

January 13, 2026

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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. 24-23A

Applicant's Cover Letter with Affidavit of Posting and Motion to Waive Subtitle Z § 402.3 and Subtitle Z § 402.8

Chairperson Hood and Honorable Members of the Commission:

On behalf of the Applicant Cedar Tree Academy (the “**Applicant**”), please find enclosed an Affidavit of Posting (**Exhibit A**) pursuant to Subtitle Z § 402.3. As reflected in the Affidavit of Posting, the required notice was posted at the subject property on January 13, 2026, which is 22 days prior to the hearing. Since notice was posted less than 40 days in advance of the public hearing, the Applicant is enclosing a Motion (**Exhibit B**) to waive this portion of Subtitle Z § 402.3. Additionally, the Affidavit of Posting is being filed less than 30 days prior to the public hearing, as required under Subtitle Z § 402.8.

Under Subtitle Z § 101.9, the Commission may waive any provision of Subtitle Z for good cause shown provided such waiver will not prejudice the rights of any party and is not otherwise prohibited by law. Here, a waiver of the 40-day posting requirement of Subtitle Z § 402.3 and the 30-day filing requirement of Subtitle Z § 402.8 will not prejudice any party because sufficient notice of this application has been provided to all potential interested parties, including Advisory Neighborhood Commission 8A (“ANC 8A”), the Office of Planning (“OP”), and directly abutting neighbors.

The subject application is a modification to the approved design review application in ZC Case 24-23, which was approved in March 2025. Given the limited time-frame between the original approval and this modification case, the community and other stakeholders had notice and knowledge of the proposed school project dating back to the original case.

Further, there has been sufficient alternative forms of notice provided for the subject modification, including service of the application on ANC 8A, OP and the Department of Transportation (Ex. 2), the Notice of Intent mailed to property owners within 200 feet and ANC 8A (Ex. 3B), and notice of public hearing mailed by the Office of Zoning. Despite not meeting the 40-day requirement, the public notice was posted 22 days prior to the public hearing, which provides ample notice time.

The Applicant also conducted extensive community outreach in connection with both the original application and the subject modification. The Applicant recently presented to ANC 8A at public meetings in September 2025 and December 2025 in connection with this modification, with the ANC voting unanimously to support the modification. There are also five letters of support in the case record, including from Redbrick LMD (Ex. 5), which is the owner of a majority of parcels along Howard Road adjacent to the subject property at 701 Howard Road SE.¹ In light of the nature of the Project – a public charter school building - the Applicant has also notified families of current students as to the plans for a new school building.

Based on the foregoing reasons, there is good cause to grant the waiver of Subtitle Z § 402.3 and Subtitle Z § 402.8 because the waiver will not prejudice any party to this matter. The Applicant thanks the Commission for its consideration of this filing and looks forward to the public hearing on February 5, 2026.

Sincerely,
COZEN O'CONNOR


Eric J. DeBear

¹ Other nearby land owners include the District of Columbia and WMATA. Nonetheless, Redbrick owns and is redeveloping several parcels along Howard Road. Redbrick has been fully support of the Applicant's efforts to construct a new school building as reflected in the support letters entered in the original approval and this case.

Certificate of Service

I HEREBY CERTIFY that on this 13th day of January, 2026, a copy of this Cover Letter with attachments was served, via email, on the following:

District of Columbia Office of Planning
c/o Matthew Jesick
1100 4th Street SW, Suite E650
Washington, DC 20024
Matthew.Jesick@dc.gov

D.C. Department of Transportation
c/o Erkin Ozberk and Noah Hagan
55 M Street SE, 5th Floor
Washington, DC 20003
Erkin.Ozberk1@dc.gov
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Advisory Neighborhood Commission 8A
c/o Jamila White, Chair
Robin McKinney, SMD 8A06
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