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DAVID W. BROWN

SOLE PRACTITIONER (2017)

March 9, 2020

Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 200S  
Washington, DC 20010

Re: **Appeal of Building Permit B1908601**  
**BZA Case No. 20183 -- 2500 14<sup>th</sup> Street, N.W.**  
**Response to Opposition to Request to Reopen Record**

Dear Chairperson Hill and Members of the Board:

Appellant, the Residences of Columbia Heights, a Condominium ("RCH") hereby submits a brief reply to the DGS Response to RCH's Motion to Reopen the Record. RCH disagrees with DGS's claim that RCH ignored the need to demonstrate to the Board good cause for reopening the record and lack of prejudice to other parties.

First, as to the filing by three individual members of ANC1B, because it was filed after the deadline and without the required copies sent to parties in the hearing, RCH had no opportunity prior to the closing of the record to point out to the Board its manifest deficiencies as a purported ANC Report. As was made clear in its Motion, RCH is not seeking expungement of the filing, and RCH has ample good cause to be given a subsequent opportunity to point out its limitations. If the points made by RCH are correct, registering them with the Board will not prejudice any party. While RCH did not explicitly mention the term "good cause" in its Motion, RCH expressly relied upon Y-602.6 and has, in substance, met the good cause standard.

Second, as to the other matters addressed in the Motion, all of them constitute efforts to remediate RCH's lack of opportunity, through no fault of its own, to cross-examine adverse witnesses on substantive matters, as detailed in the Motion. Considerations of due process and the Board's interest in obtaining a full and complete record before proceeding to decide this case provide RCH ample good cause to rectify the problems encountered, and submission of rebuttal comments, as opposed to a reconvening of the evidentiary hearing, is the least disruptive way of doing so. RCH submits that granting the Motion as to these cross-examination matters will not be prejudicial to any party. It appears that DGS thinks otherwise, and has requested the opportunity to file Certificates of Occupancy if the record is reopened. While RCH regards such documents

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as more supportive of RCH's claims in this case than DGS's claims, RCH does not oppose DGS's request if it is to serve as a response to the grant of RCH's Motion by the Board.

Very truly yours,

A handwritten signature in black ink that reads "David W. Brown". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

David W. Brown  
Attorney for Appellant

cc: See Certificate of Service

**CERTIFICATE OF SERVICE**

IT IS CERTIFIED that this 9<sup>th</sup> day of March 2020, two paper copies of the Appellants' Response to Opposition to Request to Reopen Record were mailed, first class, postage prepaid to the Office of Zoning; and were served upon the following via electronic mail:

Meridith H. Moldenhauer, Esq.  
Cozen O'Connor  
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(Single District ANC Representative)

  
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David W. Brown