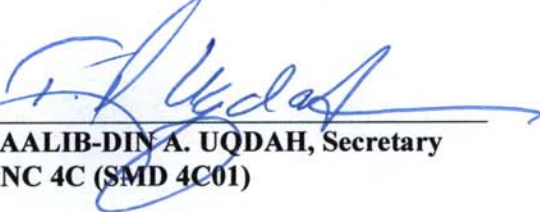
PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

Please be advised: At a properly noticed Advisory Neighborhood Commission 4C (ANC 4C) meeting, held in a public forum on Wednesday, December 09, 2015 that included the presence of ten (10) Single Member District (SMD) Commissioners, constituting a quorum – six (6) are required – with that quorum present, upon considering the attached letter and all of its points, **motioned by Commissioner Zach Teutsch, (4C05), and seconded by Commissioner Elisa Irwin, (4C03), voted ten (10) yeas and zero (0) nays, to approve the attached Letter of Reconsideration, authorizing it to be forwarded to, and made a part of, the BZA's SUMMARY ORDER – FINAL DATE OF ORDER: December 2, 2015 –** in the matter pertaining to BZA Application No. 19116 of DC Department of General Services, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements under § 400.7, and the parking space requirements under § 2116.5, to permit the modernization of an existing public high school – Roosevelt Senior High School – in the R-4 District at premises 4301 13th Street, N.W. (Square 2915, Lot 802).

ATTESTATION

As Secretary for ANC 4C, I hereby certify and attest that on December 10, 2015, pursuant to 11 DCMR § 3111.3, a copy of this cover letter and its attachment – Letter of Reconsideration – entered on December 09, 2015 in this matter was mailed First Class, postage prepaid or delivered via inter-agency mail or delivered by electronic mail to each party and public agency who appeared and participated in the public hearing (or their representative) concerning the matter.

ATTESTED BY:


TAALIB-DIN A. UQDAH, Secretary
ANC 4C (SMD 4C01)

801 Shepherd Street, NW
Washington, DC 20011



ADVISORY NEIGHBORHOOD COMMISSION 4C

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December 6, 2015

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Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: Letter of Reconsideration
BZA Case #19116 – Summary Order Roosevelt/DGS

Dear Chairperson Heath:

We respectfully request that the above referenced matter be scheduled for reconsideration, the Board's Summary Order in this matter be rescinded and the record reopened, based on false or misleading statements made by the applicant and their representative at a November 24, 2015 public hearing before the BZA.

Upon review of the public testimony, ANC 4C observed that in response to a question, a DGS representative claimed that DGS met with the ANC to discuss this matter on multiple occasions. (View BZA video 1:06:22 thru 1:06:38).

The representative did not note that they failed to reply to the ANC's questions about the work, completed the work in advance of BZA approval, asked to be on the ANC agenda and then failed to appear, and failed to adequately inform the community such that it could reasonably weigh in on the plans. The applicant did appear before a prior ANC and our ANC was notified this time.

However, the above-described activities (failure to respond to questions, failure to appear at a meeting after confirmation, and failure to provide sufficient information for proper oversight) made the notification largely irrelevant.

What they did not do, and failed to disclose to the Board, were the following:

- 1) DGS requested that we add them to our October 2015 agenda, requesting support from the ANC for special exceptions relating to the construction of mechanical screens and parking facilities. (The ANC did so).
- 2) DGS and/or their representatives provided some limited information. The ANC asked for additional information, including a visual representation of the proposed mechanical screen and a status report on the current work related to the parking and screening projects. (DGS failed to provide this information in advance of the meeting or at any time subsequently).
- 3) DGS failed to appear at the October 2015 public meeting despite being included on the agenda and given substantial notice of the meeting. The SMD Commissioner (Teutsch) even confirmed their attendance earlier that week. (October 2015 Agenda and Minutes, with highlights, attached)
- 4) DGS failed to notify us that they did not plan to appear. This resulted in Commissioners expending substantial effort to review the issues at hand, but no opportunity to have their questions answered and no opportunity to make an informed decision.
- 5) That parking lot construction occurred and mechanical screens have already been installed, prior to ANC consideration or BZA approval, which the former – 2 curb cuts – raises public safety considerations and the latter, process and procedure, as they are both already done.

As a Commission, we do not take these matters lightly and have always responded accordingly, whenever it has been our duty to do so; and was prepared to do so, in this instance.

This DGS behavior is troubling as it stymies any reasonable ability for the community to offer concerns or weigh in on issues that affect area residents. By failing to provide adequate notice, providing inadequate information, and not answering questions from community members or ANC members, DGS has created a circumstance of mistrust and where community members are denied a say on issues in their neighborhood.

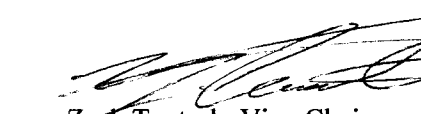
The actions of the applicant and/or their representatives, prevented us from exercising our lawful duties – thwarting the public’s right to due process – which we find reprehensible; at best. At its worse, it is a set of deceptive, despicable actions that we pray your Commission will not allow to stand.

We thank you for your attention and concern to this matter and eagerly await your response.

Sincerely,



Vann-Di Galloway, Chairman



Zach Teutsch, Vice-Chairman



Taalib-Din A. Uddah, Secretary

cc: Sara Bardin, Director, Office of Zoning
Sean O'Donnell, Perkins-Eastman
Teresa Luther, DGS
Brandon Todd, Ward 4 City Council
Charles Thomas, Esq., DCRA
Attorney General Karl Racine