



September 11, 2019

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VIA IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

**RE: ZC Case No. 19-01
Applicant's Request for Waiver from § Z-300.7 as to ANC 4D**

Chairperson Hood and Honorable Members of the Commission:

On behalf of Applicant Wesley Hawaii LLC (the "Applicant"), we hereby request that the Zoning Commission grant a waiver from the requirements of Subtitle Z § 300.7 as it relates to the neighboring Advisory Neighborhood Commission 4D ("ANC 4D").

On October 19, 2018, the Applicant mailed a Notice of Intent to File the subject application ("NOI") no less than 45 calendar days from the filing of the application as required by Subtitle Z § 300.7. *See Ex. 2C.* The Certificate of Notice states that the NOI was mailed to Advisory Neighborhood Commission 5A - the ANC where the Property is located - as well as all property owners within 200 feet of the Property. *See Ex. 2C.* ANC 4D is located across Rock Creek Church Road NW from the Property and, therefore, is an "affected ANC" entitled to receive the NOI; however, ANC 4D was omitted from the Certificate of Notice.¹

Under Subtitle Z § 101.9, the Commission may waive any provision of Subtitle Z provided good cause is shown and the waiver does not prejudice any party. There is good cause to grant a waiver of Subtitle Z § 300.7 and it will not prejudice any party, including ANC 4D. ANC 4D has received numerous forms of notice of this application. The Applicant first met with ANC 4D in June 2018. *See Ex. 2, pg. 36.* On October 16, 2018, the Applicant presented the application to ANC 4D at its public meeting. *See Ex. 2, pg. 37.* The Applicant has sent a service copy of every filing in this matter to ANC 4D, including a copy of the initial application. *See Ex. 3; 15; 18; 26.* ANC 4D also received notice of the application from the Zoning Commission. *See Ex. 7.* Since

¹ Although the Certificate of Notice does not list ANC 4D as a recipient of the NOI, the Applicant's statement in support of the application states that the NOI was mailed to ANC 4D. Out of an abundance of caution, the Applicant requests this waiver.

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ANC 4D had notice both before and during this application, ANC 4D would not be prejudiced by a waiver of Subtitle Z § 300.7.

Accordingly, the Applicant respectfully requests that the Commission waive the requirements of Subtitle Z § 300.7 as to Advisory Neighborhood Commission 4D. Thank you for your attention to this request and we look forward to presenting this application to the Commission at its public hearing on September 16, 2019.

Sincerely,
COZEN O'CONNOR



Meridith Moldenhauer

Certificate of Service

I HEREBY CERTIFY that on this 11th day of September, 2019, a copy of this Request for Waiver was served, via email, on the following:

District of Columbia Office of Planning
c/o Jonathan Kirschenbaum
1100 4th Street SW, Suite 650E
Washington, DC 20024
Jonathan.Kirschenbaum@dc.gov

Advisory Neighborhood Commission 5A
c/o Commissioner Ronnie Edwards and
Commissioner Sandra Washington
5A05@anc.dc.gov
5A07@anc.dc.gov

Advisory Neighborhood Commission 4D
c/o Commissioner Krystal Branton
4D05@anc.dc.gov



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