

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

**APPLICATION OF  
D.C. DEPARTMENT OF GENERAL SERVICES**

**BZA APPLICATION NO. 19450  
DECISION DATE: MARCH 22, 2017**

**APPLICANT’S OPPOSITION TO REQUEST OF NEIGHBORS FOR RESPONSIVE  
GOVERNMENT FOR EXTENSION OF TIME TO FILE PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

The District of Columbia Department of General Services (the “Applicant”), the owner of the property located at 3320 Idaho Avenue NW, (Square 1818, Lot 849) (the “Property”), opposes the request submitted by Neighbors for Responsive Government (“NRG”) for a two week continuance to file the proposed Findings of Fact and Conclusions of Law (the “FOF”) requested by the Board in the above-referenced case.<sup>1</sup> Such request, and the necessary delay in this Board’s decision on this vitally important case to the next month, should be denied for the reasons stated below.

Nonetheless, in light of the fact that, as of the time this opposition is filed, the transcript (the “Transcript”) of the March 1<sup>st</sup> hearing (the “Hearing”) has not yet been delivered to the Office of Zoning (“OZ”), the Applicant proposes the following three options to allow the Board to keep the decision date on March 22, 2017 (the “Decision Date”):

- 1) If the Transcript is delivered to OZ by 11:59 pm on Monday, March 13, 2017, then the closing statements and FOFs could be filed by 11:59 pm on Monday, March 20, 2017 pursuant to Subtitle Y §§ 601.2, 206.10; or
- 2) If the Transcript is delivered to OZ by 11:59 pm on Wednesday, March 15, 2017, then the closing statements and FOFs could be filed by 9:00 am on Wednesday, March 22, 2017 pursuant to Subtitle Y §§ 601.2, 206.10;<sup>2</sup> or

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<sup>1</sup> At the close of the Hearing, the Board requested the Applicant and NRG to file closing statements and FOF simultaneously on March 17, 2017. The Board scheduled the decision for March 22, 2017.

<sup>2</sup> Under this circumstance, the Board’s decision on this case could be issued after the public hearing agenda is completed, allowing the Board additional time to review the FOF.

- 3) If the Transcript is not delivered to OZ by 11:59 pm on Wednesday, March 15, 2017, or at the Board's discretion, the Board could rescind its request for a FOF. Should the Board make such a decision, the Board could request that the Applicant and NRG file their closing statements by Monday, March 20, 2017 at 11:59 pm.

Any of the above options would allow the Board to retain the Decision Date and provide the Board with sufficient time to review the case record. Moreover, none of the above options would prejudice either party because both parties would be in the same situation *vis-a-vis* the Transcript, and both parties attended and participated in the Hearing. Furthermore, the video of the Hearing was posted on IZIS shortly after the Hearing, and both parties can consult that video at any time.

For the reasons stated at length during the Hearing and in the Record, the subject case is one of vital importance for the District, as it is legislatively required to close DC General and provide 280 replacement units, with up to 50 units on the Property. The delivery schedule for this important project has already been delayed, and any further changes to the schedule will severely impact the District's programmatic needs.

Therefore, for the reasons stated above, the Applicant respectfully asks the Board to deny NRG's request for an extension, and select one of the three options above to allow the Board to issue its decision on March 22, 2017.

Respectfully submitted,

GRIFFIN, MURPHY,  
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LLP



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**CERTIFICATE OF SERVICE**

I hereby certify that on March 13, 2017, I served a copy of the Applicant's Opposition to the Request of Neighbors for Responsive Government for Extension of Time to File Proposed Findings of Fact and Conclusions of Law via email, to the following:

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