

Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564

Holland & Knight LLP | www.hklaw.com

Philip T. Evans

(202) 457-7043

philip.evans@hklaw.com

February 16, 2018

VIA IZIS

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

**Re: Opposition to Request to Reopen the Record and Motion for Reconsideration
filed by The Committee of 100
Z.C. Case No. 15-18A
Initio, LP – Minor Modification to Consolidated PUD at Square 1194, Lot 811**

Dear Members of the Commission:

On behalf of Initio, LP (the “Applicant”), we hereby submit this Opposition to the Request to Reopen the Record and Motion for Reconsideration filed by The Committee of 100 (the “Committee of 100’s Motion”) on February 13, 2018. For the reasons discussed below, the Committee of 100’s Motion should be denied.

On January 25, 2018, the Zoning Commission issued Z.C. Order 15-18a, which approved a PUD Minor Modification @ Square 1194, Lot 811. The PUD Minor Modification was sought by Initio, LP, and asked that the Zoning Commission rule that the PUD was subject to the Minimum Area requirements in Subtitle X, § 301.1. The PUD Minor Modification request also sought confirmation that under Subtitle X § 301.3, the Zoning Commission may waive the minimum area requirement of Subtitle X, § 301.1 to no less than 5,000 square feet for applications in Zone Group 6, provided the Zoning Commission shall find after the public hearing that the development is of exceptional merit and is in the best interest of the District of Columbia or the country and one (1) of the following:

- (a) The development is identified in an approved Small Area Plan and will be generally not inconsistent with the Small Area Plan;
- (b) The development will be constructed or operated by the District of Columbia or federal government and serves a compelling government interest; or
- (c) If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.

The Committee of 100's Motion does not challenge the majority of Z.C. Order 15-18A. Instead, the Committee of 100 challenges the inclusion of the phrase "though not erroneous" in that part of the Order which vacates Findings of Fact Nos. 37 & 38, and Conclusion of Law No. 4 in Z.C. Order 15-18. The request to vacate those finding and conclusions of law in Z.C. Order No. 15-18 by way of the Minor Modification was agreed to by Applicant and The Committee of 100 in an effort to resolve the appeal that the Committee of 100 had filed with the D.C. Court of Appeals seeking review of Z.C. Order No. 15-18.

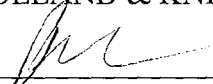
1. The Committee of 100's Motion must fail because The Committee of 100 was not a party to the proceeding below before the Zoning Commission. Subtitle Z, § 700.3 makes clear that only **parties** can file a motion to reconsider an order of the Zoning Commission.

2. Even if the Zoning Commission were to consider the merits of the Committee of 100's Motion, that motion fails on the merits as well. The Committee of 100's Motion does not seek to address the merits of Z.C. Order 15-18A but, instead, asks to remove language which the Committee of 100 believes to be superfluous. Initio believes the language of Z.C. Order 15-18A fairly states the conclusion the Zoning Commission reached at its Public Meeting on September 11, 2017.

Thank you for your consideration of this matter

Respectfully submitted,

HOLLAND & KNIGHT LLP



Philip T. Evans, Esq.

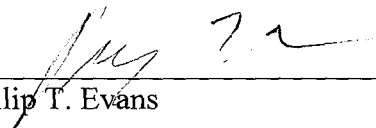
CERTIFICATE OF SERVICE

I hereby certify that on February 16th, 2018, a copy of the foregoing Opposition to the Motion to Reopen the Record and Request for Reconsideration of ZC Order 15-18A was served on the following:

Advisory Neighborhood Commission
3265 S Street, NW
Washington, DC 20007
c/o Peter Sacco, Executive Director
Via email: 2E@anc.dc.gov

Commissioner Jim Wilcox
Single Member District Representative ANC 2E-06
Via email: 2E06@anc.dc.gov

Committee of 100 on the Federal City
c/o Laura M. Richards, Esq.
3524 Carpenter Street, SE
Washington, DC 20020
Via email: lmmrichards@gmail.com



Philip T. Evans