



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT FOR 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.: 06-10F

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

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

Request a wavier of 45 day notice of intent period.

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, 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 (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties Consent was obtained by some, but not all parties
 No attempt was made Despite diligent efforts consent could not be obtained

Further Explanation: All parties to the case have already reviewed and provided comment on the proposed modifications to the Block B PUD Project. Please see the attached letter for additional details.

CERTIFICATE OF SERVICE

I hereby certify that on this

1	5
---	---

 day of

October

, 2021

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: **Paul A. Tummonds, Goulston & Storrs**

Address: **1999 K Street NW, Suite 500, Washington, DC 20007**

Phone No.: 202-721-1157 E-Mail: ptummonds@goulstonstorrs.com

October 15, 2021

VIA ELECTRONIC DELIVERY

Anthony Hood, Chairman
Zoning Commission
441 4th Street NW
Suite 200
Washington, DC 20001

Re: Modification of Significance (former Modification of Consequence Application ZC Case No. 06-10F) - Request for Waiver from 45 Day Notice of Intent Period

Dear Chairman Hood and Members of the Commission:

As the Commission is aware, the Morris & Gwendolyn Cafritz Foundation ("Applicant") filed a Modification of Consequence Application (ZC Case No. 06-10F) on August 26, 2021 seeking certain modifications of the plans that were approved for the Second Stage PUD Application in ZC Case Nos. 06-10D and 06-10E (the "Block B PUD Project") which is located at Square 3765, Lot 10 and Square 3767, Lot 1 (the "Property"). At the Zoning Commission's October 14, 2021 Public Meeting, the Commission determined that this application should be processed as a Modification of Significance, rather than a Modification of Consequence. The Applicant hereby requests that the Commission waive the 45-day notice requirement set forth in Subtitle Z, Section 300.7 of the Zoning Regulations in order to allow the filing of the Modification of Significance application and the scheduling of a public hearing as soon as possible.

The main goal of the 45-day notice period is to make the surrounding community, the affected ANC(s), and any Parties aware of the proposed project or the proposed modifications to an approved project. That goal has been achieved for the proposed modifications to the Block B PUD Project, as detailed below.

- **ANC 5A** - During the processing of the Modification of Consequence application process, the Applicant made a presentation at an ANC5A08 Single Member District virtual meeting on September 21, 2021. On the following evening, the Applicant made a similar presentation at the regularly scheduled monthly ANC 5A public meeting. At their September 22, 2021 Public Meeting, ANC 5A adopted a resolution in support of the proposed changes to the Block B PUD Project and specifically noted that it determined the use of the Modification of Consequence process was appropriate and that the ANC did not think that a public hearing was necessary to review the proposed modifications (see p. 2 of Exhibit 4 of the record).

