

February 6, 2018

**Meridith H. Moldenhauer**

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Anthony Hood, Chairperson  
Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**RE: ZC Case No. 17-17 (the “Map Amendment”)  
Request for Postponement of Hearing**

Chairperson Hood and Honorable Members of the Commission:

On behalf of PAL DC Storage, LLC (“Palatine”), the owner of 1401 22<sup>nd</sup> Street SE (the “Property”) that is the subject of the above-referenced Map Amendment, please consider the following request for a postponement of the hearing currently scheduled on February 15, 2018.<sup>1</sup>

By way of background, Palatine purchased the property in August 2017. Unbeknownst to Palatine, Advisory Neighborhood Commission 8A (“ANC 8A”) filed the Map Amendment in September 2017. Palatine was not contacted by ANC 8A, nor was Palatine served a copy of the application, petition or any other filing in this case. In fact, Palatine had no knowledge of this case until January 2018.<sup>2</sup> Palatine expeditiously retained counsel and has reached out to the Office of Planning and ANC 8A in light of the significant ramifications this case may have on the Property.

More specifically, Palatine approached ANC 8A to open a dialogue about the Property. Palatine contacted Commissioner Holly Muhammad, the representative of ANC 8A that filed the Map Amendment, and requested, through counsel, that ANC 8A consent to a postponement of the hearing for the purpose of providing an opportunity for Palatine and the community to have a fruitful discussion about the Property. In response, Commissioner Muhammad informed Palatine that a number of community members were prepared to present to the Commission at the February 15<sup>th</sup> hearing and would not consent to a postponement.

After Commissioner Muhammad rejected Palatine’s postponement request, Palatine requested that Commissioner Muhammad schedule a community meeting before the February 15<sup>th</sup> hearing so that Palatine could directly engage with the community. However, Commissioner Muhammad flatly rejected this request, stating that the community “does not have the time nor can we be distracted with such limited time before us to meet.” A copy of the email

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<sup>1</sup> A copy of a letter of authorization executed by Palatine is attached hereto at **Tab A**.

<sup>2</sup> A member of Palatine’s construction team found the public hearing sign torn down near the Property.

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chain is attached at **Tab B**. Commissioner Muhammad claims that the community has expressed concerns for “over two years,” ignoring that Palatine became the owner of the Property in August 2017 and did not find out about the Map Amendment until January 2018. Therefore, despite Palatine’s good faith efforts, ANC 8A has shown no willingness to allow for an open dialogue about the Map Amendment.

Further, ANC 8A will not be prejudiced by a postponement of this hearing. Palatine filed a building permit application prior to the October 16<sup>th</sup> setdown hearing, and, as such, the building permit is vested under the original zone district, the PDR-1 zone. *See* Subtitle A § 301.5(a). The Office of Planning has confirmed the building permit is vested and the downzoning “would not stop the construction of the storage facility.” *See* Ex No. 22. Except for the vested building permit, the most restrictive zone proposed – the RA-2 zone - will apply to the Property while this case is pending before the Commission. *See* Subtitle A § 301.5. Accordingly, a postponement will have absolutely no impact on the Map Amendment or the Property, and Palatine’s building permit will remain vested.

Whereas, Palatine has shown good cause to postpone the hearing. The Office of Planning states that it has “no objections” to a postponement request, and recognizes that a postponement would provide an opportunity for Palatine to meet with the community about the Property. *See* Ex. No. 22. Palatine requests that the Commission postpone the hearing in order to: (1) give Palatine an opportunity to engage with the community prior to any decision on the Map Amendment; (2) allow Palatine to prepare for a hearing on the Map Amendment; and (3) ensure that a member of Palatine can appear before the Zoning Commission to present on the downzoning of the Property.

The Zoning Commission should note that Palatine is headquartered in Miami, Florida. As such, Palatine respectfully requests that the Commission decide this postponement request at its next scheduled meeting on February 8<sup>th</sup>. Palatine will incur significant travel expense, including flights and hotels, in order to be present at the hearing on February 15, 2018. This expedited review will ensure that if the Commission denies the postponement request, Palatine will have sufficient time to schedule travel and prepare to present information regarding the downzoning of its Property.

We appreciate the Commission’s consideration of this postponement request, and we thank you for your attention to this matter.

Sincerely,

Cozen O’Connor



By: Meridith Moldenhauer

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of February, 2018, a copy of the foregoing Request for Postponement of Hearing was served, via electronic mail, on the following:

District of Columbia Office of Planning  
c/o Jennifer Steingasser, Deputy Director  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[Jennifer.steingasser@dc.gov](mailto:Jennifer.steingasser@dc.gov)

District Department of Transportation  
c/o Jim Sebastian  
55 M Street, SE, Suite 400  
Washington, DC 20003  
[Jim.sebastian@dc.gov](mailto:Jim.sebastian@dc.gov)

Advisory Neighborhood Commission 8A  
c/o Holly Muhammad, Commissioner  
[8A01@anc.dc.gov](mailto:8A01@anc.dc.gov)



Meridith H. Moldenhauer

Tab A

February 6, 2018

Via IZIS

Anthony Hood, Chairperson  
Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

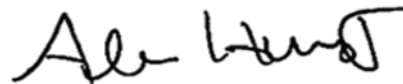
AGENT AUTHORIZATION FOR 1401 22<sup>nd</sup> STREET SE

Chairperson Hood and Honorable Members of the Commission:

This letter serves as notice that PAL DC Storage, LLC and/or its assigns authorize Cozen O'Connor, with Meridith Moldenhauer as counsel, to be the authorized agent in connection with Zoning Commission Case No. 17-17 regarding the property located at 1401 22<sup>nd</sup> Street SE (Square 5564, Lot 066). Pursuant to Subtitle Z § 200.3 of the Zoning Regulations, this authorization includes the power to bind PAL DC Storage, LLC in the case before the Commission.

Sincerely,  
PAL DC STORAGE, LLC

By: PAL Equity Manager II, LLC  
Its Manager

A handwritten signature in black ink, appearing to read "Alex Hurst".

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By: Alex Hurst  
Title: Sole Member

Tab B

**DeBear, Eric J.**

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**From:** Muhammad, Holly (SMD 8A01) <8A01@anc.dc.gov>  
**Sent:** Tuesday, February 6, 2018 6:22 PM  
**To:** Moldenhauer, Meridith  
**Cc:** DeBear, Eric J.  
**Subject:** Re: 1401 22nd Street

Ms Moldenhauer,

As discussed, we are less than one week out from our Zoning Hearing scheduled for February 15. This Hearing has been on the books since October 2017. We have been expressing our concerns for over two years. Our team is involved in preparing and mobilizing and we do not have the time nor can we be distracted with such limited time before us to meet prior to the Hearing.

Commissioner Holly Muhammad  
Advisory Neighborhood Commissioner 8A01  
District of Columbia  
202-422-4957

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**From:** Moldenhauer, Meridith <MMoldenhauer@cozen.com>  
**Sent:** Monday, February 5, 2018 10:13:16 PM  
**To:** Muhammad, Holly (SMD 8A01)  
**Cc:** DeBear, Eric J.  
**Subject:** Re: 1401 22nd Street

Commissioner Muhammad - Thank you for taking the time to talk with me today. I understand that the ANC will not consent to my client's request to postpone the February 15th hearing. As we discussed on the phone this afternoon, my client's would like to meet with you m, other commissioners and other involved residents before the February 15th hearing. We look forward to an open dialogue and hearing more about the communities concerns with the property. We left the call that you would check on a possible time and date for a meeting.

We look forward to hearing from you.  
Thank you,  
Meridith

Sent from my iPhone

On Feb 2, 2018, at 11:41 AM, Muhammad, Holly (SMD 8A01) <[8A01@anc.dc.gov](mailto:8A01@anc.dc.gov)> wrote:

I will see what time I have available after 3pm today. I will let you know.

Thanks,

Commissioner Holly Muhammad  
Advisory Neighborhood Commissioner 8A01

District of Columbia  
202-422-4957

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**From:** Moldenhauer, Meridith <[MMoldenhauer@cozen.com](mailto:MMoldenhauer@cozen.com)>  
**Sent:** Thursday, February 1, 2018 12:26:33 PM  
**To:** Muhammad, Holly (SMD 8A01)  
**Cc:** DeBear, Eric J.  
**Subject:** 1401 22nd Street

Commissioner Muhammad –

I represent the owner of 1401 22<sup>nd</sup> Street, SE which is the subject of ZC 17-17. I have recently been retained and would like to schedule a time to talk with you regarding the property. Please let me know when you are available.

We look forward to have an open dialogue with you and the full ANC.

Respectfully,  
Meridith Moldenhauer



**Meridith Moldenhauer**  
**Member | Cozen O'Connor**  
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