Penn-Branch Citizens/Civic Association

September 20, 2001

D.C. Board of Zoning Adjustment
441 4th Street, NW Suite, Suite 210S
Washington, DC 20001

Att'n: Rick Nero

Re: BZA Case No. 16753—Applicant's Request for Postponement

Ladies and Gentlemen:

The Penn-Branch Citizens/Civic Association opposes Applicant SBA, Inc.'s request to postpone for one month the hearing in the above-captioned matter as untimely and unnecessary. The faxed request was received by the Board of Zoning Adjustment ("BZA") at 5:21 p.m. Wednesday, September 19, 2001. The hearing has long been scheduled for Thursday, September 20, 2001.

The Applicant states that it needs the postponement to respond to issues raised in the Office of Planning's report recommending denial of the application. The Applicant states its intent to "work with the Office of Planning to address these additional concerns."

Nothing in the BZA's rules or practice contemplates that an Applicant and the Office of Planning ("OP") must speak with a single voice. Moreover, the issues addressed in the OP report have been points of contention since this case was filed. It contains no surprises. The Applicant had adequate time to prepare for the possibility of an adverse OP recommendation on to points and to formulate a strategy for going forward should that eventuality come to pass.

In addition, the Applicant suggests that it is prejudiced because the OP report was filed less than seven days before the hearing. OP has requested that the Board waive the seven-day filing requirement. Applicant's counsel has extensive experience practicing before the board and is aware that OP and other government reports are often filed less than seven days before a hearing.

Finally, several members of the Penn-Branch, Hillcrest and Dupont Park communities received telephone calls last night from an employee of the Applicant (not its attorney) advising them that the hearing had been canceled. Since the BZA has not acted on the

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postponement request, these calls could have had no other purpose than to discourage the community's participation in the hearing. Such conduct, standing alone, is a sufficient basis to deny the request for postponement.

Sincerely,

Penn-Branch Citizens/Civic Association
By: An Officer of the Association

cc: Christine M. Shikler, Esq,.Holland and Knight
Thetus Boyd, ANC 7B07
Sallie Thornton, O Street
Alberta Paul

9/20/01

To: BZA

From Laura Richardson

attn: Rick Nero

3 pp.