



**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.: 16-23

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

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

To accept the December 20, 2018 response to Applicant's submission of revised plans and supporting information and supplemental transportation memorandum.
(Motion Offered By Spring Valley Opponents)

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: The Spring Valley-Wesley Heights Citizens Association, Neighbors for a Livable Community, and Spring Valley West Homeowners Association agreed to jointly submit the motion in this case.

CERTIFICATE OF SERVICE

I hereby certify that on this day of , 2019

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: Dr. Jeffrey L. Kraskin (on behalf of Spring Valley Opponents)

Address: 4601 Tilden St NW DC 20016

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ZONING COMMISSION
District of Columbia
CASE NO. 16-23
EXHIBIT NO. 2377

Form 150 – Addendum

Re: Motion by Spring Valley Opponents to accept the December 20, 2018 response to Applicant's Submission of Revised Plans and Supporting Information and Supplemental Transportation Memorandum (Z.C. Case 16-23)

The applicant in the above referenced case has submitted a motion to strike the Spring Valley Opponents response to the Applicant's revised plans in the above referenced case on the basis that the response was submitted on December 20, 2018. The applicant argues that the Zoning Commission established a December 11, 2018 deadline for submission of responses to their plans.

Spring Valley Opponents (Consisting of the Spring Valley-Wesley Heights Citizens Association, Neighbors for a Livable Community, and the Spring Valley West Homeowners Association) have submitted a motion for the response to be accepted by the Zoning Commission (ZC).

Although the applicant had a deadline to submit its revised plans for the project on October 16, 2018, those plans did not include the supplemental transportation report, which was of primary interest to the Spring Valley Opponents in this case. Those materials were not submitted in this case by the applicant until November 29, 2018 – allowing only seven business days before the December 11, 2018 deadline set by the Zoning Commission to review and respond.

Spring Valley Opponents have consistently cited transportation issues stemming from the density of the project as the primary reasons for their opposition. The November 29, 2018 submission of the transportation supplement did not provide adequate time for the Opponents to (a) review the materials submitted by the Applicant; (b) convene three separate Board meetings to review and take formal action on the proposed revision; and (c) coordinate as three separate entities in a joint response to the Zoning Commission by the December 11, 2018 schedule. In addition to the challenges for volunteer community leaders to complete this review in seven business days, the period fell at a particularly busy time for some involved in this case – during the eight day celebration of Hanukkah.

Without benefit of a thorough review of the transportation supplemental information, our report to the Zoning Commission and the applicant would simply have been a rehash of prior testimony. That was not the intent of the applicant when seeking to defer action in this case on June 25, 2018 to revise its plans or the Zoning Commission in granting a new hearing on January 7, 2019 to consider the revised plan. We had a responsibility to do our diligence by conducting a thorough review of the transportation materials submitted in this case.

Precisely because the record was open in this case, Spring Valley Opponents submitted its filing in as timely a way as possible on December 20 after review and sign-off by all three of the separate organizations that joined together as one party in this case. Alternatively, the Opponents could have deferred the submission and simply included the report as part of its testimony in this case. However, Opponents thought we had a responsibility to update the Zoning Commission and the applicant on its due diligence efforts. In fact, our filing stressed that the Opponents would continue to review the materials – along with Valor's response to issues raised by another party in opposition – Citizens for Responsible Development (CRD) – in hope of gaining additional clarity prior to the hearing on January

7, 2019. The December 20 filing provided the Applicant and the ZC with a status report on our views, and as demonstrated in the Applicant's December 31 motion to strike, has not prejudiced the applicant.