



Pillsbury
Winthrop
Shaw
Pittman

2300 N Street NW
Washington, DC 20037-1122

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

September 20, 2007

VIA HAND DELIVERY

Carol J. Mitten
Chairperson, D.C. Zoning Commission
441 Fourth Street, N.W.
Second Floor
Washington, D.C. 20001

Phil Feola
Phone: 202.663.8789
phil.feola@pillsburylaw.com

Kate Myers
Phone: 202.663.8049
kate.myers@pillsburylaw.com

Re: **Broadcast Center One, Z.C. Case No. 07-07**
Request for Waiver of Posting

Dear Chairperson Mitten:

Broadcast Center Partners, LLC ("**Applicant**"), respectfully requests the Commission waive the property posting requirements of Section 3015.6(e) of the Zoning Regulations in the above-captioned case.

Requirements of Notice

Pursuant to the Zoning Regulations (Sections 3014 and 3015), at least forty days prior to a public hearing in a contested case, notice of that hearing is required: (1) to be published by the Commission in the D.C. Register, (2) posted in the Office of Zoning; (3) provided to the public library system; (4) sent to the appropriate ANC; and (5) the Commission is required to mail a copy of the notice to all property owners within 200 feet of the property, as well as the appropriate Advisory Neighborhood Commission. These requirements were accomplished in the above-captioned case.

In addition, the Applicant must give additional notice pursuant to §3015.6, at least forty days in advance of the hearing, by posting the property with a notice containing the following: (a) calendar number of the application; (b) nature of the application; (c) name of the applicant; (d) property involved; and (e) location, time, and *date of the public hearing* (emphasis added). The Applicant is required to photograph the initial posting (§3015.8) and maintain the posting (§3015.9).

Request for Waiver of §3015.6(e)

The Applicant posted the Property in a timely manner on August 7, 2007 with all of the required information listed above under §3015 (a) – (e). However, it mistakenly listed the wrong date for the public hearing. The posted signs stated the Public Hearing date to be "September 18, 2007," instead of the correct date of September 20, 2007.

RECEIVED
DC. OFFICE OF ZONING
2007 SEP 20 PM 1:56

ZONING COMMISSION
District of Columbia

CASE NO. 07-07

EXHIBIT NO. 35

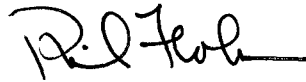
Chairperson Carol J. Mitten
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Page 2

Unaware of the error, the Applicant filed the requisite affidavit of posting with the Commission on August 8, 2007 and maintained the signs on August 14, 21, 28, September 4, 11, and 18. The Applicant was notified by the Commission staff on September 19, 2007 that the postings had the incorrect hearing date, at which time (September 19) the Applicant promptly corrected the date on the signs and documented the change (see Exhibit A).

The Applicant respectfully requests that the Commission waive the posting requirement under §3015.6(e) since the public had all the additional forms of notice regarding the hearing date as required by the Regulations and because the incorrect date on the signs on the property preceded the actual hearing date, and while this wrong date obviously inconvenienced members of the community for which the undersigned is deeply apologetic, the mistake does not preclude the public's participation in the hearing.

Thank you for your consideration.

Sincerely,



Phil Feola



Kate Myers

Attachments

cc: ANC 1B
Office of Planning

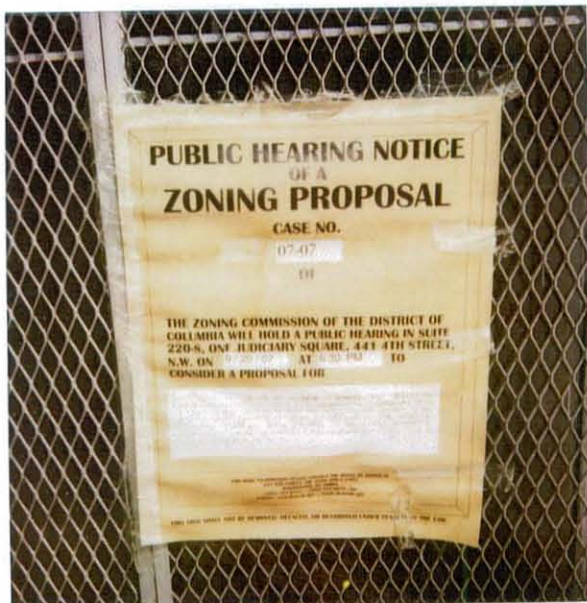
EXHIBIT A



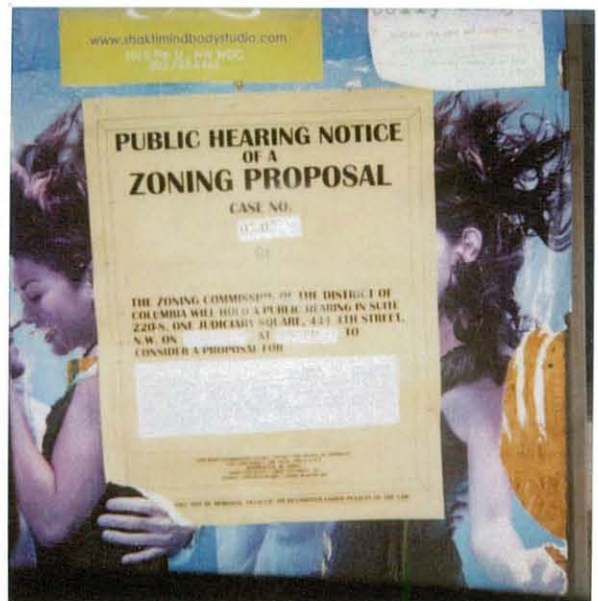
①⑥ 9/19/07 - #1



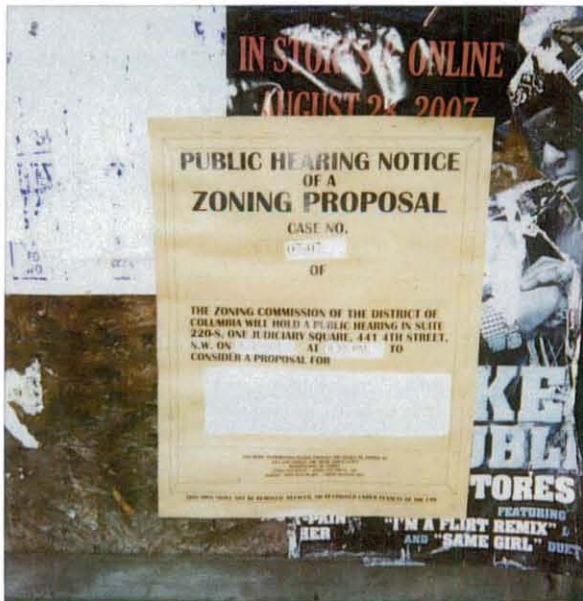
①⑦ 9/19/07 #2



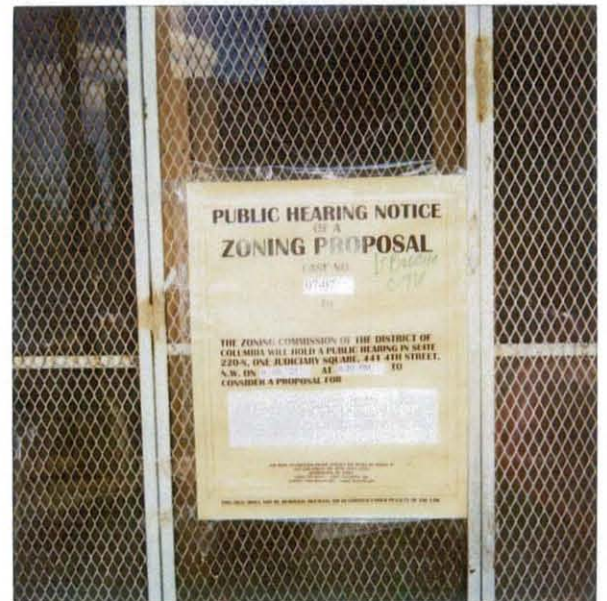
①⑧ 9/19/07 #3



①⑨ 9/19/07 #4



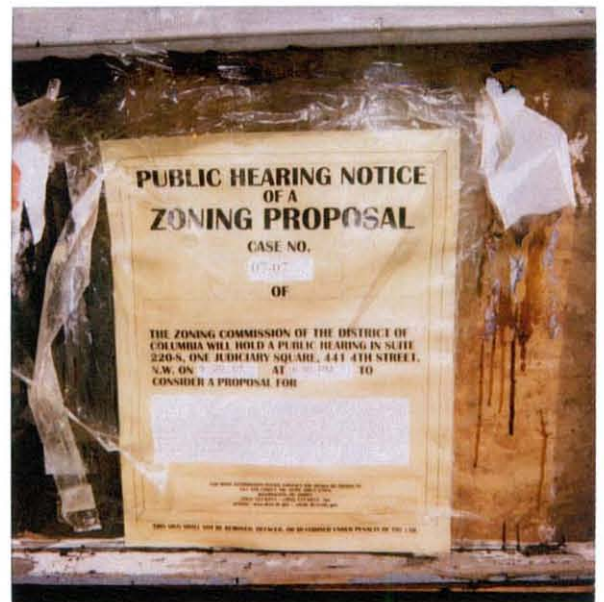
(20) a/19/07 #5



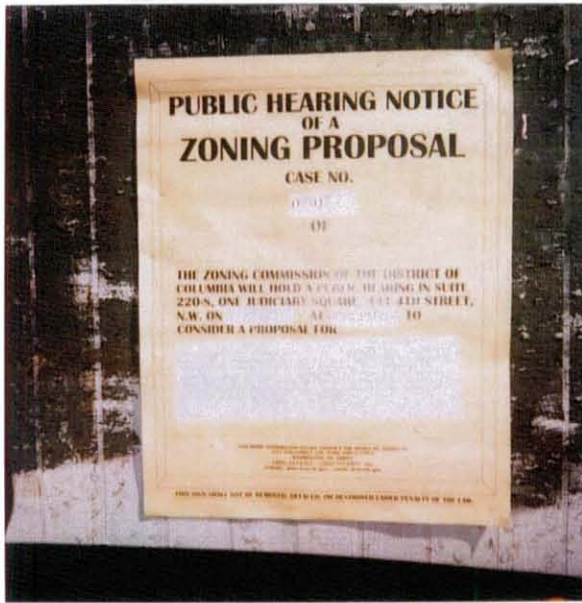
(21) a/19/07 #6



(22) a/19/07 #7



(23) a/19/07 #8



(24) 9/19/07 #9



(25) 9/19/07 #10



(26) 9/19/07 #11