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September 7, 2006

BY HAND DELIVERY

Carol Mitten, Chairperson
D.C. Zoning Commission
441 4th Street, NW
Suite 210
Washington, DC 20001

Paul Tummonds
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**Re: Zoning Commission Case No. 05-23 – PUD and Zoning Map
Amendment - FF Realty, LLC (the “Applicant”)
Motion to Re-Open the Record and Request for Zoning Commission
Proposed Action at the September 11, 2006 Public Meeting**

Dear Chairman Mitten and Members of the Commission:

The record in this matter closed on August 28, 2006. On that same day, the Office of Planning (“OP”) filed its post-hearing report and recommended that the Commission leave the record open for an additional month to allow the Applicant the opportunity for a “more complete resolution of the Community Benefits and Amenities and Administration package”. The Applicant does not believe that postponing proposed action on this matter is necessary as it has identified an appropriate recipient of the funds that were initially proposed for Advisory Neighborhood Commission (“ANC”) 5C and the record in this case includes a complete and thorough community amenities package, as well as a means to monitor the use of those financial contributions. Accordingly, the Applicant now moves to re-open the record to afford it the opportunity to respond in opposition to OP’s recommendation for postponement of a decision in this case.

At the July 13, 2006, public hearing, the Applicant proposed that \$30,000 be dedicated to ANC 5C to “establish a fund for a Business Improvement District around the intersections of North Capitol and Florida Avenue and North Capitol and New York Avenue.” The Applicant also proposed that \$5,000 be dedicated to “community improvement projects” in ANC 5C05. The Zoning Commission questioned the ability of the ANC to accept financial contributions and it asked for more specificity as to the use of the financial contribution. Pursuant to these comments, the Applicant revised its proposal in a manner it hoped would be agreeable to the Commission, OP, ANC 5C, and other neighborhood civic organizations. The Applicant notes that ANC 5C did not present testimony at the public hearing and has not submitted any information into the record of this case.

**ZONING COMMISSION
District of Columbia**

CASE NO. 05-23

ZONING COMMISSION
District of Columbia
EXHIBIT NO. 38
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Chairman Mitten and Members of the Commission
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In revising the community amenities package, the Applicant's goal was to fund the same uses that were included in the community amenities package presented to ANC 5C on June 20, 2006, and to the Zoning Commission on July 13, 2006. The Applicant filed a final version of its Community Amenities Package and Procedure for Monitoring the Use of the Financial Contributions on August 25, 2006. The donations are largely identical, but include the specificity the Commission requested. Instead of providing money to ANC 5C, the Applicant proposed providing \$25,000 to the general account of North Capitol Main Street, Inc. ("NCMS") to assist with implementing work plans that will aid in the revitalization of a neighborhood business district on North Capitol Street between Rhode Island and New York Avenues, with initial emphasis being placed on the Eckington portion of North Capitol Street. It is the Applicant's understanding that the Board of NCMS includes representatives of the Bates, Eckington, Bloomingdale, and Edgewood neighborhoods.

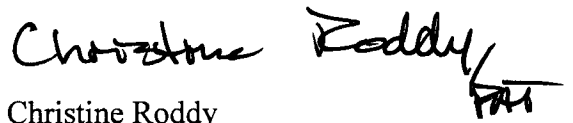
The Applicant believes that redirecting the funds to NCMS is consistent with the goals and objectives of the original contribution to ANC 5C and is consistent with the explicit directions that it received from the Zoning Commission. The Applicant does not believe that there is any benefit in delaying a decision on this case. In fact, a delay of one month is very problematic for the Applicant in regard to its contractual requirements to close on this property. The Applicant is ready to move forward with the development of this exciting project and does not want to see this project potentially jeopardized over the allocation of a small component of the total community amenities package.

Thank you for your consideration of this issue. The Applicant asks that the Commission take proposed action in this matter at its public meeting on September 11, 2006.

Sincerely yours,



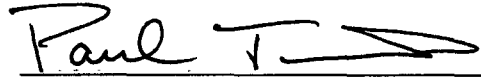
Paul Tummonds



Christine Roddy

CERTIFICATE OF SERVICE

I certify that the foregoing letter was hand delivered or sent by first class mail on September 7, 2006, to the following addresses:


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