

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins  
202.457-7841  
chris.collins@hklaw.com

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## VIA IZIS AND E-MAIL

District of Columbia Zoning Commission  
441 4th Street, N.W.  
Suite 200-S  
Washington, DC 20001

**Re: Zoning Commission Case No. 16-23--Valor Development's Opposition to Motion of Citizens for Responsible Development Regarding Status of Witness Testimony (Chairman Anthony J. Hood, Presiding Officer)**

Dear Members of the Zoning Commission:

The Applicant hereby opposes the February 8, 2018 motion of Citizens for Responsible Development (CRD) to reopen the record for an after-the-fact determination as to whether expert witness status should be granted to two of CRD's witnesses, only one of whom actually testified. This request comes two weeks after the conclusion of the public hearing and the close of the record in this case, except for the specified post-hearing submissions requested by the Commission. The Applicant has already filed its post-hearing submissions.

Sub. Z, Sec. 404.1(g) requires parties to include their lists of witnesses, and resumes of witnesses for consideration as experts, when filing their initial requests for party status. Neither of these individuals was included in the witness list in CRD's Request for Party Status, Ex. 79 of the record. The orderly procedure for public hearings includes the consideration of qualifications of expert witnesses as a preliminary matter at the beginning of the public hearing. Sub. Z, Sec. 408.1(b). CRD did not request expert witness status for either of these two witnesses as a preliminary matter. The purpose of these procedures is so that all other parties are given advance notice of the witnesses and the expert witness status (or lack of that status, if the request is denied), and an opportunity to plan and present their testimony and cross-examination accordingly. If

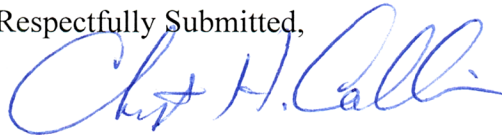
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ZONING COMMISSION  
District of Columbia  
CASE NO.16-23  
EXHIBIT NO.216

granted, CRD's motion to request expert witness status two weeks after the conclusion of the public hearing, without any legal reasons supporting the motion (as required by Sub. Z, Sec. 407.2), would be prejudicial to the Applicant and contrary to established Commission procedure.

For the above reasons, the Applicant respectfully opposes the motion.

Respectfully Submitted,



Christopher H. Collins

CHC:jma

cc: Jennifer Steingasser, Office of Planning (via email)  
Joel Lawson, Office of Planning (via email)  
Elisa Vitale, Office of Planning (via email)  
Anna Chamberlin, District Department of Transportation (via email)  
Aaron Zimmerman, District Department of Transportation (via email)  
Advisory Neighborhood Commission 3E (via email)  
Advisory Neighborhood Commission 3D (via email)  
Edward L. Donohue, Donohue & Stearns, PLC, representing Citizens for  
Responsible Development (via email)  
Barbara & Sheldon Repp, Citizens for Responsible Development  
(via email)  
Jeff Kraskin, Spring Valley Opponents (via email)  
William Clarkson, Spring Valley Neighborhood Association  
(via email)  
John H. Wheeler, Ward 3 Vision (via email)