

April 1, 2014

D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street NW, Suite 210
Washington, DC 20001

**Re: Appeal No. 18735 & 18737: Appeal re: 2121 M Street NW ("Property")
Opposition of Owner/Intervenor to Request for Postponement**

Dear Members of the Board:

On behalf of Renaissance Centro LLC, the owner of the Property subject to the above-referenced appeal, we hereby oppose the Appellants' joint request to postpone the public hearing for over two months. (Pursuant to Section 3199.1, the owner of the Property is automatically a party to the Appeal.) Staff at the Office of Zoning proposed either April 8 or April 15 as potential hearing dates, and Renaissance Centro respectfully requests that the Board schedule the hearing for either date.

Appellants have failed to demonstrate good cause for such a long postponement. (Such good cause is required under Section 3117.2 of the Zoning Regulations.) Appellants—who jointly allege the same errors, jointly filed their prehearing statement, and otherwise appear to be jointly prosecuting this appeal—are collectively represented by no less than four experienced land use lawyers at major law firms that have signed on to the prehearing statement. Because the case has been fully briefed, surely one of those lawyers, or another colleague at one of their law firms, can make himself or herself available for April 8 or April 15.

Furthermore, such postponement would be prejudicial to our client and further extend the delay and harm generated by this borderline frivolous appeal. Among other impacts:

- Increased costs of construction (labor and materials) amounting to an estimated \$400,000 (bringing the total cost of increased construction costs from the filing of the appeal in January to over \$1 million);
- Expiration of the loan commitment for construction financing, exposing Renaissance Centro to the risk of increased interest rates and potentially losing financing altogether; and

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- Continued carrying costs on the undeveloped site (insurance, real estate taxes, general overhead).

For nearly a year, Renaissance Centro has diligently proceeded to secure permit approval and commence construction of the Project under the threat of this zoning appeal.¹ Renaissance Centro is entitled to a full, fair, and speedy resolution of the challenge at the Board's earliest available date.

Finally, as the parties bringing the appeal, Appellants have an obligation to diligently prosecute the matter. As we explained in our prehearing statement, Appellants have filed this appeal in an effort to delay or stop the construction of the Project, which will require Appellants to block a fraction of their at-risk windows along the west side of their building. Appellants should not be allowed to manipulate a scheduling change that was out of the control of all parties into further delay of the resolution of the appeal.

We look forward to defending the issuance of the Permit on either April 8 or April 15, 2014.

Sincerely,



David Avitabile

cc: ANC 2A
Pat Brown, Greenstein, Delorme & Luchs
Cynthia Giordano, Saul Ewing
John Postulka, DCRA

I, David Avitabile, hereby certify that a copy of this document and attachments was served by electronic mail on the above cc:s on April 1, 2014



David Avitabile

¹ NH Street Partners Holdings LLC first threatened the zoning appeal by letter in May 2013.