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VIA IZIS

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

**Re: Z.C. Case No. 17-08A (Square 5194, Lot 827 (the “Property”))
Request for Waiver from 40-Day Posting Requirement of Subtitle Z § 402.3**

Dear Members of the Commission:

On behalf of Providence Place I, LP (the “Applicant”), and in advance of the public hearing for Z.C. Case No. 17-08A, scheduled for December 2, 2021, we respectfully request that the Zoning Commission (the “Commission”) accept posting of the hearing notice at the Property 37 days prior to the public hearing instead of 40 days prior to the public hearing as required under Subtitle Z § 402.3. The Applicant’s affidavit of posting is included at Exhibit 17 – 17B of the case record.

The Applicant requests the Zoning Commission to grant its waiver request pursuant to the Commission’s authority set forth in Subtitle Z § 101.9, which provides that the Commission may waive any provisions of Subtitle Z, if, **in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.** In support of this request, the Applicant notes the following:

- (1) No persons have filed a petition for party status in this case, nor has anyone filed a letter in opposition to the application. The only party to the application, other than the Applicant, is ANC 7C, which voted unanimously to support the application at its duly-noticed, regularly scheduled public meeting on October 14, 2021.
- (2) Posting of the hearing notice is one of multiple forms of notice given for public hearings in contested cases. Regarding the present application, the public hearing notice was timely published in the *DC Register*¹ and copies of the hearing notice were mailed to property owners within 200 feet of the Property.

¹ DCR Issue: Vol. 68 – No. 39 – September 24, 2021.

(3) The Applicant engaged in an extensive outreach effort regarding the subject application, beginning in September 2021, including meetings with the Deanwood Citizens Association Economic Development Committee (9/26/2021); the Advisory Neighborhood Commission (“ANC”) 7C Executive Committee (9/30/2021); and the full ANC 7C (10/14/2021).

Please note that the PUD is under construction and will deliver 93 affordable units, 35 of which will be replacement units for the Lincoln Heights/Richardson Dwellings communities controlled by DC Housing Authority. As such, minimizing delays in the development approval process is critically important.

In light of the foregoing, the Commission’s grant of this waiver request is appropriate and will not prejudice the rights of any party. Thank you for your considerate attention to this matter.

Very truly yours,

HOLLAND & KNIGHT LLP



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cc: Ms. Sharon Schellin (via e-mail)