



d.c. forrd <dc4reality@gmail.com>

RE: NEW MOTION--> ZC 13-14: Motion FOR LEAVE in Support of FOMP's Request

1 message

Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>

Thu, Mar 16, 2017 at 8:08 PM

To: "d.c. forrd" <dc4reality@gmail.com>

Cc: "Racine, Karl (OAG)" <Karl.Racine@dc.gov>, "Bergstein, Alan (OAG)" <alan.bergstein@dc.gov>

Mr. Otten,

I was acting at the direction of the Chairman of the Commission. Thank you.

Sharon S. Schellin

Secretary to the Zoning Commission

Office of Zoning | *District of Columbia Government*

441 4th Street, N.W. | Suite 200-S | Washington, D.C. 20001

(202) 727-0340 direct | (202) 727-6072 fax

www.dcoz.dc.gov | Sharon.Schellin@dc.gov

From: d.c. forrd [mailto:dc4reality@gmail.com]

Sent: Thursday, March 16, 2017 6:40 PM

To: Schellin, Sharon (DCOZ)

Cc: Racine, Karl (OAG)

Subject: Re: NEW MOTION--> ZC 13-14: Motion FOR LEAVE in Support of FOMP's Request

Secretary, There is no mechanism for you to deny this Motion. PERIOD.

As I read the rules, you are to be the agency archive keeper and to help the Commission process these sorts of Motions, not make determinative decisions about the substance or request merits in the Motions. if I am wrong, please cite me the regs or statute that allows you to do this.

Whereas I have heavily cited the rules that say Motions can be sent to the Commission for their review, you have chosen to use administrative euphemism to not bring these Motions forward to the Commission as you are required. By discussing some difference in a "procedural order" and some "rules" your posture does not stand the test of reasonable agency interpretation.

In fact, your choice to not deliver these DC4RD Motions is absolutely on par with allowing the Applicant to drop 300 pages of documents just 10 days before the rehearing to unfairly put the public at a clear disadvantage in these rehearing procedures.

I am appalled by this railroading on all fronts. Wow.

I am attaching both Motions again, and am asking again to pick one or bring both to the Commission for their review and decision.

Regards,

Chris Otten, co-facilitator

DC for Reasonable Development

On Thu, Mar 16, 2017 at 6:23 PM, Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov> wrote:

There is no mechanism to ask leave from a procedural order, only from a rule.

There will be no more responses on issue. The Commission has scheduled a Special Public Meeting for Monday to consider the party's request and responses from the other parties, if they choose to file one. Thanks, Sharon

Sharon S. Schellin

Secretary to the Zoning Commission

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www.dcoz.dc.gov | Sharon.Schellin@dc.gov

From: d.c. forrd [mailto:dc4reality@gmail.com]

Sent: Thursday, March 16, 2017 4:35 PM

To: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>

Cc: shane.dettman@hklaw.com; afenster@railstotrails.org; Steingasser, Jennifer (OP) <jennifer.steingasser@dc.gov>; Barnes, Dianne (SMD 5E09) <5E09@anc.dc.gov>; Thomas, Bradley Ashton (SMD 5E05) <5E05@anc.dc.gov>; Edwards, Ronnie (SMD 5A05) <5A05@anc.dc.gov>; ANC 1B Office (ANC 1B) <1B@anc.dc.gov>; ATD EOM3 <eom@dc.gov>; Racine, Karl (OAG) <Karl.Racine@dc.gov>

Subject: NEW MOTION--> ZC 13-14: Motion FOR LEAVE in Support of FOMP's Request

Dear Secretary,

I have attached a new Motion, that I am respectfully asking you bring to the Commission and put on the agency record.

I am citing regulations that allow the public to ask the Commission for leave of the rules by way of motion.

Submission of Motions to the Commission, like any adjudicative agency is indeed allowed by the zoning regulations (I've cited those in our Motion), as well by any normal adjudicative process throughout the District, nation, even the law-abiding world.

To the contrary, I cannot find any citation that says the Secretary of the Commission can prevent access to these Motions by the Commission or that says the Secretary has the authority to act as a gatekeeper for what motions are seen or not by the Commission.

I have attached a new Motion per the zoning regulations and as such, I am asking that you forthrightly bring to the Commission the attached amended Motion for Leave in Support of FOMP's Request for Deferment.

Regards,

Chris Otten

DC for Reasonable Development

On Thu, Mar 16, 2017 at 4:03 PM, Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov> wrote:

Your submission is being returned as it cannot be accepted based on the Notice of Limited Scope Hearing. Other than the two submissions, and the Office of Planning and other agency reports discussed in the notice, no submissions may be entered into the record by any party or person. During the hearing, the Commission will accept written statements offered by witnesses and exhibits offered by the parties. Thanks, Sharon

Sharon S. Schellin

Secretary to the Zoning Commission

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(202) 727-0340 direct | (202) 727-6072 fax

www.dcoz.dc.gov | Sharon.Schellin@dc.gov

From: d.c. forrd [mailto:dc4reality@gmail.com]

Sent: Thursday, March 16, 2017 3:48 PM

To: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>; DCOZ - ZC Submissions (DCOZ) <zcsubmissions@dc.gov>; Hanousek, Donna (DCOZ) <Donna.Hanousek@dc.gov>

Cc: norman.glasgowjr@hklaw.com; shane.dettman@hklaw.com; afenster@railstotrails.org; Steingasser, Jennifer (OP) <jennifer.steingasser@dc.gov>; Barnes, Dianne (SMD 5E09) <5E09@anc.dc.gov>; Thomas, Bradley Ashton (SMD 5E05) <5E05@anc.dc.gov>; Edwards, Ronnie (SMD 5A05) <5A05@anc.dc.gov>; ANC 1B Office (ANC 1B) <1B@anc.dc.gov>; ATD EOM3 <eom@dc.gov>; Racine, Karl (OAG) <Karl.Racine@dc.gov>

Subject: ZC 13-14: Motion in Support of FOMP's Request

Dear Secretary,

Please see attached Motion to bring to the Commissioners in ZC Case 13-14, along with a Certificate of Service.

Please contact me with any questions.

Regards,

Chris Otten, co-facilitator

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