



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40846, Palisades Station
Washington, DC 20016

*PALISADES – KENT - SPRING VALLEY - WESLEY HEIGHTS - NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY - FOXHALL VILLAGE - BERKELEY*

February 16, 2018

Mr. Anthony Hood
Chairman
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

RE: Z.C. Case No. 16-23
Advisory Neighborhood Commission 3D's Response to Post-Hearing
Submission from Spring Valley Wesley Heights Citizens
Association/Neighbors for a Livable Community/Spring Valley West Homes
Corporation

Dear Chairman Hood:

ANC3D hereby submits the following response to the February 12, 2018 post-hearing submission from the Spring Valley Wesley Heights Citizens Association (“SVWHCA”) and Neighbors for a Livable Community (“NLC”).

During the hearing on January 25, 2018, in response to questions posed by Commissioners representing both ANC3D and ANC3E, the SVWHCA made the stunning pronouncement that, by virtue of its geographic moniker, it represented 3,000 households in Spring Valley and Wesley Heights (which happens to be twice the number of households within their organization’s self-declared boundaries). In response to this statement, the Zoning Commission asked the SVWHCA to submit a list of its membership.

However, instead of complying with the Commission’s straightforward request, the organizations were entirely unresponsive – failing to list a single member of their organizations. This total lack of response calls into question not just the legitimacy of the SVWHCA, but whether such organizations, who have been granted party status based upon their claims to

represent unique community interests, should be accorded any credence in this proceeding and be permitted party status in any future proceedings of the Zoning Commission.

The issue of membership and community representation is of particular importance to ANC3D because we have an express duty, as embodied in our bylaws, to incorporate resident's views in the positions we take.¹ Thus, ANC3D has both a right and obligation to inquire as to the scope of representation and membership of the SVWHCA. SVWHCA repeatedly claims all residents of Spring Valley and Wesley Heights as members of their organization (despite repeated protestations to the contrary). If this claim was correct, it would mean that the SVWHCA alone would encompass a significant portion of our ANC. Indeed, its proclaimed geographic area includes constituents from 4 of our 9 current Single Member Districts. Unfortunately, instead of being responsive to the Zoning Commission's request to provide a list of its membership so that the Zoning Commission and ANC3D could determine whether such organizations' claims were supported by fact and were in accordance with D.C. law², the organizations choose to side-step Chairman Hood's inquiry and instead engaged in a baseless attack on the ANC3D and its official representative for asking such common-sense questions about the nature of their organizations.³

When an organization purports to represent a significant part of our ANC boundaries and constituency but appears to be no more than a geographic label, both ANC3D and the Zoning Commission have been deluded. ANC3D urges the Zoning Commission to act accordingly.

Respectfully submitted,

¹ ANC3D Bylaws, Article 7 (see: www.anc3d.org). The community decision process is integral to the development of ANC3D positions. ANC3D sets aside a portion of every meeting to hear community concerns. In addition, ANC3D actively encourages those attending our meetings to express their views on all matters before the Commission, including in this instance the Valor Development case. We note that the SVWHCA chose not to attend any of the 2017 and 2018 ANC3D meetings on Valor but chose instead to express their opposition directly to the Zoning Commission, thus bypassing the community-based decision process embodied by ANC's and afforded great weight by the Zoning Commission.

²The District of Columbia Nonprofit Corporation Act (D.C. Code §29-404.02(b)) states that nonprofit corporations may not consider a person a member without that person's consent. Given that the SVWHCA has failed to submit the name of a single individual who, under the Act, must affirmatively consent to be a member of the SVWHCA, then, by inference, the logical conclusion is that the SVWHCA has no genuine membership under the meaning of the Act. In addition, ANC3D understands that the SVWHCA has not held a general membership meeting since 2013, further suggesting that the group is largely indistinguishable from a handful of individuals who simply elect themselves to their board.

³ In their post-hearing submission, the organizations state that "[t]he most disturbing aspect of the ANC Commissioners' examinations is that they abused their official position as ANC commissioners and misused the Zoning Commission's fact-finding authority..." The notion that the official representative of ANC3D, an automatic party to this proceeding, abused his official position by asking another party to support its grandiose claim of representing 3,000 households (which, according to the U.S. census at 2.58 people per household, would be over 7,500 individuals) is nothing more than a transparent attempt to deflect the Commission's attention away from the fact that the SVWHCA has refused to comply with the Zoning Commission's request.

Stephen Gardner

Stephen Gardner
Chair

Certificate of Service

ANC3D hereby certifies that on February 16, 2018, copies of the attached were sent by mail or email to the following:

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Citizens for Responsible Development
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Advisory Neighborhood Commission 3E
c/o Lisner Home
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Spring Valley Neighborhood Association
c/o William Clarkson
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Washington, D.C. 20016

Ward 3 Vision
c/o John Wheeler
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Dr. Jeffrey L. Kraskin
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Dennis Paul
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Signed,

A handwritten signature in cursive script that reads "Stephen Gardner". The signature is written in black ink and is positioned below the "Signed," text.

Stephen Gardner
Chair, ANC3D