

Cochran, Patricia (DCOZ)

From: Schellin, Sharon (DCOZ)
Sent: Monday, June 11, 2018 10:16 AM
To: DCOZ - ZC Submissions (DCOZ)
Subject: FW: Tonight's Zoning Calendar - 14-02

-----Original Message-----

From: Kyrus.Freeman@hklaw.com [mailto:Kyrus.Freeman@hklaw.com]
Sent: Monday, June 11, 2018 8:04 AM
To: actheresa@stooptlaw.com
Cc: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>
Subject: Re: Tonight's Zoning Calendar - 14-02

The Zoning Commission's decision was remanded and vacated by the Court of Appeals.

The Applicant has the right to withdraw our application, and there is nothing in the Zoning Regulations that preclude the Applicant from withdrawing the application and we oppose any delay.

Also, the Applicant served the request via mail which is the same manner in which we served our prior filings in this action.

> On Jun 11, 2018, at 2:48 AM, Ari Theresa <actheresa@stooptlaw.com> wrote:

>

> Counsel for BFTAA is unavailable to appear tonight. We plan on opposing Applicants attempt to extinguish the PUD. It was sent by mail and not otherwise communicated to counsel for BFTAA despite email communication between our firms being the norm, in fact being ordered by the court. We have not yet had time to craft a response. Please advise, we move to postpone the matter being calendared and decided upon this evening for the foregoing reasons. Applicants will not be prejudiced at all by this delay as the matter has been outstanding 3 years. On the other hand, BFTAA will be prejudiced by moving forward as this motion to extinguish is nothing more than a thinly veiled attempt to empty the site without the protections of the comprehensive plan. Applicants have already vowed to develop the site despite the court order. By extinguishing it paves the way for site vacating and a later return to zoning for a PUD after the sites been emptied. It is nothing more than a way to evade review. BFTAA needs more time to craft a legal response and also requests a hearing on this matter as the rights of BFTAA will be substantially impacted. Thank you.

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.