



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W
Washington, D.C. 20008-1207



H30-(NCR-ROCR)

Mr. Thomas Luebke
Commission of Fine Arts
National Building Museum
401 F Street, NW, Suite 312
Washington, D.C. 20001

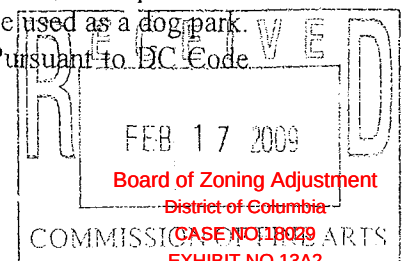
Dear Mr. Luebke:

The National Park Service (NPS) has been informed about the proposed master plan for the DC Department of Parks and Recreation's (DPR) Francis Field at 25th and N Streets, NW. The property's location along the boundary of Rock Creek Park and Potomac Parkway (US Reservation 360) has provided us an opportunity to comment with the Commission of Fine Arts (CFA) as a result of the project falling under the purview of the Shipstead-Luce Act. It is our understanding that the project has received conceptual approval from CFA during the January 2009 meeting. We would like to share with you some of our concerns pertaining to the proposed master plan.

The singular and most important issue regarding the proposed master plan is that DPR is considering improvements on National Park Service property. It appears that they did not do a thorough land record search. The present fence line is currently located on NPS property and should be moved to DPR lands. The National Park Service was not consulted during design development.

Additional items of concern are as follows:

- The proposed streetscape improvements along 25th Street, NW are within DPR property. However, this moves the ball field on to NPS property. DPR's proposed new infield will be within the buffer for the Rock Creek and Potomac Parkway. The National Park Service is proposing that the field remain in its current location.
- It is the NPS' understanding that the area that is listed as "10,000 square feet open space-Use to be determined" is under consideration to be used as a dog park. This area is partially owned by the National Park Service. Pursuant to DC Code



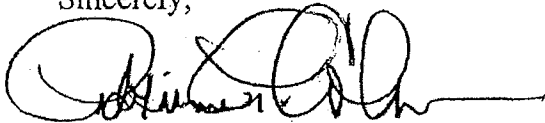
Ann. 1-104(2001) and 16 USC 1-3, Rock Creek Park is subject to long-standing National Park Service regulations found in 36 CFR 2.15(a) (1) that require dogs to be "physically restrained" at all times. Consistent with NPS regulations, dogs must be leashed on Federal parklands. Therefore, the NPS does not allow dog parks on its property.

- Introduction of any additional lighting for the playing field is a further concern.

The National Park Service will be contacting DPR with our concerns and to discuss the impact of our boundary on their proposed master plan.

If you have any questions regarding our concerns about this project, please contact Cultural Resource Specialist, Simone Monteleone Moffett, at (202) 895-6011. Thank you for the opportunity to inform you of our issues pertaining to the proposed master plan for Francis Field.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrienne A. Coleman', with a long horizontal line extending to the right.

Adrienne A. Coleman
Superintendent, Rock Creek Park

CC: Clark Ray, DPR

DPR to FFF
January 8, 2009

“... Francis Field ...does not
require an extensive amount
of Local and Federal
interaction.”

Clark Ray
Director, DPR



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Parks and Recreation



Clark E. Ray
Director

January 8, 2009

Mr. Gary Griffith
2501 M Street, NW
Washington, DC 20037

Dear Mr. Griffith:

Thank you for your interest in the CapitalSpace initiative and your willingness to be involved in the park planning and development process in the District of Columbia.

As you know, the Francis Field planning and design discussion is well underway at this time, and though it does involve a number of stakeholders, the project does not require an extensive amount of Local and Federal interaction. Therefore, this is not a project which would be developed through the Capital Space Initiative.

As this project is an excellent example of a collaborative public-private effort, we do plan to cite the project within the Capital Space final report. The report will include a review of the process carried out by all the parties, the results of the process, and the plan for carrying out the proposal as agreed.

Thank you again for your interest in CapitalSpace and in improving and revitalizing parks in the District of Columbia.

Sincerely,

Clark E. Ray
Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Parks and Recreation



Clark E. Ray
Director

January 8, 2009

Mr. Gary Griffith
2501 M Street, NW
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Thank you again for your interest in CapitalSpace and in improving and revitalizing parks in the District of Columbia.

Sincerely,

Clark E. Ray
Director

Nov 11, 2008	DPR says no CFA review required
Jan. 8, 2009	DPR says no Federal interaction required.
Jan. 22, 2009	DPR Presents “Master Plan” to CFA
Feb. 17, 2009	NPS Cites DPR Lack of Jurisdiction.
Apr 20, 2009	Clark Ray fired as DPR Director by Mayor Fenty.
May 27, 2009	FFF and ANC-2A meet with Vornado.
June 4, 2009	FFF and ANC-2A meet with NPS.
June 18, 2009	Vornado and DPR sign escrow, claiming “issues entirely outside the control” of Vornado.

Deficiencies in Escrow

Condition B

\$ 150,000 Francis Field
-38,230 Landscape Plan

\$ 111,770 In escrow

ESCROW AGREEMENT

This ESCROW AGREEMENT ("Agreement") is made as of June 18, 2009 (the "Effective Date") by and among (i) VNO 1229-1231 25TH STREET LLC, a Delaware limited liability company, and its successors and assigns ("Owner"), (ii) the D.C. DEPARTMENT OF PARKS AND RECREATION ("DPR"), and (iii) COMMONWEALTH LAND TITLE INSURANCE CO. ("Escrow Agent").

RECITALS:

A. In Z.C. Order No. 96-35 (the "PUD Order"), the Zoning Commission approved a Planned Unit Development ("PUD") for property owned by Owner and located at 1229-1231 25th Street (Square 24, Lot 883) (the "Property"). Pursuant to this approval, Owner commenced construction of the PUD on the Property. Owner intends to seek a certificate of occupancy for the PUD by late summer 2009.

B. Francis Field is a public park operated by DPR and located directly across 25th Street NW from the Property.

C. Owner and DPR are parties to that certain Memorandum of Understanding dated April 5, 2007 ("MOU"). Pursuant to that MOU, Owner agreed to provide design, materials, and labor, valued at \$150,000, necessary to provide improvements to Francis Field (the "Contribution").

D. During the course of the PUD proceedings before the Commission, Owner proffered the Contribution as a project amenity and public benefit of the PUD.

E. Owner has, through its consultants, prepared a master landscape plan for Francis Field (the "Master Plan"). The Master Plan includes, inter alia, the specific features promised by Owner in its Contribution (i.e. trees, park lighting, furniture, and trash receptacles referred to in the MOU), and these features are planned as the first phase of the Master Plan (the "Phase I Improvements"). The total value of the preparation of the Master Plan, which constitutes the "design" portion of the contribution required by the PUD Order, is \$38,230.

F. Owner desires to purchase the materials, prepare the construction drawings, and install the Phase I Improvements, which DPR agrees shall satisfy Owner's commitment to complete the Contribution, so that Owner may secure a Certificate of Occupancy for the PUD. The total value of the materials, construction drawings, and installation of the Phase I Improvements, which constitute the "materials and labor" portion of the contribution required by the PUD Order, is \$111,770.

G. During the course of the PUD proceedings, Owner also proffered the replacement of the existing chain-link fence along a portion of the west side of 25th Street N.W. with an ornamental metal fence (the "Fence") as a project amenity and public benefit of the PUD. In conjunction with its approval of the PUD, the Commission incorporated the Fence into its PUD Order as a part of a condition of approval, and

Deficiencies in Escrow

Condition C

\$ 200,000 Streetscape
-36,000 In escrow

\$ -144,000 Not funded

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RECITALS:

A. In Z.C. Order No. 06-35 (the "PUD Order"), the Zoning Commission approved a Planned Unit Development ("PUD") for property owned by Owner and located at 1229-1231 25th Street (Square 24, Lot 885) (the "Property"). Pursuant to this approval, Owner commenced construction of the PUD on the Property. Owner intends to seek a certificate of occupancy for the PUD by late summer 2009.

B. Francis Field is a public park operated by DPR and located directly across 25th Street NW from the Property.

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F. Owner desires to purchase the materials, prepare the construction drawings, and install the Phase I Improvements, which DPR agrees shall satisfy Owner's commitment to complete the Contribution, so that Owner may secure a Certificate of Occupancy for the PUD. The total value of the materials, construction drawings, and installation of the Phase I Improvements, which constitute the "materials and labor" portion of the contribution required by the PUD Order, is \$111,750.

G. During the course of the PUD proceedings, Owner also proffered the replacement of the existing chain-link fence along a portion of the west side of 25th Street NW with an ornamental metal fence (the "Fence") as a project amenity and public benefit of the PUD. In conjunction with its approval of the PUD, the Commission incorporated the Fence into its PUD Order as a part of a condition of approval, and

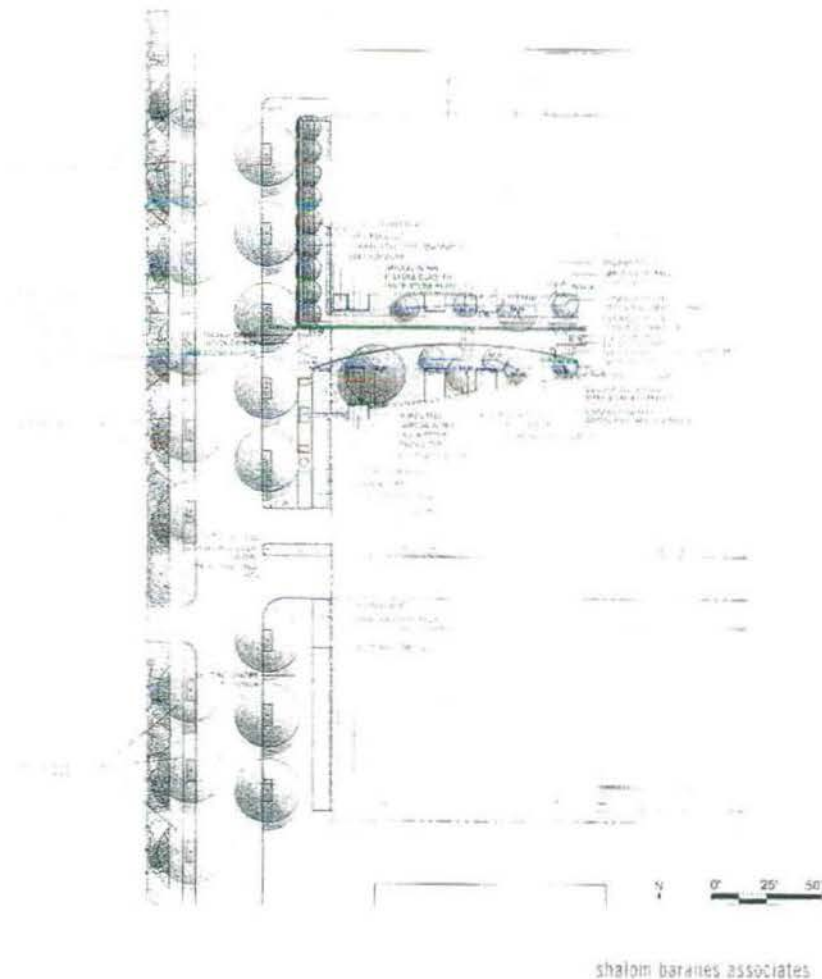
Deficiencies in Escrow

Condition C

\$ 200,000 Streetscape
-36,000 In escrow

\$ -144,000 Not funded

Streetscape not under DPR
jurisdiction, but under DDOT.



Deficiencies in Escrow

Conditions B and C

\$ 200,000	Streetscape
<u>150,000</u>	Francis Field
\$ 350,000	
<u>-147,770</u>	In Escrow
\$ 202,230	Not funded



**MEMORANDUM OF AGREEMENT
BETWEEN
DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION
AND
DC STODDERT SOCCER**

I. INTRODUCTION

This Memorandum of Agreement (MOA) is entered into between the Department of Parks and Recreation and DC Stoddert Soccer (collectively, "the Parties"). The purpose of this MOA is for DC Stoddert Soccer to serve as a Department of Parks and Recreation Premier Partner. The Department of Parks and Recreation may form partnerships to accomplish any of the goals or missions of the Department.

II. BACKGROUND

The mission of the Department of Parks and Recreation (DPR) is to enhance the physical, mental, and social well being of residents and visitors by providing quality, customer-focused leisure and learning opportunities in over four hundred (400) safe parks and facilities. These leisure and learning opportunities are amply demonstrated through the quality, diversity, and quantity of programs that are available to the citizens of the District of Columbia. DPR offers a wide range of quality and diverse leisure and learning programs to citizens of the District of Columbia and the many patrons visiting the area.

The DPR Premier Partner Program is an opportunity for organizations that are frequent users of DPR facilities and sites to partner with DPR to ensure the creation and maintenance of effective programs and the construction and maintenance of quality fields.

DC Stoddert Soccer is a non-profit organization dedicated to providing a first-rate recreational soccer program open to all children and young adults, ages 6 -18, regardless of economic circumstances, in the District of Columbia and nearby metropolitan area. DC Stoddert Soccer also offers a high quality soccer developmental program and travel teams for competitive players to compete in regional leagues. In addition, DC Stoddert Soccer provides training and support for soccer coaches and referees.

This MOA establishes the terms and conditions, pursuant to which DPR shall collaborate with DC Stoddert Soccer for three (3) years from January 1, 2009 until January 1, 2012. This MOA may be renewed for two (2) additional years at the discretion of DPR.

III. SCOPE OF SERVICES

A. DC Stoddert Soccer will:

1. During FY2009 –

- a. Contribute \$20,000.00 towards renovation at Hamilton field;
- b. Contribute \$20,000.00 toward DPR's Soccer Program through the purchase of equipment and other items as necessary;
- c. Provide twenty need-based (20) scholarship slots in the Recreational program for District of Columbia residents;
- d. Provide three (3) one-day clinics for a minimum of forty (40) children in the District of Columbia.

2. During FY2010 –

- a. Contribute \$40,000.00 towards renovation at Rudolph and Hearst Field;
- b. Contribute \$20,000.00 toward DPR's Soccer Program through the purchase of equipment and other items as necessary;
- c. Provide twenty need-based (20) scholarship spots in the Recreational program for District of Columbia residents;
- d. Provide three (3) one-day clinics for a minimum of forty (40) children in the District of Columbia.

3. During FY11 –

- a. Contribute \$30,000.00 toward renovation at Francis Field;
- b. Contribute \$20,000.00 toward DPR's Soccer Program through the purchase of equipment and other items as necessary;
- c. Provide twenty need-based (20) scholarship slots in the Recreational program for District of Columbia residents;
- d. Provide three (3) one-day clinics for a minimum of forty (40) children in the District of Columbia.

- 4. Maintain attendance records for each participant to be made available to DPR upon request;
- 5. Evaluate the partnership annually for submission to DPR (as described in Attachment A to this Agreement.) These evaluations will be a significant determinant in whether a continuation of this partnership is justified.
- 6. Maintain any areas designated for its use in a clean and orderly condition after program activities are concluded.

7. Reimburse the District of Columbia for any damages to assigned space or facility caused by DC Stoddert Soccer, its employees and/or representatives.
8. Maintain full compliance with the Background Check requirements of the United States Soccer federation and/or the United States Youth Soccer Association
9. Provide certification of liability insurance coverage to operate program(s) onsite as specified in Section IX.
10. Formally recognize DPR as a partner in promotional materials including the acknowledgement of DPR's contributions in promotional materials and the use of the DPR logo (with advance approval from the Office of Communications) in promotional materials as it pertains to the partnership between DC Stoddert Soccer and DPR.
11. Ensure that no photographs of minors or depiction of their likeness is included in any Stoddert publication without obtaining prior written consent/waiver from the child's parent or legal guardian.
12. Collaborate with DPR on publicity efforts to promote the partnership, mentoring program, program activities and special events.

B. DPR will:

1. Collaborate with DC Stoddert Soccer and waive permit fees so long as the terms of Section III(A)(1-3) are met.
2. Work with DC Stoddert Soccer to ensure that permits are timely issued to support DC Stoddert Soccer requirements, by January 15 for the Spring season and June 30 for the Fall season, which will include off-season and pre-season use on artificial fields. DC Stoddert Soccer would have the opportunity to input their field requests for the duration of agreement. DC Stoddert Soccer field requests would be assigned an activity number through RecWare and treated the same as any DPR program or partner program. See Attachment B for list of permit requests. DPR would maintain the right to reschedule field requests should they interfere with DPR programming needs.
3. Work with DC Stoddert Soccer to gain access for DC Stoddert Soccer at DCPS fields under DPR permits or otherwise -- in particular High School artificial surface fields and the Alice Deal School field -- for games on Saturdays and Sundays, and practices on weekdays when available.

4. DPR will monitor field usage at sites where DC Stoddert Soccer has made a financial contribution through this Agreement. Site staff would monitor fields to ensure no organized games without a permit.
5. Work with DC Stoddert Soccer to identify storage space as needed at a recreation center.
6. Collaborate with DC Stoddert Soccer on promoting the partnership and special events.
7. Provide DPR's logo and name (with advance approval from the Office of Communications) as necessary to promote the partnership, DC Stoddert Soccer sponsored program, activities and events.
8. Recognize DC Stoddert Soccer as a partner.
9. DPR reserves the right to modify the days and hours of operation at its facility in the event of an emergency or unanticipated event.

IV. PERIOD OF PERFORMANCE

This period of performance for the MOA shall be from the date of execution hereof through January 1, 2012. The period of performance may be renewed for an additional two (2) years at DPR's discretion.

V. POINTS OF CONTACT

DPR and DC Stoddert Soccer shall maintain a close liaison and consult on all matters pertaining to this MOA. The following individuals are designated points of contact under this MOA:

- A. Tom Gross
League Administrator
DC Stoddert Soccer
3265 S Street, NW
Washington, D.C. 20007
Phone: (202) 338-9005 x 304 (office)
Email: tomgrossdc@aol.com
- B. Department of Parks and Recreation
Melissa McKnight
Director, Office of Partnerships and Development
3149 16th Street, NW
Washington, DC 20010
Phone: 202-673-7681
Email: melissa.mcknight@dc.gov

VI. MODIFICATIONS

This Agreement constitutes the entire agreement between the parties and shall not be modified except as shall be agreed to in writing by the parties and made a part hereof. This agreement is executed in duplicate, each copy of which shall constitute an original document.

VII. APPLICABLE LAWS

DPR and DC Stoddert Soccer shall comply with all applicable District of Columbia laws, regulations and rules whether now in force or hereafter enacted or promulgated. Nothing in this MOA shall be construed as in any way impairing the general powers of DPR for supervision, regulation, and control of the facility under such applicable laws, regulations, and rules.

VIII. TERMINATION

Termination of this MOA may occur for failure or refusal to perform by any Party in accordance with the terms of this MOA. This MOA may be terminated, in whole or in part, by any Party hereto upon thirty (30) business days advance written notice. The foregoing notwithstanding, DPR may terminate this MOA at any time as it deems, in its sole discretion, to be in the best interest of DPR or the District. Upon termination of the MOA, DC Stoddert Soccer shall immediately cease and desist from performing any activities described in the MOA.

IX. RIGHTS TO PROPERTY

This Agreement shall in no way be construed as an intent to confer or transfer control ownership or occupancy rights to any facility to the Partner nor shall this MOA be construed as a conveyance of an exclusive possessory right therein. DC Stoddert Soccer acknowledges that it is not entitled to receive a notice to quit upon termination of this MOA (and, if otherwise required by law, waives such notice to quit). DC Stoddert Soccer waives any right that it may have to trial by jury for any issue or demand relating to or stemming from this MOA.

X. WAIVER AND INDEMNITY

DC Stoddert Soccer hereby agrees to waive, release and forever discharge the District of Columbia, its agency, its directors, or employees, agents and any other person or entity connected with the District of Columbia from any liability which shall arise as the result of any action or damages that may occur as a result of the conduct of any Party to this MOA and agree to indemnify and hold harmless same from any and all liability, claims, damages and demands of whatever kind or nature arising out of, in connection with, or related in any way to work performed by DC Stoddert Soccer staff or volunteers.

XI. DATA SHARING

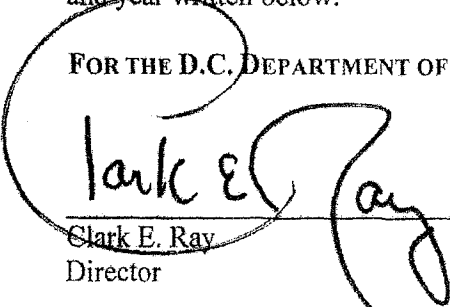
Information collected from individuals enrolled in DPR Partnership Programs is required to demonstrate the beneficial impact of the services on the participants involved. DPR also relies on participant data to establish the reach of services provided, and reveal any underserved populations in the community. Consistent with these purposes, DPR may share information, aggregated to protect participant privacy, with agencies and organizations conducting larger citywide and regional planning and evaluation efforts.

Data on the Program participants collected by either DPR or DC Stoddert Soccer are to be used for evaluation, strategic planning or marketing purposes only. Information collected will be subject to all applicable requirements regarding privacy and confidentiality within the District of Columbia.

DC Stoddert Soccer will collect standard registration information from individuals participating in the program, including name, address, date of birth, gender, home telephone number, guardian's work phone number (where applicable), and language background. Additionally, DC Stoddert Soccer will record participant attendance at each regular meeting of the program. Participation information and attendance records will be kept in the DPR database, a secure application stored on a SQL server hosted on DPR's internal network. Participant data will only be accessible to DPR staff members with database passwords. DPR may share participant data, in accord with existing or future data sharing agreements, entered into by DPR and other District or federal agencies.

IN WITNESS WHEREOF, the Parties hereto have executed this MOA as of the day and year written below.

FOR THE D.C. DEPARTMENT OF PARKS AND RECREATION:


Clark E. Ray
Director

DATE: 2/28/09

FOR DC STODDERT SOCCER:

Tom Gross
League Administrator

DATE: _____

ATTACHMENT A
PARTNERSHIP EVALUATION

DC Stoddert Soccer agrees to comply with DPR's Program Evaluation Process as part of this Memorandum of Agreement.

DC Stoddert Soccer agrees to provide written reports every six (6) months (June 1st and December 1st) that address the following:

- a. Summary of Program progress;
- b. Barriers or obstacles preventing DC Stoddert Soccer success; and
- c. Any proposed changes to the partnership.

These reports should be sent via mail to the following:

Department of Parks and Recreation
Melissa McKnight
Director, Office of Partnerships and Development
3149 16th Street, NW
Washington, DC 20010

ATTACHMENT B

DPR will provide access to the fields below based on the following schedule:

Fall Season

August 15th – November 15th

Monday through Friday from 4:00 p.m. until 8:00 p.m.

Stoddert Recreation Center, Carter Barron North and South, Shepherd, Hardy, Hamilton, Palisades, Hearst, Francis, Ft. Stevens, and Ft. Reno.

Saturday between 8:00 a.m. and 6:00 p.m.

Stoddert Recreation Center, Carter Barron North and South, Shepherd, Hardy, Hamilton, Palisades, Hearst, Francis, Ft. Stevens, Takoma, Rudolph and Ft. Reno.

Sunday between 10:00 a.m. to 6:00 p.m.

Carter Barron North, Shepherd, Hardy, Palisades, Hearst, Francis, Ft. Stevens, Takoma, Rudolph and Ft. Reno.

Spring Season

March 15th – June 15th

Monday through Friday from 4:00 p.m. until 8:00 p.m.

Stoddert Recreation Center, Carter Barron North and South, Shepherd, Hardy, Hamilton, Palisades, Hearst, Francis, Ft. Stevens, and Ft. Reno.

Saturday between 8:00 a.m. and 6:00 p.m.

Stoddert Recreation Center, Carter Barron North and South, Shepherd, Hardy, Hamilton, Palisades, Hearst, Francis, Ft. Stevens, Takoma, Rudolph and Ft. Reno.

Sunday between 10:00 a.m. to 6:00 p.m.

Carter Barron North, Shepherd, Hardy, Palisades, Hearst, Francis, Ft. Stevens, Takoma, Rudolph and Ft. Reno.

Rationale for Escrow

are resolved. These issues are entirely outside the control of Owner, and include (i) discussions with the National Park Service regarding jurisdiction over Francis Field; (ii) approval of the Master Plan by the U.S. Commission of Fine Arts; and (iii) completion of improvements under Francis Field by the DC Water and Sewer Authority.

Rationale for Escrow

“(i) Discussions with the National Park Service regarding jurisdiction over Francis Field;”

Refutation

Vornado made no attempt to request such a discussion.

FFF easily contacted NPS in April 2009, and met with NPS officials on June 4, 2009, at Klinge Mansion.

From: Peter_May@nps.gov
To: Gary Griffith; Rebecca Coder
Cc: Tammy_Stidham@nps.gov
Subject: Francis Field

Mr. Griffith and Commissioner Coder,

I apologize for being out of touch. I current plan is to see the latest revision. NPS interests align pretty well with Stidham in my office know if you think

Peter

Peter May
Associate Regional Director
Lands, Resources, and Planning
National Park Service - National Capital Region
(202) 619 7025 - Office
(202) 401 0017 - Fax
peter_may@nps.gov

Gary Griffith

From: Peter_May@nps.gov
Sent: Monday, April 20, 2009 5:09 PM
To: Gary Griffith; Rebecca Coder
Cc: Tammy_Stidham@nps.gov
Subject: Francis Field

Mr. Griffith and Commissioner Coder,

I apologize for being out of touch. I have been communicating with Superintendent Coleman regarding Francis Field. I understand the current plan is to see the latest revised proposal from DPR before NPS and the Friends and neighbors take any further action. I think the NPS interests align pretty well with yours and I am hope we can all work with DPR to implement a good solution. Please let me or Tammy Stidham in my office know if you think there is anything we can do in the NPS regional office to assist.

Peter

Peter May
Associate Regional Director
Lands, Resources, and Planning
National Park Service - National Capital Region 1100 Ohio Drive SW Washington, DC 20242
(202) 619 7025 - Office
(202) 401 0017 - Fax
peter_may@nps.gov

Gary Griffith

From: Gary Griffith [gary.griffith@verizon.net]
Sent: Friday, June 05, 2009 2:35 PM
To: RSmith@vno.com
Cc: Frederick.Lindstrom@cfa.gov; skirnbel@dccouncil.us; sbatcheler@cfa.gov; Trish Wagner; Tom Wilner; Rebecca Coder; Pat Tith; Michele Wiltse; Michael Thomas; Jim. O'Connell; Jane Wilner; George J. Diliberto; Gary Griffith; April Harding; Frank Licari
Subject: Necessary Steps for Forward Progress on Francis Field Plan
Attachments: CFA0129.jpg; ANC2A Res 012809.pdf; npsfff1a.jpg

Richard B. Smith
Vornado/Charles E. Smith

Mr Smith--

First, thank you very much for meeting with us on May 27. We thought it was a very constructive meeting.

We met with National Park Service officials last evening, including Peter May, the NPS associate regional director who is also is a member of the DC Zoning Commission. When we explained the zoning order and certificate of occupancy issue to him, his suggestion was that we contact you, the developer, to suggest that you contact the District to get the process moving, as you were the party with the real time problem. We explained that we had just met with you for that reason.

It was also said last evening that the new DPR director, Ximena Hartsock, is not up-to-speed on the Francis Field issue (which was in part why Peter May made the suggestion that you get in touch with the District).

As to the forward progress of Francis Field, it was pretty much as we explained it to you when we met on May 27 ... that is, that DPR cannot go back before CFA until they have a permit from NPS for the use of the NPS land on Francis Field. (I've attached here the map NPS gave us showing the NPS portion of Francis Field in solid green, and the DPR portion with stripes.)

However, DPR has not yet made an official application from NPS for this permit. So here are the steps as we see them:

1. DPR must make an application for a permit for the use of NPS property on Francis Field.
2. NPS must issue the permit. (We copied you earlier today on the conditions FFF has asked NPS to include in any such permit.)
3. DPR must consult with the local community concerning a lighting plan for the field according to the CFA letter of January 29, 2009. (You were copied on this letter, but I've attached a copy here.)
4. DPR must return to CFA with an improved plan that is in accord with the other suggestions made in that January 29, 2009, letter.

As we mentioned to you at our May 27 meeting, if DPR returns to CFA with an architectural plan for Francis Field that includes stadium-style lighting, FFF will oppose it; and so will ANC-2A, which as you and your architects know, passed resolutions on December 17, 2008, and January 28, 2009, both of which unanimously opposed any architectural plan for Francis Field that contained stadium-style lighting. (A copy of the "longer and stronger" 2009 resolution is attached here, which explains the reasoning and testimony behind the 2008 resolution.)

Furthermore, as we also mentioned to you when we met recently, FFF will continue to oppose--before CFA and in the Superior Court of the District of Columbia if necessary--any architectural plan for Francis Field that is not in compliance with the 2006 *Comprehensive Plan for the District of Columbia*, which became law in February 2007 (and which, like field ownership issues, DPR ignored through the entire planning process). We believe there is ample evidence to prove that a field lighted for night play by out-

of-district sports leagues does not comply with that law, specifically, policies PROS-1.2.3, PROS-2.1.4, PROS-2.1.5, and PROS-2.2.1.

The deadline for application for the June 18 CFA meeting was yesterday.

The deadline for application for the July 16 CFA meeting is July 2.

There is no scheduled CFA meeting in August.

We stand ready to meet with DPR on the lighting matter. We would hope you and your architects would also attend that meeting and would urge its prompt scheduling. We believe it would be beneficial to all parties for DPR to meet the July 2 CFA application deadline.

Sincerely,

Gary Griffith
Secretary, Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037
202 659-4561

“(ii) approval of the Master Plan by the U.S. Commission of Fine Arts;”

Refutation

Vornado skirted CFA on its building and never contacted CFA about the Francis Field landscape plan.

There is not a single record of any communication *from* Vornado in the CFA file on the Francis Field case.

U.S. COMMISSION OF FINE ARTS
ESTABLISHED BY CONGRESS, MAY 1902

ANTHONY, J. 1979. *Journal of the American Water Resources Association* 15: 103-110.

29 January 1939

Dear Mr. Ray:

In its meeting of 22 January, the Commission of Fine Arts reviewed the master plan for improvements to Francis Field, located at 25th and N Streets, NW, as well as the concept design for Phase I of the improvements. The Commission approved the master plan and the concept design for Phase I with recommendations as described below.

The Commission members commented that the effect of the proposed improvements will be to create a green buffer surrounding an active playing field; they asked that more attention be given to the design of these areas as a neighborhood park. In particular, they recommended that the wider part of the north end be developed as a gathering space, perhaps by creating an open lawn ringed by trees and benches, and that the north end be fully integrated into the design of the site as part of the neighborhood park.

The Commission looks forward to seeing the further development of the design in the next submission, which should include a site lighting proposal prepared in consultation with affected parties such as the National Park Service and the local community. As always, the staff is available to assist you.

Sincerely,

Sincerely,

Thomas J. Luebke, AIA
Secretary

Clark E. Ray, Director
D.C. Department of Parks and Recreation
3149 16th Street, NW
Washington, DC 20010

cc: Jason Turner, D.C. Department of Parks and Recreation
Don Hoover, Oculla
Peter May, National Park Service
Gary Griffith, Friends of Francis Field
Richard B. Smith, Vornado/Charles E. Smith

U.S. COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
401 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

29 January 2009

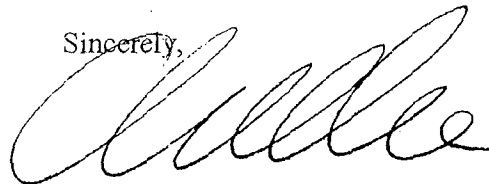
Dear Mr. Ray:

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The Commission looks forward to seeing the further development of the design in the next submission, which should include a site lighting proposal prepared in consultation with affected parties such as the National Park Service and the local community. As always, the staff is available to assist you.

Sincerely,



Thomas E. Luebke, AIA
Secretary

Clark E. Ray, Director
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3149 16th Street, NW
Washington, DC 20010

cc: Jason Turner, D.C. Department of Parks and Recreation
Don Hoover, Oculus
Peter May, National Park Service
Gary Griffith, Friends of Francis Field
Richard B. Smith, Vornado/Charles E. Smith

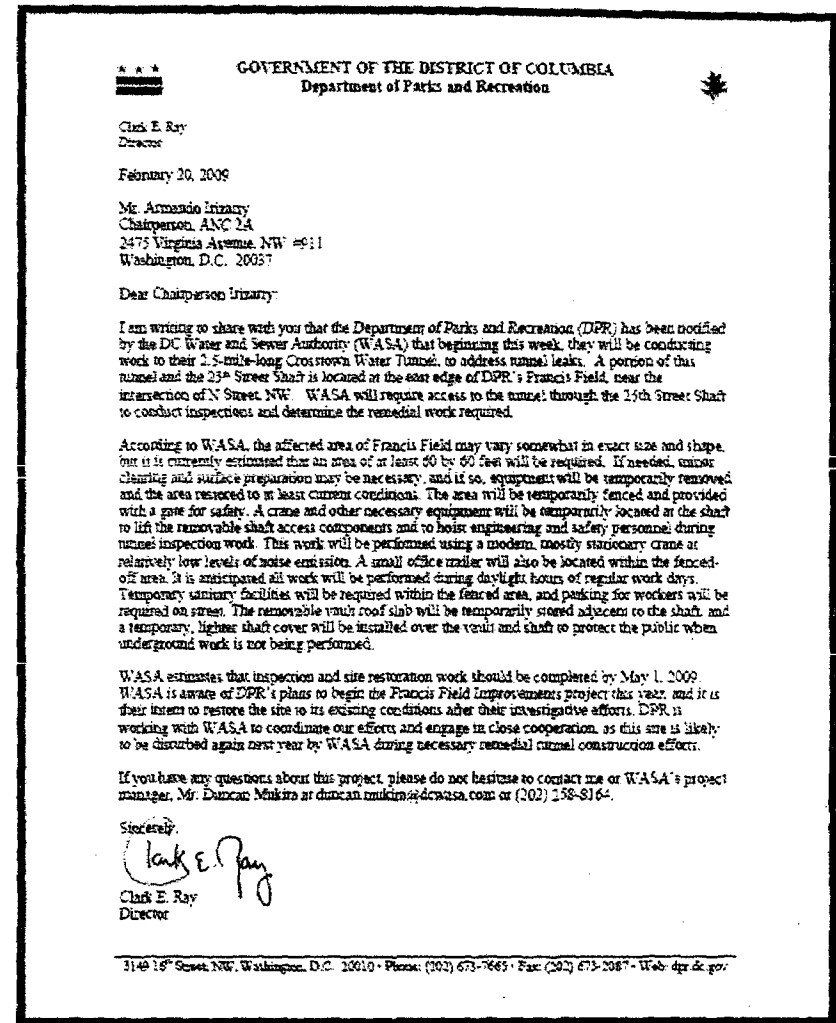
Rationale for Escrow

“(iii) completion of improvements under Francis Field by the DC Water and Sewer Authority;”

Refutation

“WASA estimates that inspection and site restoration work should be completed by May 1, 2009. WASA is aware of DPR’s plans to begin the Francis Field Improvements project this year”

--Clark Ray, DPR Director





GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Parks and Recreation



Clark E. Ray
Director

February 20, 2009

Mr. Gary Griffith
Secretary
Friends of Francis Field
2501 M Street, NW #609
Washington, DC 20037

Dear Mr. Griffith:

I am writing to share with you that the Department of Parks and Recreation (DPR) has been notified by the DC Water and Sewer Authority (WASA) that beginning this week, they will be conducting work to their 2.5-mile-long Crosstown Water Tunnel, to address tunnel leaks. A portion of this tunnel and the 25th Street Shaft is located at the east edge of DPR's Francis Field, near the intersection of N Street, NW. WASA will require access to the tunnel through the 25th Street Shaft to conduct inspections and determine the remedial work required.

According to WASA, the affected area of Francis Field may vary somewhat in exact size and shape, but it is currently estimated that an area of at least 60 by 60 feet will be required. If needed, minor clearing and surface preparation may be necessary, and if so, equipment will be temporarily removed and the area restored to at least current conditions. The area will be temporarily fenced and provided with a gate for safety. A crane and other necessary equipment will be temporarily located at the shaft to lift the removable shaft access components and to hoist engineering and safety personnel during tunnel inspection work. This work will be performed using a modern, mostly stationary crane at relatively low levels of noise emission. A small office trailer will also be located within the fenced-off area. It is anticipated all work will be performed during daylight hours of regular work days. Temporary sanitary facilities will be required within the fenced area, and parking for workers will be required on street. The removable vault roof slab will be temporarily stored adjacent to the shaft, and a temporary, lighter shaft cover will be installed over the vault and shaft to protect the public when underground work is not being performed.

WASA estimates that inspection and site restoration work should be completed by May 1, 2009. WASA is aware of DPR's plans to begin the Francis Field Improvements project this year, and it is their intent to restore the site to its existing conditions after their investigative efforts. DPR is working with WASA to coordinate our efforts and engage in close cooperation, as this site is likely to be disturbed again next year by WASA during necessary remedial tunnel construction efforts.

If you have any questions about this project, please do not hesitate to contact me or WASA's project manager, Mr. Duncan Mukira at duncan.mukira@dcwasa.com or (202) 258-8164.

Sincerely,

Clark E. Ray
Director



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

5000 OVERLOOK AVENUE, S. W., WASHINGTON, D. C. 20032

OFFICE OF THE GENERAL COUNSEL

TEL: 202-787-2240

FAX: 202-787-2254

November 4, 2009

Gary Griffith
Secretary
Friends of the Francis Field
2501 M Street, N.W., Suite 609
Washington, DC 20032

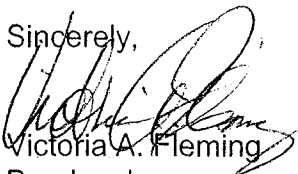
Re: Freedom of Information Act Request #09-09-05

Dear Mr. Griffith:

Please find the enclosed documents in response to your request under the Freedom of Information Act.

Should you have any questions, please feel free to contact me at (202) 787-2627 or Vfleming@DCWASA.com.

Sincerely,



Victoria A. Fleming
Paralegal

Enclosure

Phone message

202 787 2627



August 14, 2009

2409.6 The Zoning Administrator shall have the authority to approve minor modifications in the final plans as approved by the Commission. These modifications shall be limited to the following:

- (a) A change not to exceed two percent (2%) in the height, percentage of lot occupancy, or gross floor area of any building;
- (b) A change not to exceed two percent (2%) in the number of residential units, hotel rooms, institutional rooms, or gross floor area to be used for commercial or accessory uses;
- (c) A change not to exceed two percent (2%) in the number of parking or loading spaces; and
- (d) The relocation of any building within five feet (5 ft.) of its approved location, in order to retain flexibility of design, or for reasons of unforeseen subsoil conditions or adverse topography.

2409 IMPLEMENTATION

2409.1 Following approval of an application by the Commission, the application may file an application for a building permit with the proper authorities of the District of Columbia.

2409.2 The Zoning Administrator shall not approve a permit application unless the plans conform in all respects to the plans approved by the Commission, as those plans may have been modified by any guidelines, conditions, or standards that the Commission may have applied.

2409.3 The Zoning Administrator shall not approve a permit application unless the applicant has recorded a covenant in the land records of the District of Columbia between the owner or owners and the District of Columbia satisfactory to the Office of the Attorney General and the Zoning Administrator, which covenant will bind the owner and all successors in title to construct on and use the property only in accordance with the adopted orders, or amendments thereof, of the Commission.

2409.4 Following the recordation of the covenant, the PUD boundaries shall be designated on the Zoning Map.

2409.5 The orders of the Commission issued in accordance with this chapter shall have all the force of this title, and violations shall be prosecuted in accordance with the provisions of § 3201 of this title.

2409.6 The Zoning Administrator shall have the authority to approve minor modifications in the final plans as approved by the Commission. These modifications shall be limited to the following:

- (a) A change not to exceed two percent (2%) in the height, percentage of lot occupancy, or gross floor area of any building;
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- (c) A change not to exceed two percent (2%) in the number of parking or loading spaces; and
- (d) The relocation of any building within five feet (5 ft.) of its approved location, in order to retain flexibility of design, or for reasons of unforeseen subsoil conditions or adverse topography.

2409.7 In reviewing and approving any requested modifications, the Zoning Administrator shall determine that the proposed modification is consistent with the intent of Commission in approving the PUD.

2409.8 Following approval of any modifications under § 2409.6, the Zoning Administrator shall report to the Commission the modification approved under this section.

2409.9 Any modifications proposed to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission. The proposed modification shall meet the requirements for and be processed as a second-stage application, except for minor modifications and technical corrections as provided for in § 3030.

SOURCE: Final Rulemaking published at 42 DCR 6613, 6628 (December 1, 1995); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8519-20 (October 20, 2000).

FFF to DCRA ZA

May 7, 2009

“We expect this same applicant to apply for a certificate of occupancy for 1229-1231 25th Street in the near future.

“As a party in the zoning case relating to this property (ZC #06-35), our organization wants to make certain that no further errors by DCRA occur that improperly benefit this applicant.”

Friends of Francis Field
2301 M Street NW #209
Washington, DC 20037

May 7, 2009

Matthew LaGrant
DCRA Zoning Administrator
941 North Capitol Street NE
Washington, D.C. 20002

Re: Building Permit Issued "In Error" for Property at 1227-1231 25th Street NW, and Request that No Further Errors Occur in Issuing a Certificate of Occupancy Permit for Same Property.

Dear Mr. LaGrant:

We would like, 1) to call your attention to the fact that DCRA Building Permit No. 115948 was issued "in error" for the above-named property; and, 2) to assure that no future errors occur in the issuance of permits for this property, most specifically, a certificate of occupancy.

The developer of this property appeared before the U.S. Commission of Fine Arts (CFA) for preliminary review on June 15, 2006, but failed to return for final approval by CFA as required by law.

DCRA improperly issued a building permit on June 19, 2008, without the required authorization from CFA.

This error was called to the attention of DCRA Director Linda Argo in a letter of September 10, 2008, from the secretary of CFA.

Lennor Douglas, Division Chief for Permit Operation, DCRA, has explained to our organization and members of the press that the building permit was issued "in error."

We are in the process of examining the application and permit and are trying to determine how and why such an error occurred. The fee for this building permit was \$497,120--certainly a significant sum that should have merited more careful review.

We expect this same applicant to apply for a certificate of occupancy for 1229-1231 25th Street in the near future.

As a party in the zoning case relating to this property (ZC #06-35), our organization wants to make certain that no further errors by DCRA occur that improperly benefit this applicant.

Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037

May 7, 2009

Matthew LeGrant
DCRA Zoning Administrator
941 North Capitol St NE
Washington, D.C. 20002

**Re: Building Permit Issued "In Error" for Property at 1227-1231 25th Street NW,
and Request that No Further Errors Occur in Issuing a Certificate of Occupancy
Permit for Same Property.**

Dear Mr LeGrant:

We would like, 1) to call your attention to the fact that DCRA Building Permit No. 115948 was issued "in error" for the above-named property, and; 2) to assure that no future errors occur in the issuance of permits for this property, most specifically, a certificate of occupancy.

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Lennox Douglas, Division Chief for Permit Operation, DCRA, has explained to our organization and members of the press that this building permit was issued "in error."

We are in the process of examining the application and permit and are trying to determine how and why such an error occurred. The fee for this building permit was \$497,120-- certainly a significant sum that should have received more careful review.

We expect this same applicant to apply for a certificate of occupancy for 1229-1231 25th Street in the near future.

As a party in the zoning case relating to this property (ZC #06-35), our organization wants to make certain that no further errors by DCRA occur that improperly benefit this applicant.

Please be advised that the zoning order for this property states that no certificate of occupancy is to be issued until the amenities in the zoning order have been delivered. These amenities include a landscape plan for Francis Field, located on the west side of 25th Street NW, and the installation of landscape elements including mature trees, benches, a drinking fountain, and other items.

To date, none of these items have been delivered, nor has a landscape plan been approved.

Can you tell us how your office will proceed in determining that these elements have in fact been delivered before issuing the certificate of occupancy?

Our organization stands ready to answer any questions you might have about this matter.

Sincerely,

Gary Griffith

Secretary, Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037

email: gary.griffith@verizon.net

202 659-4561

Distribution: by email:

Lennox Douglas, Division Chief for Permit Operation, DCRA
Linda Argo, Director, DCRA
Esther Bushman, General Counsel, Office of Zoning
Armando Irizarry, Chair, Advisory Neighborhood Commission 2A
Rebecca Coder, Advisory Neighborhood Commission 2A
Thomas Luebke, Secretary, Commission of Fine Arts
Richard Smith, Vornado/Charles E. Smith
Tom Wilner, Attorney at Law, Shearman & Sterling, LLP
Patricia Wagner, Attorney at Law, Epstein, Baker & Green, PC

- Aug 10, 2009 Telephone call from DCRA ZA to FFF, stating he was considering issuing C of O. FFF objects, ZA suggests meeting. FFF supports such meeting.
- Aug 12, 2009 FFF email and letter to ZA asking for “opportunity to be heard.”
- Aug 12, 2009 Pillsbury Wintrop Shaw Pittman letter to ZA stating FFF should go to BZA if it wants to be heard.
- Aug 12, 2009 ANC-2A email to ZA in support of meeting.
- Aug 14, 2009 ZA email to FFF and ANC-2A, stating he is “working to get matter resolved,” and “will let you know as soon as possible the next steps.”

Friends of Francis Field

2501 M Street NW #609

Washington, DC 20037

August 12, 2009

Matthew LeGrant
DCRA Zoning Administrator
941 North Capitol St NE
Washington, D.C. 20002

Re: Certificate of Occupancy in Zoning Case ZC 06-35

Dear Mr LeGrant:

We appreciate your attention to the specifics of this case, in which--as we understand--the developer of property at 1229-1231 25th Street NW is asking you to issue a certificate of occupancy despite the fact that he has not complied with the zoning order, which specifically states that no certificate of occupancy be issued until the amenities in the case have been delivered.

As you know, we are a party in this zoning case. We negotiated the part of the amenity package that deals with Francis Field on 25th Street, a large portion of which is managed by the District Department of Parks and Recreation.

As we discussed by telephone yesterday, our organization enthusiastically supports your suggestion for a meeting involving your department, the Department of Parks and Recreation, our organization, and the applicant in the above referenced case. We would also suggest that Advisory Neighborhood Commission 2A be involved, as that ANC is also a party in the zoning case and helped to negotiate the zoning amenities.

Until such a meeting can be scheduled, we would like to reiterate the positions we stated in our telephone conversation, specifically:

1. In regard to Francis Field improvements, the zoning order requires that the applicant must first provide the labor and materials for a landscape plan for Francis Field, and then provide \$150,000 worth of actual improvements. The landscape plan and the cost of developing it are part of the applicant's required contribution, and must be provided in addition to the \$150,000 value of the improvements themselves.

2. The burden of proof, we believe, rests with the applicant to show that he has made an attempt to resolve this issue with the Department of Parks and Recreation before resorting to relief from DCRA. We are not aware of any effort by the applicant to move this matter forward since January 22, 2009. If documentation has been provided to DCRA in support of the applicant's contention that he has made recent attempts to

comply with the zoning order--rather than simply making a request to DCRA to circumvent it--we would appreciate seeing that evidence in order to be able to comment on it. If the applicant has not provided such documentation, we believe you should require it before making a ruling.

3. Before you decide this case, our organization requests the opportunity to be heard, and to present documents, evidence, and testimony. We have kept careful records of the developments in this case, and we believe our evidence may differ from that presented by the applicant.

Again, we appreciate your attention to this matter, and we stand ready to help resolve it in the most reasonable and beneficial way to all parties.

Sincerely,

Gary Griffith

Secretary, Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037

email: gary.griffith@verizon.net

202 659-4561

Distribution: by email:

Esther Bushman, General Counsel, Office of Zoning
Rebecca Coder, Advisory Neighborhood Commission 2A
Jack Evans, Council of the District of Columbia
Ximena Hartsock, Department of Parks and Recreation
Richard Smith, Vornado/Charles E. Smith
Tom Wilner, Attorney at Law, Shearman & Sterling, LLP
Patricia Wagner, Attorney at Law, Epstein, Baker & Green, PC



Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

David Avitabile
tel 202.663.9013
david.avitabile@pillsburylaw.com

August 12, 2009

Matthew LeGrant
Zoning Administrator
941 N. Capitol Street, N.E., 2nd Floor
Washington, DC 20002

Re: **Z.C. Order No. 06-35: Francis Field Improvements**

Dear Matt:

We've reviewed the correspondence sent by the Friends of Francis Field (FFF) with regard to the issuance of the Certificate of Occupancy for our proposed building, and we believe that it is important to address each issue raised by FFF. Before we do so, it is important to reiterate yet again that Vornado has no interest in skirting its promise under the PUD approved by the Zoning Commission in Order No. 06-35. Improvements to Francis Field are as important to our client as they are to FFF and anyone else—Francis Field is our “front yard” and Vornado has a strong interest in providing an aesthetically pleasing, community-oriented area for relaxation and recreation.

1. Substance of the Amenity.

FFF alleges that the amenity consists of a landscape design for Francis Field in addition to \$150,000 for improvements for the field. This is clearly contrary to the language of Condition 10(b), as well as the MOU between DPR and Vornado, which include the cost of the design as part of the \$150,000 promise. If FFF believes that the condition should be interpreted differently, it is their prerogative to appeal the issuance of the CO to the Board of Zoning Adjustment. FFF has no right, however, to an intermediate, ad hoc review of this issue under the Zoning Regulations or any other code requirement.

2. Vornado's Efforts with DPR.

As you are aware, Vornado has worked extensively with DPR to attempt to secure approval for a park design and to move forward with improvements. However, as we've discussed with you in the past, a series of events have thwarted

our efforts to actually construct the improvements prior to the issuance of a CO. These issues are entirely outside the control of Owner, and include (i) discussions with the National Park Service regarding jurisdiction over Francis Field; (ii) approval of the Master Plan by the U.S. Commission of Fine Arts; and (iii) completion of improvements under Francis Field by the DC Water and Sewer Authority. While we have discussed these issues with you in the past, we have provided you with a brief summary, attached as Exhibit A, for your records.

Given these issues, and based on the language in the PUD Order that emphasized provision of a "contribution" by the issuance of a CO, Vornado worked with DPR to come up with an alternative solution that would ensure the provision of the PUD amenity yet also permit Vornado to occupy its building. DPR agreed to permit Vornado to contribute the funds for the improvements into an escrow account as satisfaction of its promise, and Vornado has in fact made the required contribution. Importantly, this escrow account also permits Vornado to actually undertake construction of the improvements once the issues are resolved.

Vornado has made extensive efforts and exhausted all reasonable efforts to actually construct the improvements, but cannot be held responsible for the myriad issues that have arisen outside of its control, be they staffing changes within DPR, emergency utility work by WASA, or federal issues raised by NPS. And in any event, Vornado has satisfied the terms of the PUD condition, which required completion of a contribution before the issuance of a CO.

3. Further Discussions.

As noted above, we disagree that any further conversation is necessary or appropriate at this time. The facts are clear—Vornado was required to make a contribution of \$150,000 for design, labor, and improvements to Francis Field under the PUD Order, and it has done so. There is no mechanism in the Zoning Regulations or the Building Code that requires FFF receive an "opportunity to be heard" prior to the issuance of the CO though we note, of course, that you have provided FFF with such an opportunity. To the extent that FFF believes that the PUD Order requires something else, it is an issue for interpretation and resolution before the Board of Zoning Adjustment under the established appeals process, which provides adequate opportunity for parties to provide evidence and testimony.

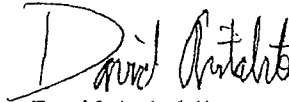
In the meanwhile, Vornado will continue to work with DPR and all interested stakeholders—including FFF—to resolve the remaining roadblocks and actually construct the improvements. We appreciate your consideration of these views.

August 12, 2009
Page 3

Sincerely yours,

A handwritten signature in black ink, appearing to be 'John Epting', written in a cursive style.

John Epting

A handwritten signature in black ink, appearing to be 'David Avitabile', written in a cursive style.

David Avitabile

cc: Richard Smith

Gary Griffith

From: LeGrant, Matt (DCRA) [matthew.legrant@dc.gov]
Sent: Friday, August 14, 2009 2:26 PM
To: Gary Griffith
Cc: Johnson, Leigh (DCOZ); Rebecca Coder
Subject: PUD 06-35 and Francis Field
Gary Griffith – Friends of Francis Field
Rebecca Coder –Advisory Neighborhood Commissioner - ANC 2A-02

Sorry for not responding earlier. I am reviewing the materials and communications submitted by you and the other parties with DCRA's administrative and legal staff. I working to get this matter resolved and will let you know as soon as possible the next steps.

Best Regards,

Matthew Le Grant
Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
941 North Capitol St NE Suite 2000
Washington, DC 20002
Phone: 202 442-4652
FAX: 202 442-4871
Email: matt.legrant@dc.gov

From: Gary Griffith [mailto:gary.griffith@verizon.net]
Sent: Friday, August 14, 2009 12:32 PM
To: LeGrant, Matt (DCRA)
Cc: Johnson, Leigh (DCOZ); Kimbel, Sherri (COUNCIL); rsmith@vnc.com; Bushman, Esther (DCOZ); Hartsock, Ximena (DCPS-OOC); Evans, Jack (COUNCIL); Frank Licari; April Harding; Gary Griffith; George J. Diliberto; Jane Wilner; Jim. O'Connell; Michael Thomas; Michele Wiltse; Pat Tith; Rebecca Coder; Tom Wilner; Trish Wagner
Subject: Note from Office of Zoning Concerning Francis Field Amenities

Matthew LeGrant
DCRA Zoning Administrator

Re: ZC 06-35

Mr. LeGrant:

We received yesterday a note from Leigh Johnson, the Compliance Review Program Manager for the Office of Zoning, that we believe we should bring to your attention.

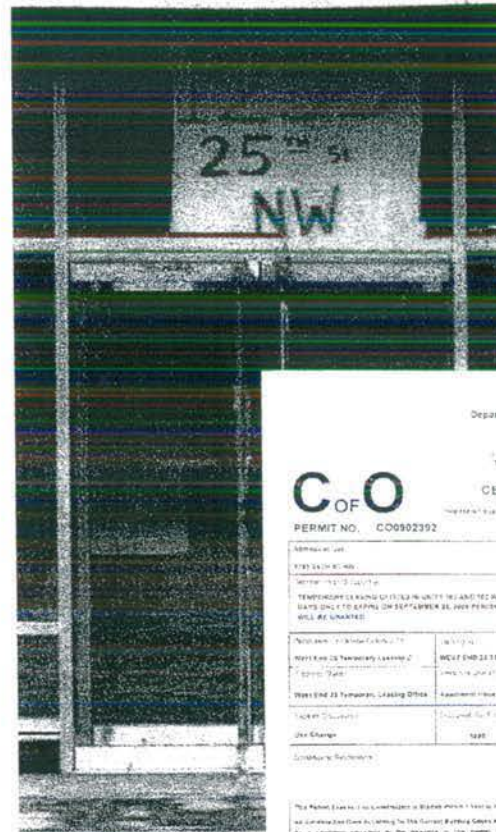
She wrote:

"I thought it might be helpful for you to know that the conditions in a ZC and Board of Zoning Adjustment (BZA) order can only be changed by the ZC or BZA, not by DCRA or DPR. In other words, any proposed change to Condition 10

Temporary Leasing Office
1255 25th Street NW

52 units on first two floors
1255 25th Street NW

32 units on third floor
1255 25th Street NW

[illegible]

or other laws that are enforced by the Department, the code official shall issue a certificate of occupancy that contains the following:

1. The building permit number (if applicable);
2. The address of the structure;
3. The name and address of the property or business owner, as applicable.
4. A description of that portion of the structure for which the certificate is issued;
5. The name of the code official;
6. The use and occupancy classification;
7. The design occupant load;
8. Any special stipulations and conditions of the building permit.

110.1.6 Exemption from Certificate. A Certificate of Occupancy shall not be required for any use exempted by 11 DCMR § 3203.

110.1.7 Posting of Certificate. All Certificates of Occupancy shall be conspicuously posted in or upon the premises to which they apply so that they are readily visible to anyone entering the premises, except sanctuary and nave areas of places of worship in Use Group A-3.

110.2 Application for Certificate. Application for a Certificate of Occupancy shall be made in accordance with Sections 110.2 through 110.2.3.4.

110.2.1 Application Procedure. All applications for Certificate of Occupancy shall be filed with the Department on the prescribed forms provided by the code official. The applicant shall pay the prescribed filing fee at the time of the application. If a property is located in a CM or M zone district, the “Standards of External Impact” application required by the *Zoning Regulations* shall also be submitted. Where field inspections are deemed necessary, the inspection process shall be in accordance with Sections 110.2.2 through 110.2.3.4 of the *Building Code*.

110.2.1.1 Building Permits. Applications for a certificate of occupancy, other than for a change of ownership with no proposed change in use, occupancy load or floor lay-out, will not be accepted unless a building permit application has previously been filed and granted, or the Department has determined that a permit application is not required. Where a new certificate of occupancy is required, a building permit must be secured even if no new construction is proposed.

110.2.1.2 Compliance with Conditions. If an application pertains to a structure or use authorized by an order of the Zoning Commission or Board of Zoning Adjustment and the permission granted in that order was made subject to conditions, the application shall include a copy of the order and a statement demonstrating compliance with all conditions that were to be satisfied prior to the issuance of a certificate of occupancy.

110.2.2 Inspections. Following the filing of a certificate of occupancy application,



August 18, 2009
“WestEnd 25” States “Move-In” on August 22.

September 4, 2009
FFF receives escrow via FOIA

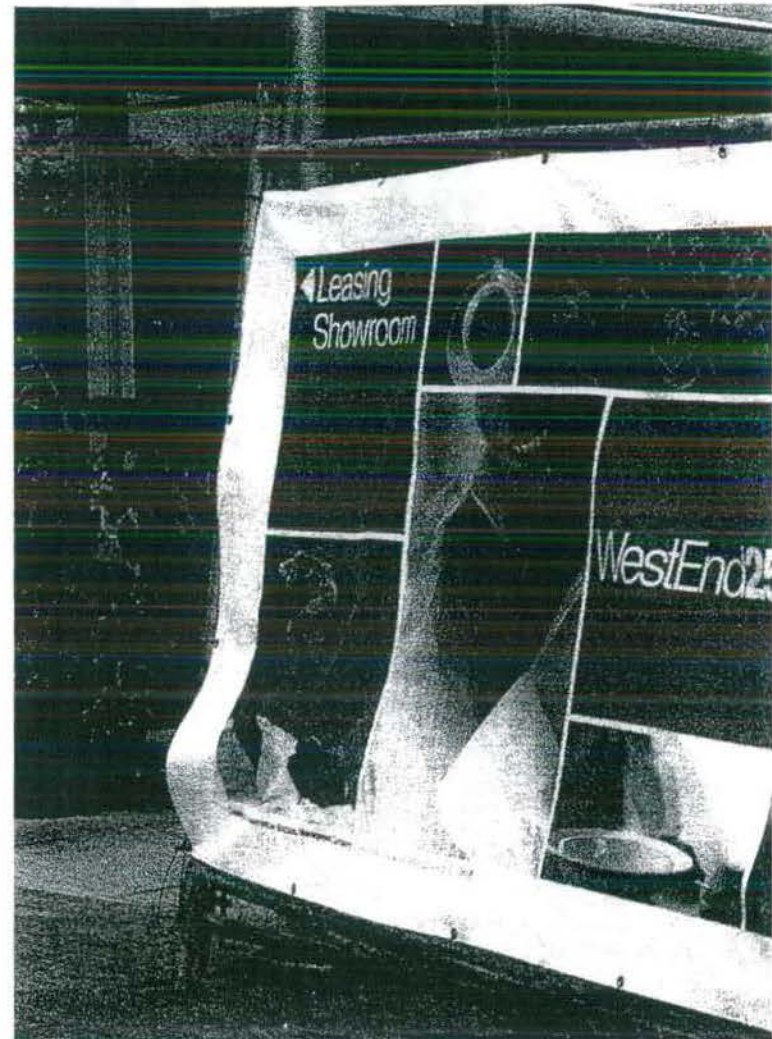
September 14, 2009
FFF finds C of O Certificates
and Change of Address Forms

Sept 15, 2009

FFF email to ZA

FFF informs ZA that three C of Os have been issued under a different address and sends photocopies by email to ZA.

“We would like to know if you approved these certificates We only confirmed the existence of these certificates yesterday when we obtained copies with some difficulty from DCRA.”



Gary Griffith

From: Gary Griffith [gary.griffith@verizon.net]
Sent: Tuesday, September 15, 2009 2:42 AM
To: matthew.leggrant@dc.gov
Cc: jackevans@dccouncil.us; SKimbel@DCCOUNCIL.US; esther.bushman@dc.gov; leigh.johnson@dc.gov; Frank Licari; April Harding; Gary Griffith; George J. Diliberto; Jane Wilner; Jim. O'Connell; Michael Thomas; Michele Wiltse; Pat Tith; Rebecca Coder; Tom Wilner; Trish Wagner
Subject: Important Question Regarding DCRA Certificates of Occupancy Issued in Apparent Violation of ZC 06-35 Order
Attachments: CO0902392.jpg; CO0903063.jpg; CO0903410.jpg; new1255.jpg

Matthew Le Grant
 DCRA Zoning Administrator

Re: PUD Zoning Case 06-35

Mr Le Grant--

Yesterday I obtained copies of three certificates of occupancy issued by DCRA for properties covered by the zoning order in ZC 06-35, a case with which you are familiar. I also obtained a copy of a letter from the DCRA Licensing & Permitting Division approving a change of existing address for the buildings at 1229-1231 25th Street NW--the buildings that are the subject of the above-mentioned zoning case--to a new address of 1255 25th Street NW.

The three certificates of occupancy were issued with the new address of 1225 25th Street NW.

We would like to know if you approved these certificates. DCRA staff would not allow me to see the applications for these permits. I have attached to this email photographic copies of these permits, as well as the change of existing address letter for the property. The certificate numbers, and their dates of issue are:

#CO0902392, dated 06/26/09, issued to "West End 25 Temporary Leasing Office" for part of the first floor at 1255 25th Street NW.

#CO0903063, dated 08/12/09, issued to Rh 1239-1231 25th Street LLC, for 52 units on the first and second floors, and 18 parking spaces at 1255 25th Street NW.

#CO0903410, dated 09/08/09, issued to Vno 1229-1231 25th Street LLC, for 32 units on the third floor at 1255 25th Street NW.

As you know, our organization is a party in this zoning case, and we made a request in early August to be heard--and to be given an opportunity to present documents, evidence and testimony--before any certificates of occupancy were issued for this building or buildings. We believe the zoning order states that no certificates of occupancy were to be issued for these properties until the amenities had been delivered, and we believe we can demonstrate conclusively that neither condition 10b nor condition 10c of the zoning order has been fulfilled with respect to the delivery of the amenities.

Under FOIA, we received on September 9, 2009, a copy an escrow agreement between the developer and the Department of Parks and Recreation. That agreement is in error in several places. We believe we can show, to take only one example, that the existing fence, and the required new fence, are not on DPR property, but on DDOT property. In addition, the zoning order, in Exhibits 27 and 31, requires streetscape improvements on both sides of 25th Street NW, which are certainly not under DPR's jurisdiction.

No streetscape improvements have been made on the west side of 25th Street. The existing chain link fence has not been removed. The new ornamental fence has not been erected. No improvements have been made to Francis Field. Yet the developer has received the full and complete zoning relief he sought. We continue to request the opportunity to prove to you the truth of our statements, to point out the errors in the escrow agreement we have only just received from DPR under the Freedom of Information Act, and to counter the arguments presented to you by the developer and his attorneys.

If these certificates were issued in error, perhaps as a result of the change of address, we believe DCRA should correct the errors.

If these certificates were issued with your approval and certification that the zoning order has been complied with, then we feel we must appeal your action to the BZA, and we have only until October 12, 2009, to do so, under the regulations as we understand them. (That is 60 days from the date of the administrative action that we would be appealing.) We were never notified of the issuance of these certificates, and you did not mention to us in our brief telephone conversations that you had already issued certificates of occupancy for these properties. We only confirmed the existence of these certificates yesterday when we obtained copies with some difficulty from DCRA.

Putting an even greater time pressure on our need for this information is the fact that our Advisory Neighborhood Commission 2A, which is also a party in the case, meets this Wednesday evening, September 16, its last meeting before the BZA filing deadline mentioned above. We will be asking ANC-2A to vote to file an appeal as well.

As you may remember, you wrote an email message to both myself and ANC-2A02 Commissioner Rebecca Coder on August 14 stating that you were reviewing materials and would let us know of the next steps. I have not heard back from you since then. Since that time, however, tenants have moved into the building, and DCRA has issued the third of the three certificates of occupancy.

Your providing us the answer to our question--Were these certificates issued with your approval?--would be appreciated so that we may understand the next steps that we must take.

We continue to be ready and available to work with all parties to implement the neighborhood benefits and amenities ordered by the zoning commission and agreed to by the developer in this case.

Sincerely,

Gary Griffith
Secretary, Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037
202 659-4561

Government of the District of Columbia
Foggy Bottom and West End
Advisory Neighborhood Commission 2A



c/o West End Library

1101 24th Street NW

Washington, DC 20037

September 16, 2009

Matthew LeGrant
Zoning Administrator
DC Department of Consumer and Regulatory Affairs
941 North Capitol Street NE
Washington, D.C. 20002

Re: Zoning Commission Case Number 06-35 (1227-1231 25th Street NW dba West End 25 at 1255 25th Street, NW)

Dear Mr. LeGrant:

At ANC 2A's regularly scheduled meeting on Wednesday, September 16, 2009, the commission examined Certificates of Occupancy issued by your Department for the property in the above-referenced zoning case, in which ANC-2A is a party. These are:

#CO0902392, dated 06/26/09,
#CO0903063, dated 08/12/09, and.
#CO0903410, dated 09/08/09.

The issuing of these certificates appears to be in violation of the order in that zoning case, which clearly states that no certificates of occupancy are to be issued for that property until the neighborhood amenities and benefits listed in the zoning order have been delivered.

At the September 16, 2009, meeting of Advisory Neighborhood Commission 2A, with a quorum present, the commissioners passed a resolution, presented in the form of this letter, to request you to not issue any further certificates of occupancy for this property until you or your department have explained to this Commission the means by which you have determined that conditions 10b and 10c of the zoning order have been complied with, as our records and our physical examination of the sites mentioned in the zoning order show no work completed.

As to condition 10b:

This condition requires the developer applicant to first provide 'a landscape plan for Francis Field ...,' and then install improvements valued at \$150,000. Exhibit 40 of the order specifies these improvements as "trees, park lighting, furniture, trash receptacles, and a drinking fountain."

Our records show that the landscape plan by the developer applicant's landscape architect, which was submitted to the Commission of Fine Arts on January 22, 2009, was not approved. Furthermore, we find no evidence and that the developer applicant or his landscape architect have taken any steps since then to move this approval forward, and have not yet replied to the directions of the Commission of Fine Arts, contained in a letter of January 29, 2009.

Visual inspection of Francis Field also shows none of the improvements to have been installed.

DRAFT

We became aware in late August of the existence of an escrow agreement between the developer applicant and the Department of Parks and Recreation (DPR). Although this Commission is a party in the zoning case to which this escrow agreement refers, we were never served with this document. Our initial request to obtain it from DPR was refused, and this Commission was only able to obtain it by the filing a Freedom of Information Request with DPR. We received the copy on September 9, 2009.

This agreement, dated June 18, 2009, is an attempt by the developer to satisfy condition 10b, by putting funds in escrow.

We believe this escrow agreement constitutes a change in both the conditions and intent of the zoning order, and needs to be submitted and approved by the Zoning Commission before it can be considered by DCRA.

Furthermore, the escrow agreement contains several errors of fact. Most importantly, it misreads both the zoning order in condition 10b, and is counter to the agreement reached between the developer, ANC-2A, DPR, and Friends of Francis Field, by putting a value on the labor and materials for the landscape design and subtracting this value from the \$150,000 that the order requires in actual field improvements.

In addition, this agreement also attempts to satisfy part of condition 10c by putting funds in escrow with DPR for the ornamental fence. We submit that the fences are not on land under DPR control, but rather are in public space under the management of the District Department of Transportation.

Finally, the intent and wording of the zoning order are that the amenities actually be delivered before any certificates of occupancy are issued.

As to condition 10c:

This condition requires "landscape and streetscape improvements to 25th Street NW ... the removal of the existing chain-link fence ... and replacement with an ornamental metal fence." Exhibit 27 of the order specifies "streetscape improvements along both sides of 25th Street, including sidewalk paving, planting strips, and the creation of tree boxes"

Visual inspection shows that the chain-link fence has not been removed, that the ornamental fence has not been installed, and that no streetscape improvements whatever have been made on the west side of 25th Street NW.

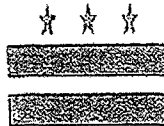
This Commission requests an explanation of the manner in which the DCRA Zoning Administrator has determined that the conditions of the zoning order, particularly 10b and 10c, have been satisfied by the developer applicant.

Sincerely,

Armando Irizarry
Chair, ANC 2A

Cc: Council Member Jack Evans
Jennifer Steingasser, Deputy Director, Office of Planning
Emily Yates, Ward 2 Coordinator, Office of Planning

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



September 17, 2009

**VIA PERSONAL SERVICE or
U.S. FIRST CLASS CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Vornado/Charles E. Smith
c/o 1229-1231 25th St, LLC
Suite 1000
2345 Crystal Drive
Arlington, VA 22202-4801

NOTICE TO REVOKE CERTIFICATE OF OCCUPANCY

This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that Certificate of Occupancy No. CO0903063 is revoked ten (10) days after service of this notice. This action is taken pursuant to District of Columbia Municipal Regulations ("DCMR") Title 11 § 3201.2, Title 12A § 110.5.3, and D.C. Official Code Title 6 § 641.10, which authorizes the Zoning Administrator, on behalf of the Mayor and his authority as delegated to DCRA's Director, to revoke a Certificate of Occupancy that has been issued in error.

Sept 17, 2009
ZA to Vornado
Notice to Revoke C of O

“DCRA did not
know, and you did
not disclose, that the
Certificate of
Occupancy would
not comply with
PUD No. 06-35.”

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



September 17, 2009

VIA PERSONAL SERVICE or
U.S. FIRST CLASS CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vornado/Charles E. Smith
c/o 1229-1231 25th St., LLC
Suite 1000
2345 Cressie Drive
Arlington, VA 22202-4801

NOTICE TO REVOKE CERTIFICATE OF OCCUPANCY

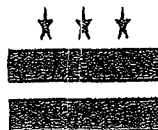
This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that Certificate of Occupancy No. CO0903063 is revoked ten (10) days after service of this notice. This action is taken pursuant to District of Columbia Municipal Regulations ("DCMR") Title 11 § 3201.2, Title 12A § 1105.3, and D.C. Official Code Title 6 § 641.10, which authorizes the Zoning Administrator, on behalf of the Mayor and his authority as delegated to DCRA's Director, to revoke a Certificate of Occupancy that has been issued in error.

On August 5, 2009, you submitted an application for the Certificate of Occupancy for use of the property located at 1235 25th St NW, (the "Property"). On August 17, 2009, the application was approved. The Certificate of Occupancy authorized occupancy of an "apartment building with 52 units on the first and second floors and 18 required parking spaces in the B-1 Level." However, the building is located on a Property which is subject to a Planning Unit Development (PUD) as approved by the Zoning Commission in Case No. 06-35. That PUD case referred to an address range of 1229-1231 25th St NW. Due to an address change for the building to 1235 25th St NW, DCRA did not know, and you did not disclose, that the Certificate of Occupancy would not comply with PUD No. 06-35. Therefore, the Certificate of Occupancy has been issued in error.

DCRA is revoking Certificate of Occupancy No. CO0903063. This revocation is effective ten (10) days after service of this notice.

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4576 Fax: (202) 442-4871

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



September 17, 2009

**VIA PERSONAL SERVICE or
U.S. FIRST CLASS CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Vornado/Charles E. Smith
c/o 1229-1231 25th St., LLC
Suite 1000
2345 Crystal Drive
Arlington, VA 22202-4801

NOTICE TO REVOKE CERTIFICATE OF OCCUPANCY

This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that Certificate of Occupancy No. CO0903063 is revoked ten (10) days after service of this notice. This action is taken pursuant to District of Columbia Municipal Regulations ("DCMR") Title 11 § 3201.2, Title 12A § 110.5.3, and D.C. Official Code Title 6 § 641.10, which authorizes the Zoning Administrator, on behalf of the Mayor and his authority as delegated to DCRA's Director, to revoke a Certificate of Occupancy that has been issued in error.

On August 5, 2009, you submitted an application for the Certificate of Occupancy for use of the property located at 1255 25th St NW, (the "Property"). On August 12, 2009, the application was approved. The Certificate of Occupancy authorized occupancy of an "apartment building with 52 units on the first and second floors and 18 required parking spaces in the B-1 Level." However, the building is located on a Property which is subject to a Planning Unit Development (PUD) as approved by the Zoning Commission in Case No. 06-35. That PUD case referred to an address range of 1229-1231 25th St NW. Due to an address change for the building to 1255 25th St NW, DCRA did not know, and you did not disclose, that the Certificate of Occupancy would not comply with PUD No. 06-35. Therefore, the Certificate of Occupancy has been issued in error.

DCRA is revoking Certificate of Occupancy No. CO0903063. This revocation is effective ten (10) days of service of this notice.

RIGHT TO APPEAL

You have the right to appeal the revocation of your Certificate of Occupancy. To appeal, you must file the appeal with the Board of Zoning Adjustment within 60 calendar days of this notice. Complete filing instructions may be found at 11 DCMR § 3112. Filing an appeal of this revocation does not automatically stay the execution of the revocation. Any questions about this Notice may be directed to the Office of the Zoning Administrator at (202) 442-4576.

Date: 9/17/09


Matthew LeGrant
Zoning Administrator

File: 1255 25th Street NW –CO903063 revocation (2)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



September 17, 2009

**VIA PERSONAL SERVICE or
U.S. FIRST CLASS CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Vornado/Charles E. Smith
c/o 1229-1231 25th St., LLC
Suite 1000
2345 Crystal Drive
Arlington, VA 22202-4801

NOTICE TO REVOKE CERTIFICATE OF OCCUPANCY

This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that Certificate of Occupancy No. CO0903410 is revoked ten (10) days after service of this notice. This action is taken pursuant to District of Columbia Municipal Regulations ("DCMR") Title 11 § 3201.2, Title 12A § 110.5.3, and D.C. Official Code Title 6 § 641.10, which authorizes the Zoning Administrator, on behalf of the Mayor and his authority as delegated to DCRA's Director, to revoke a Certificate of Occupancy that has been issued in error.

On September 4, 2009, you submitted an application for the Certificate of Occupancy for use of the property located at 1255 25th St NW, (the "Property"). On September 8, 2009, the application was approved. The Certificate of Occupancy authorized occupancy of an "apartment building -32 units on the third floor." However, the building is located on a Property which is subject to a Planning Unit Development (PUD) as approved by the Zoning Commission in Case No. 06-35. That PUD case referred to an address range of 1229-1231 25th St NW. Due to an address change for the building to 1255 25th St NW, DCRA did not know, and you did not disclose, that the Certificate of Occupancy would not comply with PUD No. 06-35. Therefore, the Certificate of Occupancy has been issued in error.

DCRA is revoking Certificate of Occupancy No. CO0903410. This revocation is effective ten (10) days of service of this notice.

RIGHT TO APPEAL

You have the right to appeal the revocation of your Certificate of Occupancy. To appeal, you must file the appeal with the Board of Zoning Adjustment within 60 calendar days of this notice. Complete filing instructions may be found at 11 DCMR § 3112. Filing an appeal of this revocation does not automatically stay the execution of the revocation.

Any questions about this Notice may be directed to the Office of the Zoning Administrator at (202) 442-4576.

Date: 9/17/09

Matthew Le Grant
Matthew Le Grant
Zoning Administrator

File: 1255 25th St NW – CO903410 revocation(2)

Sept 23, 2009 *Current Newspapers*
Mike Rupert, DCRA:

“There won’t be any
enforcement in this case.”

Sept 24, 2009
Mike Rupert, DCRA:

Do-Not-Enforce order was
issued by “DCRA Director
Linda K. Argo.”



THE FOGGY BOTTOM CURRENT

City tweaks license rules in Dupont

By JESSICA GOULD
Current Staff Writer

The D.C. Alcoholic Beverage Control Board has tweaked two Dupont Circle liquor-license moratoriums.

The decisions come after months of discussion within the Dupont community. Taken together, they speak to efforts by the neighborhood and the board to balance the desire for bustling commercial corridors with neighbors' calls for peace, order and quiet.

The East Dupont Circle Moratorium limits the number of liquor licenses from P to S streets along 17th Street. Although the prohibition has been in place for more than 18 years, it has been controversial, with proximate neighbors generally supporting it and business leaders often opposing it.

In April, the alcohol board voted to extend the moratorium for another three years, with the addition of one more restaurant license to be allowed within the moratorium zone. It also permitted expansion at two restaurants and encouraged the construction of summer gardens overlooking Stead Park.

Dupont commission chair Mike See **Licenses**/Page 10



Bill Petros/The Current
Sunday's Fiesta Musical at the National Zoo featured dancing and music from Latin America, including live performances by a Panamanian folk dance group.

Council boosts tax on blighted parcels

■ **Taxes:** Owners of all other vacant property get reduction

By ELIZABETH WIENER
Current Staff Writer

Owners of blighted property in the city are facing a whopping 10 percent property tax rate next year. But those who own vacant — but not blighted — buildings and land will now pay the same lower rate as owners of occupied property.

That complex compromise was hammered out by the D.C. Council yesterday as it took final action on a

massive budget support act that makes hundreds of legislative changes for the coming fiscal year.

The subject of vacant and nuisance properties has bedeviled legislators for years. They have tried various legislative and regulatory fixes to get unoccupied property back into productive use, and to push owners to repair the blighted and neglected buildings that dot many city neighborhoods.

But last year when the council, without a hearing, raised the tax rate on vacant property from \$5 to \$10 per \$100 of assessed value, mem- See **Vacant**/Page 27

Map snafu highlights water-supply worries

■ **Fire:** Report of 40-minute delay upsets council members

By ELIZABETH WIENER
Current Staff Writer

It took firefighters at least 40 minutes to find a hydrant with adequate water pressure to battle the blaze that destroyed Peggy Cooper Cafritz's home on Chain Bridge Road July 29. Fire officials testified last week that their maps were outdated and said they had to wait for a D.C. Water and Sewer Authority manager to arrive from home and direct them to a hydrant on MacArthur Boulevard.

The map problem, detailed at a D.C. Council hearing Wednesday, indicates that the D.C. Fire and Emergency Medical Services Department and the city's water agency still have coordination problems. Fires at the Georgetown Neighborhood Library and Avalon Cooperative in Adams Morgan a few years ago highlighted firefighters' difficulties in identifying working hydrants with adequate water flow.



Bill Petros/The Current
Highland Place residents report city didn't meet repair timetable.

In the wake of those fires, Chief Dennis Rubin testified Wednesday before the Public Works and the Environment Committee hearing, fire officials in 2007 asked the Water and Sewer Authority for its up-to-date maps of hydrants and water See **Hydrants**/Page 39

Francis plan advances amid zoning query

By CAROL BUCKLEY
Current Staff Writer

It was a roller coaster of a week for West End residents eager to see upgrades to their local park, the chain-link-fence-surrounded, hard-to-love Francis Field. In one day, neighbors claimed a zoning victory, only to learn that the park's contentious design had received a final stamp of approval — without additional community input.

The win came Thursday when zoning administrator Matt Le Grant yanked certificates of occupancy from a residential building on 25th Street, which bor-



Bill Petros/Current File Photo
Francis will get new field lights and other refurbishments.

ders the park along with Rock Creek Park and M and N streets.

Le Grant revoked the certificates after community group the Friends of Francis Field complained that the permits were issued in violation of the planned-unit development's zoning order.

In the planned-unit development process, developers gain some room to deviate from city regulations in exchange for neighborhood benefits. In this case, the 2007 order directed the developer to provide streetscape improvements to 25th Street and spruce up Francis Field with \$150,000 in ameni- See **Francis**/Page 46

NEWS

■ U Street celebrates Langston Hughes as part of legacy. Page 7.
■ Owner of landmark theater seeks partial demolition. Page 3.



EVENTS

■ Ford's Theatre play features African-rooted music. Page 36.
■ Corcoran Gallery of Art exhibits Sargent's sea scenes. Page 35.



PASSAGES

■ Greek women mount Herculean effort for annual festival. Page 19.
■ Local startup offers savings for going green. Page 19.



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Gary Griffith

From: Rupert, Michael (DCRA) [michael.rupert@dc.gov]
Sent: Friday, September 25, 2009 9:28 AM
To: Gary Griffith
Cc: Argo, Linda (DCRA)
Subject: RE: Request Concerning Press Statement relating to 1255 25th Street NW

Mr. Griffith,

Thank you for your email. Responses to your questions are below in bold red. Thank you again let me know if you need any additional information.

Mike Rupert

Communications Manager
 Office of Communications & Outreach
 Department of Consumer & Regulatory Affairs
 941 North Capitol Street, NE Suite 9500
 Washington, DC 20002
 Office: (202) 442-4513
 Mobile: (202) 257-5359
 Google Voice: (202) 527-9127
 Fax: (202) 442-9445
michael.rupert@dc.gov
www.dcra.dc.gov
 Twitter: @dcra



DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

From: Gary Griffith [mailto:gary.griffith@verizon.net]
Sent: Thursday, September 24, 2009 3:44 PM
To: Rupert, Michael (DCRA)
Cc: Argo, Linda (DCRA)
Subject: Request Concerning Press Statement relating to 1255 25th Street NW

Mike Rupert
 Communications Director
 DCRA

Mike--

As we discussed briefly by phone, my organization would like to confirm the accuracy a newspaper quotation attributed to you, and to obtain any documentation that is related to it.

The *Foggy Bottom Current*, with an issue date of yesterday, September 23, 2009, in a report concerning the revocation by DCRA of certificates of occupancy for a new building at 1255 25th Street NW, quotes you in at least three places. In one paragraph on page 46, the article says:

"But because the agency did not revoke the certificates due to health or safety violations, he [Mike Rupert] noted, residents of 1255 25th St. will be allowed to remain in their homes. 'There won't be enforcement in this case,' he said."

If I understood you correctly, the quotation is accurate in its sense and context, and reflects a decision reached by DCRA officials after holding a meeting concerning this matter on Monday, September 21, 2009.

* * *

This DCRA decision affects a zoning case (ZC 06-35) in which the Friends of Francis Field is a party. We need full and accurate information to provide to our members, and to guide the decisions we make in this case over the next few days and months.

Our basic questions are these:

1. Is there a specific DCRA official who was the author of this decision? **Yes. Department of Consumer and Regulatory Affairs Director Linda K. Argo.**
2. Does this decision have a time period or duration? **No, there is no time period or duration.**
3. Was there or is there a fuller explanation, press statement, policy paper, memo or prepared or written remarks? **No.**
4. Is there a fuller statement that you, as communications director, or that some other DCRA official could provide to us relating to participants in the decision and its context and conditions? **No.**
5. Anything you want to add concerning this matter? **No.**

We would also like to obtain any documentation that relates to or more fully states this decision, or communicates it to other members of the DC government, or to parties in the zoning case, including the owner of the building at 1255 25th Street, or his attorneys, agents, or representatives. **Every document we have related to this decision will be provided through your previous Freedom of Information Request on this same matter.**

* * *

We will file a FOIA request for this material if required, but all parties in the zoning case are trying to resolve this matter as quickly as possible, and full and accurate information is necessary to do that. I attended a meeting with Director Argo and others yesterday at the Wilson Building. I made a request to Director Argo at that time to be able to obtain more quickly the necessary information and documents we need from DCRA, and I believe I understood her to agree to that request.

Sincerely,

Gary Griffith
Secretary, Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037
202 659-4561

This is the C of O that DCRA exceeded its authority in issuing, as the conditions of the order in ZC 06-35 had not been complied with before the C of O was issued.

45

Department of Consumer and Regulatory Affairs

Permit Operations Division

941 North Capitol Street NE Room 2100

Washington DC 20002

Tel. (202) 442 - 4589 Fax (202) 442 - 4862

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557



CERTIFICATE OF OCCUPANCY

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL
WORK IS COMPLETED AND APPROVED

PERMIT NO. CO0903586

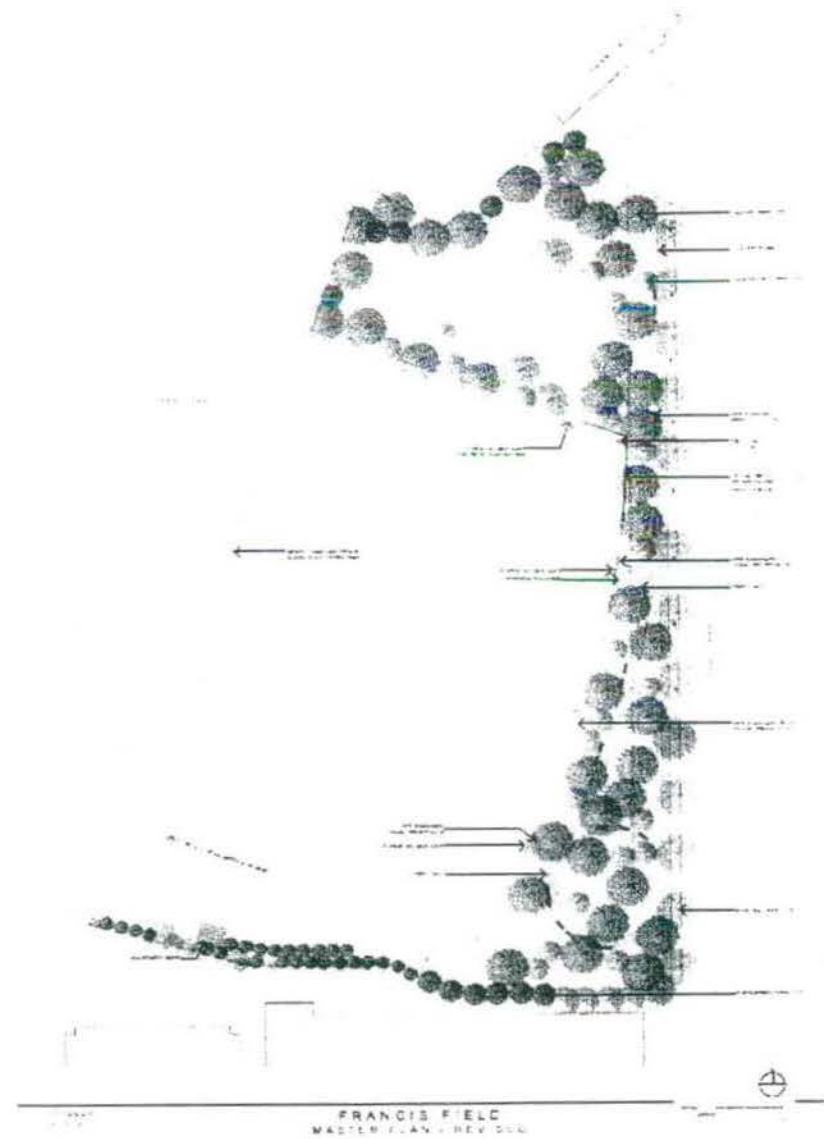
Date: 09/25/2009

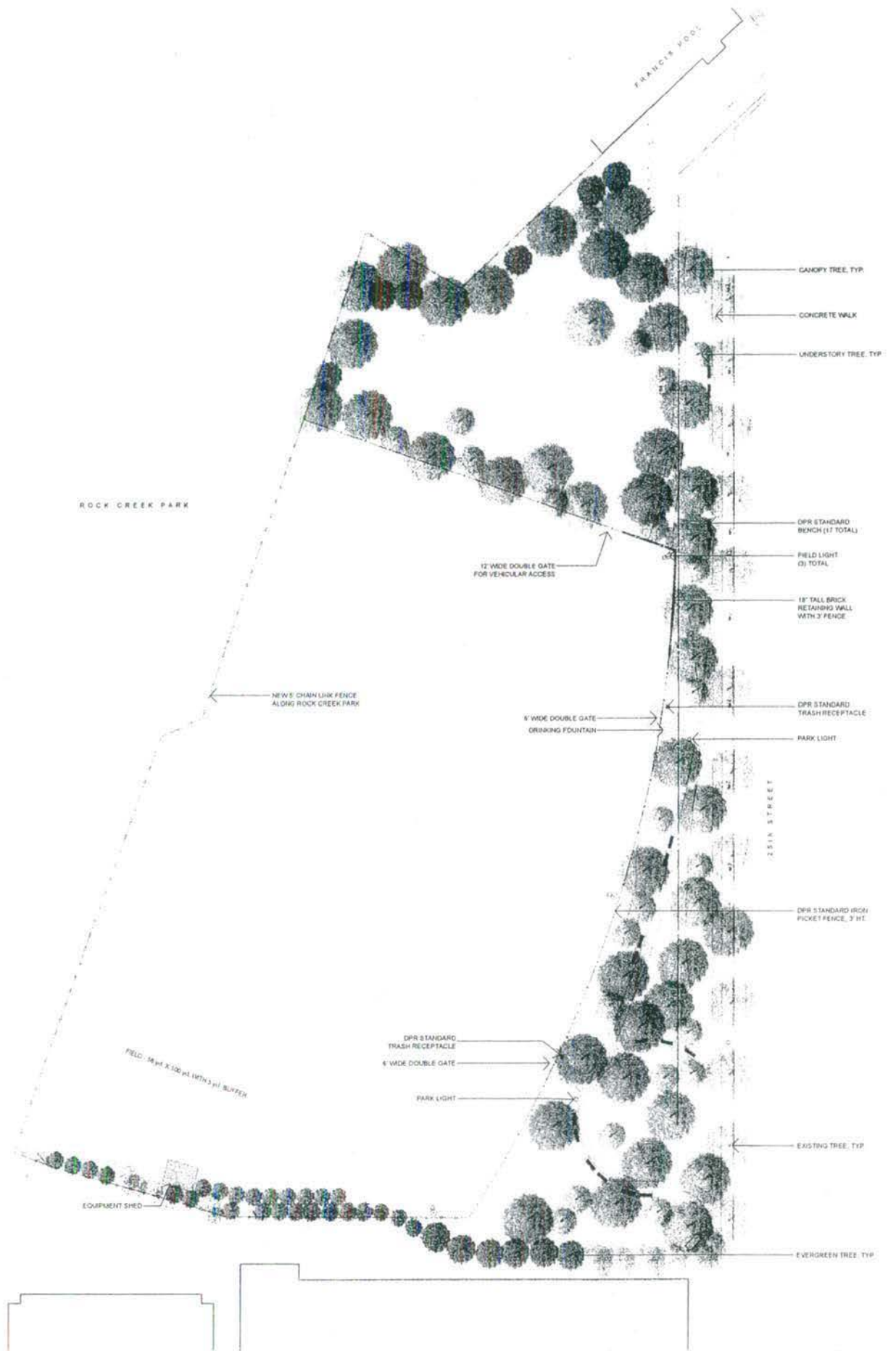
Address of Use:		Zipcode:	Zone:	Ward:	Square:	Suffix:	Lot:
1255 25TH ST NW			2	2	0024		
Description of Occupancy:							
PARTIAL OCCUPANCY CERTIFICATE FOR THE FOLLOWING FLOORS ONLY : B-1- 18 PARKING SPACES; FIRST FLOOR - 20 DWELLINGS; SECOND FLOOR - 32 DWELLINGS; THIRD FLOOR- 32 DWELLINGS; FOURTH FLOOR - 32 DWELLINGS; FOR A TOTAL OF 116 DWELLNG UNITS. SUBJECT TO PUD ORDER 06-35							
Permission Is Hereby Granted To:		Trading As:		Floor(s) Occupied	PERMIT FEE:		
1229-1231 25th Street, Llc				B-1, 1, 2, 3, 4	\$540.12		
Property Owner:		Previous Use(s):		Occupant Load:	BZA Number:		
Rh 1229-1231 25th Street Llc				116			
Type of Occupancy:	Occupied Sq. Footage:	Approved Use(1):		Approved Use(2):			
Partial Occupancy	127782	Apartment Houses - R-2					
Conditions/ Restrictions:							
This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.							
Director:		Permit Clerk		Expiration Date:			
Linda K. Argo		Lucretia Hackney		01/31/2011			
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Sept 22, 2009

Commission of Fine Arts
approves landscape plan for
Francis Field.

National Park Service
requires removal of present
stadium lights, and
maintenance of field
according to NPS standards.





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24 September 2009

Dear Dr. Hartsock:

At the beginning of its meeting on 17 September, the Commission of Fine Arts approved the design for the Francis Field Master Plan based on its review of the submission materials.

As always, the staff is available to assist you with future submissions.

Sincerely,

/s/Thomas E. Luebke, AIA
Secretary

Dr. Ximena Hartsock, Acting Director
Department of Parks and Recreation
Government of the District of Columbia
3149 16th Street, NW
Washington, DC 20010

cc: Bridget Stesney, D.C. Department of Parks and Recreation
Don Hoover, Oculus
Peter May, National Park Service
Gary Griffith, Friends of Francis Field
Richard B. Smith, Vornado/Charles E. Smith

Last Modified: September 25, 2009

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January 14, 2010