

March 12, 2019

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**Re: BZA Case No. 19960
Applicant's Response to the ANC5C's Request for Postponement**

Chairperson Hill and Honorable Members of the Board:

On behalf of the Applicant, MCF 1400 Montana, LLC and MCFI Limited Partnership (collectively the "Applicant"), we submit the following response to the ANC's request of postponement.

Since filing their Application on January 15, 2019, the Applicant has reached out the ANC5C06 Single Member District ("SMD") Commissioner and ANC 5C Chairperson numerous times, by email, text, and telephone, requesting to be placed on the first available ANC meeting agenda in order to permit sufficient time to address any questions prior to the BZA hearing date.

First, the Applicant through counsel requested to be placed on the February 20th ANC meeting agenda, but was not placed on the agenda and was not given any express reason for not being placed on the agenda.

Since February, the Applicant and counsel have both repeatedly requested to be placed on the March 20th agenda, but neither received any response until the Applicant was told in-person (at an unrelated meeting) that a community meeting would need to be held before the ANC would allow the Applicant to be placed on the ANC meeting agenda. Accordingly, the Applicant immediately informed the SMD of its desire to be on the March agenda and its efforts to plan and flyer a community meeting for March 14, 2019. The Applicant hoped the March 14th date for the community meeting would ensure a place on the March ANC meeting agenda as it would occur before the March 20th ANC Meeting.

The Applicant was dismayed to learn that the SMD filed a written request for postponement.¹ We continue to be open and willing to meet and attend any meeting requested by the ANC. We look forward to a continued dialogue with the community and reporting to the Board regarding the community meeting scheduled for March 14th, 2019. However, the Applicant respectfully requests that the Board proceed with the April 3, 2019 hearing but keep the record open for the ANC's report.

¹The Applicant was not served with the SMD's written request for postponement as required by the Zoning Regulations under Subtitle Y §§ 403.6 and 407.3, and thus only became aware of the ANC's request during a review of the BZA record.

We look forward to attending the April 3rd Hearing and answering or providing any additional documentation that the Board requests.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'MMoldenhauer', is written over a light blue rectangular background.

Meridith Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2019, a copy of the Applicant's Response to the ANC's Request for Postponement and was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Stephen Mordfin
1100 4th Street SW, Suite E650
Washington, DC 20024
stephen.morfin@dc.gov

The District's Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
Anna.chamberlin@dc.gov

Advisory Neighborhood Commission 5C
c/o Jacqueline Manning, Chairperson
5C04@anc.dc.gov

Advisory Neighborhood Commission 1A07
c/o Kirsten Williams, SMD Commissioner
5C06@anc.dc.gov



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