Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

January 10, 2003

MS. JERRILY KRESS
Director
Zoning Commission
441 Fourth Street N.W. – Room 210
Washington, DC 20001

Re: Board of Zoning Adjustment Appeal No. 16950—West End Citizens Association (WECA) Appeal of DCRA and Zoning Administrator's Administrative Decision to Issue a Certificate of Occupancy for the Residential Property located at 1957 E Street NW(Square 122 Lot 29)/The George Washington University

Dear Ms. Kress:

Advisory Neighborhood Commission 2A (ANC-2A) requests that the rules be waived and, if necessary, the file be reopened, to allow the late submission of ANC-2A's notice that it will appear at the January 14, 2003 continuance of the above-titled hearing. Due to a continuing and excessive number of ANC issues, the ANC-2A was not able to file timely in this matter.

At a special meeting on December 29, 2002, ANC-2A unanimously approved that Commissioner Dorothy Miller, in whose SMD the George Washington University 1957 E Street property is now located, and Ms. Elizabeth Elliott, Chair of ANC-2A for the past two years, would represent ANC-2A in this matter. Ms. Elliott, in whose SMD the above-titled property was located prior to redistricting, has represented ANC-2A before the BZA and the Zoning Commission (ZC) for two years on this property. Ms. Elliott was Chair of ANC-2A when the BZA granted the ANC's original appeal in this case (BZA Case #16701), concluding that there was no provision for university use in the second-stage PUD Order No. 746 (and its extensions A and B), effectively vacating the building permit #434036 with its July 13, 2001 final written order.

Additionally, in September of this year, the Zoning Commission's final written order on this property in the GWU/AGC PUD modification Case, ZC Order No. 746-C, was challenged in the D.C. Court of Appeals by a petition for review, York Apartments Tenants Ass'n v. Zoning Commission, No. 02-11-1061. Although the ANC is precluded from participating in that litigation, at its regularly-scheduled monthly meeting on November 13, 2002, ANC-2A, with all seated Commissioners present, unanimously voted to support YATA's appeal in the D.C. Court of Appeals.

In closing, please note that the Home Rule Charter for the District gave ANC's the power to represent local residents in expressing community concerns before District agencies and decreed that the concerns expressed by the ANC be given "great weight" and that a written rationale be given should the agency take a position different from that of the ANC.

Sincerely,

Dorothy Miller

Dorothy Miller
Vice Chair/Commissioner ANC-2A05

cc: West End Citizens Association, c/o Barbara Kahlow
GWU, c/o Phil Feola, Esq., Shaw Pittman

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BZA
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Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO.16950
EXHIBIT NO.40