

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Zoning Commission



February 26, 2009

Wayne Quin
Holland+Knight
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20008

**Re: Zoning Commission Case No. 08-13 – Marriott International (Consolidated PUD,
Related Map Amendment, and Air Rights)**

Dear Mr. Quin:

The Office of Zoning is in receipt of your February 23, 2009 response the East Central Civic Association's correspondence regarding the above-referenced case.

The Zoning Regulations are strict regarding the timeliness of submissions into case records. The record on this case was closed on November 24, 2008, except for specific items requested by the Commission. Your letter was received after the record closed. On February 23, 2009, the Commission decided not to reopen the file to receive your submission. Accordingly, we are returning your submission to you.

If you have any questions, please do not hesitate to call me at (202) 727-0340.

Sincerely,

A handwritten signature in black ink that reads "S. S. Schellin". The signature is fluid and cursive.

Sharon S. Schellin
Secretary to the Zoning Commission

Enclosure

ZONING COMMISSION
District of Columbia

CASE NO. 08-13
EXHIBIT NO. 63

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
(202) 727-6311 • (202) 727-6072 fax

E-Mail: zoning_info@dcoz.dcgov.org • Web Site: <http://www.dcoz.dcgov.org/>

ZONING COMMISSION
District of Columbia
CASE NO.08-13
EXHIBIT NO.63

Holland Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

February 23, 2009

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Wayne S. Quin
202 663 7274
whayne.quin@hklaw.com

BY FAX

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

ZONING COMMISSION
District of Columbia

CASE NO. 08-13
EXHIBIT NO. 63 (Fax)

Re: Zoning Commission Case No. 08-13
Convention Center Hotel
Letter from East Central Civic Association

Dear Members of the Commission:

We are in receipt of a copy of a letter, dated February 19, 2009, and received in the Office of Zoning on February 20, 2009, from the East Central Civic Association requesting that the Commission delay voting on the case until "ANC [2C] and the community can have the opportunity to weigh in on this project and be included in the community benefits." Neither Leroy Thorpe individually nor the East Central Civic Association as a group was a party to the case, the record in the case is closed and neither Mr. Thorpe nor the Association has standing to request that it be reopened. The Association's letter should be excluded from the record. To the extent that the Commission determines to receive the letter into the record, on behalf of the Applicant, we request that this letter in response also be received.

Neither Mr. Thorpe nor the Association has the right to assert a position on behalf of ANC 2C. The subject property is in ANC 2F and not in ANC 2C. Because property in ANC 2C is directly across the street (both 9th and L Streets), ANC 2C might have been entitled to "great weight" if it had submitted a written statement in accordance with the Commission's rules. ANC 2C did not submit such a statement. ANC 2C had notice of the hearing before the Commission through the DC Register, through posting of notice on the property and through its participation as a member of the Washington Convention Center Authority Advisory Committee. Further, a member of ANC 2C, Commissioner Alex Padro, attended the hearing on November 24, 2008, and addressed the Commission in both his roles as ANC Commissioner and Executive Director of Shaw Main Streets. Mr. Padro testified that ANC 2C had taken no position on the application or the project.

Even if it had been entitled to great weight, to have been a party under the Commission's rules, ANC 2C would have had to request that status, which it did not. (See 11 DCMR §3099.1, definition of a party, which includes "The Advisory Neighborhood Commission for the area within which the property that is the subject of the contested case is located").

With respect to the issues raised in the letter, the letter seems to be complaining about the internal communications within ANC 2C, as to what information was shared by whom. We note

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D.C. Zoning Commission
February 23, 2009
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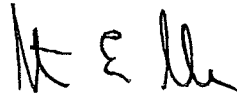
that Mr. Padro is one of the four commissioners on that ANC, but Mr. Thorpe is not a member of ANC 2C. There is no reason for the Zoning Commission to get into the internal processes of an ANC. We further note that the Applicant engaged in discussions with Mr. Padro at the specific suggestion of Commissioners at the public hearing held on November 24, 2008.

For all the above reasons, we believe that the case is appropriately before the Commission for a decision, that there is no need or requirement to reopen the record to allow for further input from ANC 2C and that the Commission should vote to grant final approval to the pending applications at the meeting to be held on February 23, 2009.

Sincerely,



Wayne S. Quin



Steven E. Sher
Director of Zoning and Land Use Services

cc: ANC 2F
Jennifer L. Steingasser, Office of Planning
ANC 2C
East Central Civic Association

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OFFICE OF PLANNING
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Holland Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

TO:

Sharon Schellin	D.C. Office of Zoning	202-727-6072
NAME	COMPANY/FIRM	FAX NUMBER
Washington	DC	202-727-0340
CITY	STATE	(TELEPHONE NUMBER)

FROM:

Steven E. Sher, Director of Zoning and Land Use Services	202-663-7278	3
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

FOR THE RECORD:

DATE: February 23, 2009	URGENCY: <input type="checkbox"/> SUPER RUSH	<input type="checkbox"/> RUSH <input type="checkbox"/> REGULAR
FAXED BY:	FILE #: 436205.01877	CLIENT NAME: Marriott
CONFIRMED: <input type="checkbox"/> YES <input type="checkbox"/> NO	NAME:	TIME:

If you did not receive all of the pages or find that they are illegible, please call 202 955 3000

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MESSAGE:

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