

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.: Z.C. 16-23

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

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

Spring Valley-Wesley Heights Citizens Association and Neighbors for a Livable Community
move to strike 48 pages of ANC 3D's filing dated March 7, 2018 from the record in this case.
(see attached)

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

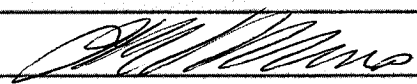
Further Explanation: Consent was obtained from SVWHCA and NLC for filing this motion as the affected parties.

CERTIFICATE OF SERVICE

I hereby certify that on this 1 2 day of March, 2018

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:  _____ *Dennis Paul*

Print Name: Jeffrey L. Kraskin, Pres. SVWHCA/Dennis Paul, Pres. NLC

Address: 4601 Tilden Street NW/3700 University Avenue NW

Phone No.: (202) 363-4452 E-Mail: jlkraskin@rcn.com

The Spring Valley-Wesley Heights Citizens Association and Neighbors for a Livable Community – parties in opposition – move to strike ANC 3D’s March 7 filing to the Zoning Commission in Z.C. 16-23.

- ANC 3D submitted a response on February 20, 2018 (Exhibit 225) (dated February 16, 2018) to a February 12, 2018 filing made by the Spring Valley-Wesley Heights Citizens Association and Neighbors for a Livable Community.
- Three ANC 3D Commissioners notified the Zoning Commission that the February 19, 2018 ANC 3D submission had not been authorized by the ANC and requested the record be reopened so they could comment on the ANC filing.
- The Zoning Commission denied the request to reopen the record but gave ANC 3D an opportunity to “correct the record” by March 30, 2018.
- ANC 3D’s “corrected filing” dated March 7, 2018 filing and filed on March 9, 2018, which was approved by a 5-4 vote of ANC 3D, includes the February 20, 2018 filing (now also approved by a 5-4 vote of the Commission) and an additional 48-pages of “supplemental” information.
- The 48-pages of supplemental information should be stricken from the record and only the original February 20, 2018 filing (dated February 16), corrected to note the ANC’s 5-4 vote, should be included in the record.
- The parties have no opportunity under the zoning rules to file a response to the scurrilous 50-page supplemental filing made in this case. The filing is in part inaccurate, in other parts misleading, and in other parts nothing more than an attack on the reputation of the parties in this case for the sole reason of presenting a view opposite that put forward by ANC 3D. (It is noteworthy that ANC 3D has not subjected to parties supporting its position in this case to the same scrutiny.) It is detrimental to the reputations of the parties in opposition in this case and may have the effect of prejudicing testimony provided in this case by the parties in opposition. Moreover, the issues raised by ANC 3D in the filing – which relate to the internal operations of the parties in opposition – are not germane to the case and are only intended to harass and damage the parties.
- Alternatively, the Zoning Commission could strike the original submission (Exhibit 225) and include in the record only the two-page letter dated March 7, 2018 submitted by ANC 3D on March 9, 2018 and strike the other 48 pages of supplemental information in its filing. But, we believe that ANC 3D – by virtue of approving the original February 20, 2018 filing (Exhibit 225) at its March 7, 2018 meeting by a vote of 5-4 has in effect “corrected” the record and all additional information is supplemental and should be stricken.
- ANC 3D was asked to correct the record, not make a supplemental filing in which parties have no opportunity to respond. The nature and tenor of ANC 3D’s filing makes its inclusion in the record particularly egregious and potentially prejudicial in this case.