ShawPittman LLP
A Limited Liability Partnership Including Professional Corporations

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August 31, 2001

By Facsimile

Sheila Cross Reid
Chairperson
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210-S
Washington, DC 20001

Re: BZA Appeal No. 16716

Dear Ms. Reid and Members of the Board:

Sunrise Assisted Living, owner of the property which is the subject of the above referenced appeal, strongly objects to including in the record the latest filing by the Nebraska Neighborhood Association ("NANA"). Sunrise requests that NANA's filing be stricken from the record or, in the alternative, that the illustrative exhibit filed by Sunrise on August 28 (which is the subject of NANA's filing) be stricken from the record. This case is ready for decision. Specifically, Sunrise submits:

1. The record in this case was closed at the conclusion of the hearing, with the exception of specific, limited, information. All of that information was filed in the record by August 28, and the record was officially closed. Accordingly, the materials filed by NANA should be returned to them and not accepted into the record.

2 In its filing, NANA attempts to raise issues concerning what they perceive to be discrepancies between the illustrative penthouse exhibit filed by Sunrise on August 28 and the building permit plans which are the subject of the appeal. The exhibit filed by Sunrise was simply an illustrative detail of the elevator penthouse and was intended to be helpful. Since this illustrative exhibit is confusing to the appellant, then Sunrise requests that it be stricken from the record.

3. Sunrise stands by the permit plans which were reviewed and approved by the city, and the BZA's decision will be based on the 178 pages of permit drawings.

BZA
Case No. 16716
Exhibit No. 54

Board of Zoning Adjustment
District of Columbia
CASE NO.16716
EXHIBIT NO.54

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In summary, Sunrise requests that the Board make its decision based solely on the permit plans which accompanied the building permit which is the subject of the appeal. Sunrise is not requesting any changes to these permit drawings and believes that these drawings and the extensive expert testimony of record demonstrate that it is fully entitled to the building permit which was correctly reviewed, approved, and issued by the city.

Respectfully submitted,

SHAW PITTMAN

By _____
Maureen E. Dwyer

By _____
Allison C. Prince

By _____
Paul A. Tummonds

cc: All Parties

Document #: 1159093 v.1

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Please deliver to the following people in your organization

NAME	ORGANIZATION	PHONE #	FAX #
Jerrily Kress	Board of Zoning Adjustment		(202) 727-6072

TEXT:

Our response to NANA. (Please note that we were not even served a copy of their filing!)

If you do not receive all pages, please call 202.663.8613

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