ARNOLD & PORTER

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July 16, 2001

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

Re: BZA Application No. 16696

Dear Members of the Board:

I am writing in response to Craig G. Goodman's (Applicant's) letter of today objecting to my representation of clients in opposition, especially because my letter indicating I was working with clients in opposition arrived July 13 rather than earlier. The following are responses to the timing question and other matters raised in Mr. Goodman's letter:

- The six households that I represent, three of them residing in abutting properties and others close by, filed as a group for party status in opposition to the application by letter submitted June 21, 2001, thereby exceeding the minimum 14-day filing requirement. The letter indicated that unified testimony would be provided in the interest of saving time at the public hearing, and indicated that legal counsel might be retained at any time up to the public hearing on July 17, 2001. Thus, the application for party status was a matter of public record, as was the intent to seek professional assistance. The fact that professional assistance might be retained is arguably a more important point than the identity of the professional.

- These abutting and adjacent owners are among the residents who are the most directly affected by the proposed variance and should be especially entitled to professional assistance if they feel they need it.

- As to these persons being qualified for party status, it is obvious that in this relatively congested block of primarily attached townhouses, the abutting and adjacent neighbors will clearly be affected by the proposed vertical addition to the garage in excess of the normally allowed height.

- Applicant asserts that the Office of Planning ("OP") report "amply covers" planning and zoning issues. However, city planners frequently analyze

BZA
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Exhibit No. 64

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EXHIBIT NO.64

issues from different perspectives and often testify for community groups, applicants and others, despite the existence in most cases of an OP report.

- Applicant seems to believe that I plan to testify on the Zoning Administrator's interpretation of the regulations. My testimony will focus on the three-part test for approval of a variance, but I will also comment on the interpretation of the regulations to a certain extent and need not be an attorney to do so.

I respectfully request that the Board allow me to participate in the case as requested in my letter of July 13, 2001.

Sincerely,
ARNOLD & PORTER

Nathan W. Gross, AICP

Cc: Applicant
Advisory Neighborhood Commission 2E