

**BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

In Re Application Of: :
 :
D.C. Department of General Services : BZA Case Number 19452
Ward 5 Homeless Shelter Project : Presiding Officer: Frederick L. Hill
1700 Rhode Island Avenue, NE : Chairperson

**REPLY ON REQUEST OF CITIZENS FOR RESPONSIBLE OPTIONS
FOR EXTENSION OF TIME TO FILE
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Introduction and Summary

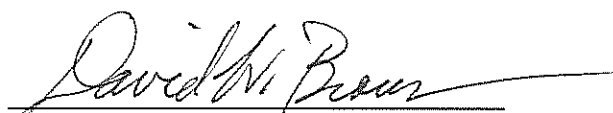
Citizens For Responsible Options (“CFRO”) wishes to briefly respond to the Applicant’s Opposition to CFRO’s request for an extension of time for the filing of the proposed findings of fact and conclusions of law in this case. The Applicant’s Opposition is premised on the notion that CFRO should be limited to the statutory minimum of seven (7) days to review a transcript that will likely run to hundreds of pages. In this case, however, given its exceptional length and complexity, the seven-day minimum is insufficient for the preparation of adequate proposed findings and conclusions, despite the availability of the video recording.

At the time of this filing, the hearing transcript is still not accessible. But even if it were filed later today, or later this week, the Applicant’s proposed schedule contemplates either (a) delivery of the parties’ proposed findings and conclusions on or shortly before the date the Board has set for a decision in this case, or (b) dispensing with proposed findings and conclusions altogether. Either alternative appears predicated on the inappropriate expectation that the Board does not need time to consider the competing claims of the parties because approval of the

Application is "legislatively required." In any case, the Board should reject any such contraction of its orderly decisional process, especially in this case.

Finally, the Applicant cites as prejudice a two-week delay in its "delivery schedule" for this project. But the delay is prejudicial, if at all, only on the unjustified assumption that the Applicant will prevail in all respects before the Board. Even if that assumption were justified, the Applicant has not explained how or why existing planning and preparatory work cannot go forward in the interim, as it has for months before now.

Respectfully submitted,



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March 13, 2017

CERTIFICATE OF SERVICE

The Citizens for Responsible Options, by and through the undersigned counsel, on March 13, 2017, served the foregoing Reply on Request for Extension of Time to File the Proposed Findings of Fact and Conclusions of Law by email on the applicant, Meridith Moldenhauer, Esq., Griffin, Murphy, Moldenhauer & Wiggins, LLP, 1912 Sunderland Place, NW, Washington, DC 20036 MMoldenhauer@washlaw.com and ABigley@washlaw.com; Advisory Neighborhood Commission 5B, 5b02@anc.dc.gov; Advisory Neighborhood Commission 5C, jacquemannings@aol.com , Single Member District 5B03 Henri Makembe, 5b03@anc.dc.gov; Dept. of Transportation, Evelyn Israel, evelyn.israel@dc.gov; and Maxine Brown-Roberts, DC Office of Planning, Maxine.brownroberts@dc.gov.

Respectfully submitted,



David W. Brown