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October 31, 2018

Frederick Hill, Chairman
Board of Zoning Adjustment
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

Re: **BZA Case No. 19751**

Dear Chairman Hill and Members of the Board of Zoning Adjustment:

On behalf of the Massachusetts Avenue Heights Citizens Association (“MAHCA”), a party in opposition to the above-referenced Application, attached please find a letter from MAHCA’s secretary attesting that MAHCA has designated the undersigned to serve as counsel authorized to represent and bind MACHC in the above -referenced special exception proceeding.

MAHCA has previously filed, as part of its request for party status, a list of witnesses, the CV’s of its expert witnesses, and a summary of their testimony, as required by 11 DCMR Subtitle Y, § 404.1(f). MAHC’s expert witnesses will base their testimony on the entirety of the evidence presented before and during the hearing on this application, including the testimony and reports submitted by public agencies and any supplemental evidence or information provided on the day of the hearing or elicited through questioning by this Board or through cross-examination.

There is no support in the applicable rules governing these proceedings for the Applicant’s suggestion that MAHCA must file, in advance of the hearing, either “expert reports” or a “prehearing statement.” *See* Applicant’s Letter Seeking Clarification on MAHCA’s Expert Reports (Oct. 22, 2018). Nor would imposing such a requirement on parties in opposition be appropriate. To the contrary, only the Applicant is required to make these prehearing filings under the applicable rules, because it is the Applicant, not neighbors or parties in opposition, that has the burden of proof in this proceeding.

Please feel free to contact me if you have any questions or require any additional information from MAHCA.

Board of Zoning Adjustment
District of Columbia
CASE NO.19751
EXHIBIT NO.427

Sincerely,



Andrea C. Ferster

Enc.

Certificate of Service

I hereby certify that, on October 31, 2018, a copy of the foregoing statement was served by email on the following:

Meridith H. Moldenhauer
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District of Columbia Office of Planning
c/o Brandice Elliott
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c/o Nancy MacWood, Chairperson
nmacwood@gmail.com



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