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November 10, 2014

VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: Z.C. Case No. 13-14 – McMillan Sand Filtration Site
Applicant's Response to FOMP Additional Submissions

Dear Commissioners:

On behalf of Vision McMillan Partners, in conjunction with the Office of the Deputy Mayor for Planning and Economic Development (“Applicant”), we submit the following response to materials filed today by the Stronghold Civic Association (“SCA”) and the Friends of McMillan Park (“FOMP”). This response is permitted by section 3024.3 of the regulations.

First, the Commission should not consider SCA’s comments on the Applicant proffers. Non-parties were not entitled to file responses, and certainly not two weeks late. The submission offers nothing new for the Commission’s consideration.

Second, FOMP’s submission is irrelevant because it is rebutting testimony from a National Capital Planning Commission (“NCPC”) proceeding that is not in the Zoning Commission record. The materials assert, without substantiation, that additional views from the Armed Forces Retirement Home (“AFRH”) might be affected and should now be considered by the Commission. Yet, the Applicant successfully addressed in the record before the Zoning Commission the specific views identified by the Commission and NCPC staff in its submissions dated August 25, 2014. FOMP submitted its response on September 15 and could have raised the issue of the additional views at that time but did not. They also had the opportunity to respond the Applicant’s October 20 submission, but chose not to. More importantly, FOMP – as well as the National Trust for Historic Preservation, which also challenged the AFRH views – had over six months to develop their arguments against this project and explore affected viewsheds. Their squandered efforts simply come too late.

FOMP’s dilatory actions severely prejudice the Applicant. At some point, the process needs finality. Neither the Commission nor the Applicant should be forced to indulge any and

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every tardy objection to a project. The Applicant therefore request that these two tardy submission be treated as irrelevant and that the Commission proceed with final action on the application this evening as scheduled.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 

cc: Jacob Ritting, OAG (via email)
Jennifer Steingasser, D.C. Office of Planning (via email)
Maxine Brown-Roberts, D.C. Office of Planning (via email)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Applicant's Revised Proffers and Supplemental Information was sent on November 10, 2014, electronically to the parties below:

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