



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



FORM 150 – MOTION / REQUEST

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.:	12-16					
Motion/Request of:	<input checked="" type="checkbox"/> Applicant	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Appellant	<input type="checkbox"/> Party	<input type="checkbox"/> Intervenor	<input type="checkbox"/> Other _____

Motion/Request to:

<input type="checkbox"/> Amend the Relief Sought	<input type="checkbox"/> Reopen a Hearing (before decision)
<input type="checkbox"/> Waive Posting / Affidavit of Posting Requirement	<input type="checkbox"/> Dismiss on the Merits
<input type="checkbox"/> Waive Notice Requirement to Shorten Period of Time Case is Advertised in the <i>DC Register</i>	<input type="checkbox"/> Postpone
<input type="checkbox"/> Accept a Proffered Expert Witness	<input type="checkbox"/> Continue
<input type="checkbox"/> Allow Non-Authorized Representative to Perform Cross-Examination	<input type="checkbox"/> Correct a Transcript
<input checked="" type="checkbox"/> Reopen the Record	<input type="checkbox"/> Waive the following Time Deadline (i.e. 14-day filing deadline): _____
	<input type="checkbox"/> Other: _____

Points and Authorities:

On a separate sheet of 8 1/4" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion or request, including relevant references to the Zoning Regulations or Map.

CERTIFICATE OF SERVICE

I hereby certify that on this 23 rd day of July, 2013

I served a copy of the foregoing Motion or Request 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: Kyrus L. Freeman, Esq.

Firm/Organization: Holland & Knight LLP

Address: 800 17th Street, N.W. Suite 1100

Phone No.: 202-862-5978 E-Mail: kyrus.freeman@hklaw.com

To be notified of hearing and decision: (Maker of Motion/Request or Authorized Agent)

In the event an authorized agent files a Motion or Request on behalf of the Maker of the Motion or Request, a letter signed by the Maker of the Motion or Request authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: Kyrus L. Freeman, Esq.

Address: 800 17th Street, N.W. Suite 1100

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July 23, 2013

KYRUS L. FREEMAN
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VIA IZIS AND HAND DELIVERY

D.C. Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **Z.C. Case No. 12-16 - Applicant's Motion to Reopen the Record to Accept the Applicant's Response to The Report of Advisory Neighborhood Commission 7C**

Dear Members of the Commission:

On behalf of CG Marketplace LLC, as Applicant in the above-referenced case, we hereby request that the Zoning Commission reopen the record to receive the Applicant's response to the report dated July 18, 2013 filed by Advisory Neighborhood Commission ("ANC") 7C in this case. Attached please find our Form 150 in support of the request.

The Applicant believes the request to reopen the record is necessary to ensure the accuracy of information included in the record. The Applicant did not receive ANC 7C's report until July 19th since the Zoning Commission granted the ANC's motion to leave the record open to submit its report. The ANC's report includes a number of factual inaccuracies and misstatements. Thus, reopening the record will serve to clarify the record and ensure that the Zoning Commission is relying upon accurate information when reviewing the merits of this application. The Applicant believes it would be prejudicial to not reopen the record for the limited purpose of accepting the Applicant's response, particularly since ANC 7C submitted its report after the public hearing on this application instead of seven days prior to the public hearing as required pursuant to §3012.5 of the Zoning Regulations, which would have afforded the Applicant time to address the points in the ANC's report prior to and during the public hearing. Therefore, the Applicant respectfully requests that the Zoning Commission reopen the record to accept the Applicant's submission.

Sincerely,



Kyrus L. Freeman

Attachment

cc: Advisory Neighborhood Commission 7C (w/attachments, via U.S. Mail)
Advisory Neighborhood Commission 7E (w/attachments, via U.S. Mail)
Maxine Brown-Roberts, D.C. Office of Planning (w/attachments, via U.S. Mail)