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May 13, 2015

Via IZIS

Zoning Commission
of the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, DC 20001

Re: Waiver Request Regarding Hearing Notice
Z.C. Case No. 14-21 (Square 2882, Lots 742-769, 1034, 1038, and 1039)

Dear Members of the Commission:

On behalf of Barry Place Partners, LLC (the “Applicant”), and in advance of the public hearing for Z.C. Case No. 14-21, scheduled for May 21, 2015, we hereby request the Zoning Commission accept positing of the hearing notice at the subject property 34 days prior to the public hearing instead of 40 days prior to the public hearing as required under 11 DCMR § 3015.4.

The Applicant requests the Zoning Commission to grant its waiver request pursuant to the Commission's authority set forth in 11 DCMR § 3000.8, which provides that the Commission may waive any provisions of Chapter 30 if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. In support of this request we note the following:

(1) Posting of the hearing notice is one of multiple forms of notice given for public hearings in contested cases. Regarding the present application, the public hearing notice was timely published in the *DC Register* (Ex. 29) and copies of the hearing notice were mailed to property owners within 200 feet of the subject property.

(2) The Applicant engaged in an extensive outreach effort, beginning in September, 2014, including meetings with the Howard University Community Advisory Committee, Pleasant Plains Civic Association, Bloomingdale Civic Association, LeDroit Park Civic Association, Georgia Avenue Community Development Task Force, Garfield Terrace Residents’ Council, and Advisory Neighborhood Commissions (“ANCs”) 1B and 5E. The Pleasant Plains, Bloomingdale and LeDroit Park Civic Associations and the Georgia Avenue Community Development Task Force

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issued letters in support of the project (Exhibits 26D – 26G). The other community stakeholders did not vote on the project.

(3) Nobody has filed a petition for party status in this case, nor has anyone filed a letter in opposition to the project. The only party to the application other than the Applicant is ANC 1B, which voted unanimously (10-0) to support the application at its public meeting on March 10, 2015 (Exhibit 32).

For the foregoing reasons, the Commission's grant of this waiver request is appropriate under 11 DCMR § 3000.8. Thank you for your consideration attention to this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila Batties

cc: Ms. Sharon Schellin (via email)
Ms. Donna Hanousek (via email)