



Government of the District of Columbia
Advisory Neighborhood
Commission 6C

December 5, 2024

Fred Hill, Chairman
Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: BZA 20280A (622 I St. NE)

Dear Chairman Hill,

Advisory Neighborhood Commission 6C moves to strike Exhibits 32 and 32A.

On November 7, the Secretary issued a memo stating the Board's requests for particular materials from OP and the applicant. That memo, Exhibit 30, directed the applicant to provide

[a]dditional information pertaining to the Variance argument:

- Provide a copy of the *Gilmartin v. DC BZA* court decision
- Provide expanded argument of the *Gilmartin* case and how it strengthens the exceptional condition variance argument

Id. at p. 1.

Yesterday, the applicant submitted not only a copy of the *Gilmartin* decision (with highlights), but also other materials well beyond the scope of the Board's narrow request. These include

- A list summarizing dozens of DC Court of Appeals zoning cases, including wholly irrelevant cases on the location and expansion of foreign missions and communications facilities for chanceries. *See Exhibit 32A.*
- A four-page discussion of numerous cases other than *Gilmartin*. The latter case is mentioned only once, in a single citation on page 2, with the vast majority of the discussion dedicated to *Monaco* and other cases. *See Exhibit 32.*

ANC 6C objects to the filing of these extraneous materials, which far exceed what the Board called for. We do **not** object to Exhibit 33, the annotated copy of *Gilmartin*, which responds directly to the Board's request.

So that ANC 6C may know which of the applicant's filings need to be addressed, we also respectfully request that the due date for our response—currently December 11—be extended to Monday, December 16. That will allow time, after the Board resolves the pending motion to strike, for ANC 6C to prepare its submission. (We will submit any response to OP's filing, Exhibit 31, by the December 11 deadline and do not seek an extension in that regard.)

Sincerely,



Mark Eckenwiler
Chair, ANC 6C
(as authorized representative)

cc: Toye Bello
Matthew Jesick, OP
(all by email)