

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Norman M. Glasgow, Jr.
202.419.2460
norman.glasgowjr@hklaw.com

Christopher S. Cohen
202.469.5127
christopher.cohen@hklaw.com

September 17, 2020

VIA IZIS

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW, Suite 210S
Washington, D.C. 20001

**Re: BZA Case No. 20312 (Square 155, Lot 821)
Applicant's Alternative Requests to be Placed on Expedited Calendar or
Public Hearing Agenda on September 30th**

Dear Members of the Board of Zoning Adjustment:

On behalf of the District Department of General Services, the applicant in the above referenced case (the "Applicant"), we hereby submit this letter for the purpose of making alternative requests concerning the Board's consideration of this application.

The application is currently scheduled under the Board's Public Meeting agenda for September 30, 2020, specifically as an expedited review case pursuant to Subtitle Y § 401. However, the Applicant has been informed by Office of Zoning staff that the application is not eligible for expedited review pursuant to the criteria under Subtitle Y § 401.2. In light of the record and support from the community (*see, e.g.*, Ex. 34, ANC 2C Report), we respectfully request that the Board waive the expedited review eligibility criteria pursuant to Subtitle Y § 101.9, which states:

Except for Subtitle Y §§ 100 through 105, 604.6, 700.3, and 1602.5 the Board may, for good cause shown, waive any of the provisions of this subtitle if, in the judgement of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

By granting this waiver, the Board would be able to consider this application as an expedited review item. The Applicant has already submitted a waiver of its right to a public hearing on the appropriate form, per Subtitle Y § 401.3. (Ex. 1.)

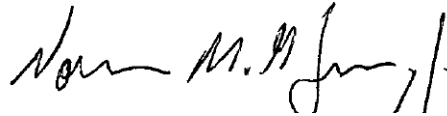
Board of Zoning Adjustment
District of Columbia
CASE NO.20312
EXHIBIT NO.35

In the alternative, if the Board deems that a public hearing is necessary, the Applicant rescinds its hearing waiver pursuant to Subtitle Y § 401.7(d), and respectfully requests that the application be placed on the public hearing agenda on the same day, September 30, 2020. The Office of Zoning has advised the Applicant that there would be no public notice issues in removing and reconsidering the case as such. The Applicant will be prepared to rest on the record or present the case to the Board, depending on the course of action that is more appropriate.

Thank you very much for considering the Applicant's alternative requests outlined herein. Regardless of whether the case is considered as part of the Board's Public Meeting or Public Hearing agenda, we look forward to your favorable review of BZA Application No. 20312 on Wednesday, September 30, 2020.

Respectfully submitted,

HOLLAND & KNIGHT LLP



By: Norman M. Glasgow, Jr.



By: Christopher S. Cohen

cc: Ms. Keara Mehlert, Zoning Specialist (via e-mail)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2020, a copy of the foregoing letter to the Board of Zoning Adjustment was served upon the following persons at the email addresses listed below:

Ms. Jennifer Steingasser VIA EMAIL

Mr. Joel Lawson

Ms. Maxine Brown-Roberts

jennifer.Steingasser@dc.gov

joel.lawson@dc.gov

maxine.brownroberts@dc.gov

Dupont Circle ANC 2B VIA EMAIL

2B@anc.dc.gov

Chairman Daniel Warwick VIA EMAIL

Commissioner Aaron Landry

2B02@anc.dc.gov

2B04@anc.dc.gov

Ms. Anna Chamberlain VIA EMAIL

anna.chamberlain@dc.gov