

GIBSON, DUNN & CRUTCHER LLP

LAWYERS

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1050 Connecticut Avenue, N.W. Washington, D.C. 20036-5306

(202) 955-8500

www.gibsondunn.com

JMendo@gibsondunn.com

May 27, 2008

Direct Dial
(202) 887-3726

Fax No.
(202) 530-9626

Client No.
C 04753-00001

VIA OVERNIGHT DELIVERY

Attention: Mr. Richard S. Nero, Jr.
Deputy Director of Operations
District of Columbia Office of Zoning
441 4th Street, N.W.
Suite 200-S
Washington, D.C. 20001

RECEIVED
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2008 MAY 28 AM 11:11

Re: *BZA Appeal No. 17769*

Dear Members of the Board:

On behalf of AppleTree Institute for Education, Inc., we write in opposition to ANC-6A's last-minute request to postpone the hearing scheduled for June 3, 2008—one week from today.

ANC-6A seeks a postponement based on a parallel proceeding pending before the Office of Administrative Hearings. That proceeding was commenced in November 2007, and ANC-6A was granted leave to intervene in March 2008. If ANC-6A had any legitimate basis for seeking a delay of this appeal (which was filed by ANC-6A in December 2007) pending resolution of the OAH proceeding, it was incumbent on ANC-6A to bring that request to the attention of the parties, and the Board, before now.

In all events, ANC-6A's request is baseless. The sole issue that was being litigated in the OAH proceeding is now moot, because DCRA has withdrawn the contested Notice of Revocation of the building permit issued to AppleTree Institute. Nothing that will happen in the OAH proceeding from this point forward could affect the outcome of this appeal, and ANC-6A does not show otherwise.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17769 Board of Zoning Adjustment
District of Columbia

LOS ANGELES NEW YORK WASHINGTON, D.C. SAN FRANCISCO PALO ALTO
LONDON PARIS MUNICH BRUSSELS ORANGE COUNTY CENTURY CITY DALLAS DENVER

EXHIBIT NO. 14 CASE NO. 17769 EXHIBIT NO. 14

GIBSON, DUNN & CRUTCHER LLP

Mr. Richard S. Nero, Jr.

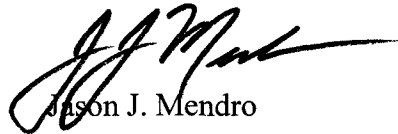
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AppleTree Institute would be prejudiced by further delay. Its building permit application was filed in February 2006. The matter has already been before the Board twice—on AppleTree Institute's appeal, and on ANC-6A's motion for reconsideration—and this Board has confirmed that the project complies with the Zoning Regulations. AppleTree Institute wants to proceed with the lawful development of its property, so that it can operate a public charter school to provide pre-literacy education to three- and four-year-old children. Because of the academic schedule, even a short delay in the permitting process could stall the project for another full school year.

DCRA has issued the building permit, and has confirmed its validity. ANC-6A has challenged that determination, and AppleTree Institute has responded to that challenge. The issues are fully briefed and ready for decision by this Board. We look forward to appearing on behalf of AppleTree Institute at the hearing on June 3.

Very truly yours,



Jason J. Mendro

cc (via first class mail):

Advisory Neighborhood Commission 6A
c/o Mr. David Holmes, Vice Chair
P.O. Box 75115
Washington, D.C. 20013

Mr. Nicholas Alberti
1330 North Carolina Ave. NE
Washington, D.C. 20002

Mr. Matthew Le Grant
Zoning Administrator
D.C. Dept. of Consumer and
Regulatory Affairs
941 North Capitol Street, NE
Suite 2000
Washington, D.C. 20002

Dennis M. Taylor, Esq.
Assistant Attorney General
941 North Capitol Street, NE
Suite 9401
Washington, D.C. 20001