ARNOLD & PORTER

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Not Engaged in the Practice of Law.

July 13, 2001

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

2001 JUL 13 PM 3:17
GOVERNMENT OF D.C.
ZONING COMMISSION

Re: Representation - Board of Zoning Adjustment
Case No. 16696

Dear Members of the Board:

At the public hearing on Board of Zoning Adjustment ("BZA") Case No. 16696, Arnold & Porter will represent a group of six resident homeowners whose properties either abut or are near the Applicant's property. These neighbors have already filed for party status in opposition, and a copy of their request for party status is attached. As indicated therein, at the time of their request, they had not decided whether to retain legal counsel, but "respectfully request the right to name legal counsel . . . prior to the July 17, 2001 scheduled hearing on this application." As of a few days ago, the neighbors retained Arnold & Porter.

Our testimony in opposition will present facts, analysis and arguments showing that:

- The subject property does not have the necessary characteristics to qualify for either an area variance or a use variance;
- Development proposed under the requested variance would be contrary to the intent and integrity of the zoning regulations and map and would adversely affect the neighbors; and
- Information as to why the Zoning Administrator's interpretation of the zoning regulations in this case is correct.

We request that Mr. Gross be qualified as an expert in zoning and land use planning. His resume is attached. He has previously been qualified as an expert by the Board and the Zoning Commission.

BZA
Case No. 16696
Exhibit No. 57

Board of Zoning Adjustment
District of Columbia
CASE NO.16696
EXHIBIT NO.57

Sincerely,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross, AICP

Advisory Neighborhood Commission 2E
Craig G. and Ann Goodman, Applicants
Via Facsimile

District of Columbia
Board of Zoning Adjustment
Office of Zoning
441 4th Street NW
Suite 210-S
Washington, DC 20001

Re: Request for Appearance and Representation and to Participate as a Party in Opposition Before the Board in re Application of Craig and Ann Goodman, Application Number 16696, Application for A Variance.

Ladies and Gentleman:

We the undersigned are the five contiguous property owners to Ann and Craig Goodman. We would be directly affected by the proposed second story to the Goodmans' accessory garage for the purpose of a two bedroom apartment. We oppose the Goodmans' application for a variance for the variety of reasons set forth in our individual letters to the BZA. We fully support the ANC 2E's unanimous objection to the granting of this variance for the general public policy reasons outlined in the ANC's resolution of June 5, 2001.

We request party status before the Board of Zoning Adjustment in regard to this application to advise the BZA as to the individual impact such a structure would have on our particular properties which abut the Goodmans' property. If granted party status, we are willing to consolidate our testimonies before the BZA through one individual spokesperson or legal counsel who will speak on behalf of all of us. To date, we have not decided whether to retain legal counsel in this matter. We respectfully request the right to name legal counsel as the neighborhood's representative prior to the July 17, 2001 scheduled hearing on this application.

Respectfully Submitted,

Dr. Mary R. Carter, 1317 33rd St., NW
Mrs. Mary G. Sella, 1319 33rd St., NW
Dr. Madison Powers, 1321 33rd Street, NW
Mrs. Bea Van Roijan, 1323 33rd Street, NW
Mr. Thomas Vogt, 1352 O Street, NW
Mr. Robert Laycock, 1352 O Street, NW

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Nathan W. Gross, AICP, is a city planner and zoning and land use consultant at Arnold & Porter, where he has worked since 1997. In 26 years of prior service with the D.C. Office of Planning, he was responsible for all area rezonings and text amendments and supervised the staff that analyzed and testified on all Zoning Commission and Board of Zoning Adjustment cases. He was author and principal advocate of 13 adopted overlay zones, including the Downtown Development District, and a wide range of other rezonings and use regulations affecting subway station areas, transferable development rights, new commercial and residential zones and others. He was the city's staff person on the general updating of the zoning regulations on hotel development citywide in 1979 and on the Hotel-Residential (H-R) Incentive Zone in 1980.

At Arnold & Porter he has advised and represented clients in a wide variety of zoning and historic preservation matters in Downtown and various neighborhoods. His Downtown work includes numerous transferable development rights transactions from historic buildings, including the Gallup building and several historic churches; combined lot development covenants; preparation and representation of a text amendment fostering development of an apartment building at 915 E Street, N.W.; member of the Mather Building Study Team; member of the Advisory Committee on the Downtown Action Plan; testimony for clients (915 E Street and Yale Laundry) at the Historic Preservation Review Board and the Mayor's Agent for Historic Preservation; combined lot development covenants; and numerous site analyses and zoning opinions regarding specific properties.

Professional Affiliations

American Institute of Certified Planners (AICP)
American Planning Association
Urban Land Institute
Lambda Alpha International
D.C. Preservation League
Committee of 100 on the Federal City
Mayor's Blue Ribbon Committee on the Arts, 1987-88
Downtown Partnership – Task Forces on Arts District, Shopping District, 1988-90

Awards

American Planning Association – Downtown Development District, 1991
1989 Government Worker of the Year – Logan Circle Community Association
Mixed Use-Arts Overlay Zone, 14th and U Street Corridors
American Institute of Planners – Metrorail Station Area Plans, 1976

Education

Harvard University Graduate School of Design
Master in City and Regional Planning, 1971
Michigan State University
M.A., Political Science, 1965
Beloit College
B.A., Government, French, 1961