ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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D.C. OFFICE OF ZONING
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January 7, 2003

Mr. Geoffrey Griffis
Chairman
District of Columiba Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 410
Washington, DC 2001

Re: BZA Application No. 16966

Honorable Members of the Board:

On behalf of Chevy Chase, FSB ("**Chevy Chase**"), we respectfully request that the Board waive the 14-day time before which party status should be requested for the above-referenced case. We also submit herewith an application for party status on behalf of Chevy Chase Bank, FSB ("**Chevy Chase**"). Chevy Chase is the owner/landlord of the building located at 925 15th Street. A letter is attached authorizing Shaw Pittman to represent Chevy Chase in this matter before the Board. The Chevy Chase building is immediately adjacent to the properties which are the subject of BZA Case No. 16966 and in fact those properties back up to the Chevy Chase property. Therefore, approval of the rear yard setback variances and the rooftop structure setback exception would have a direct and significant adverse impact on Chevy Chase and its building's tenants.

To the knowledge of J. Page Lansdale, Group Vice President of Chevy Chase Bank, FSB, he did not receive notice of this BZA Application. While we can not state with certainty that notice was not sent, in an organization as large and diverse as Chevy Chase Bank, the notice did not go to the persons with responsibility for overseeing this property. Arthur Jackson of the Office of Planning informed tenants of the Chevy Chase Building of this BZA case. The tenants then notified Mr. Lansdale of the BZA case. We have attached a letter from the Chevy Chase Building tenants to Chevy Chase.

In light of the difficulty in receiving notice, and in light of the potential for significant adverse impact on the Chevy Chase Building and its tenants, we believe a waiver of one week from the required 14-day period filing requirement for party status. We therefore respectfully request this waiver as it is necessary to afford a full and fair hearing on this matter.

BZA
Case No. 16966
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16966
EXHIBIT NO.29

If you have any questions, please feel free to contact me directly at (202) 663-9062.

Sincerely,



Martin P. Sullivan

cc: J. Page Lansdale
Robert Royer, Esq.
Michael A. Cain, Esq.
Arthur Jackson, Office of Planning

Document #: 1297711 v.1

Form 140
(Revised 03/15/02)

Case No. 16966

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions. CLICK HERE.

NAME: Last	First	Middle I.
Chevy Chase Savings FSB		

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
7501 Wisconsin Avenue, 9th Floor		Bethesda,	MD	20814

Phone No.	Fax No.	E-Mail
See below counsel		

I, hereby request to appear and participate as a party. | Signature | Date

Will you appear as a(n) ☐ Proponent ☒ Opponent | Will you appear through legal counsel ☒ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

NAME: Last	First	Middle I.
Sullivan, Martin P.,	Shaw Pittman, LLP	

ADDRESS: Street	Ste. # (if any)	City	State	Zip Code
2300 N Street, N.W.,		Washington,	D.C.	20037

Phone No.	Fax No.	E-Mail
202.663.9062	202.663 8007	Martin.Sullivan@shawpittman.com

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

See attached

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

See attached

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

See attached

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

See attached

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

See attached

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

See attached

Attachment to Party Status Request/Chevy Chase

1. Chevy Chase Savings, FSB ("Chevy Chase") is the owner of the property and improvements located at 925 15th Street, N.W., Washington, D.C. ("**Chevy Chase Building**"). The properties which are the subject of BZA Case No. 16966 are immediately adjacent to the Chevy Chase Building. Approval of the variance of the rear yard setback requirement, and the special exception relief for the rooftop structure setback, will adversely affect the light and air of the Chevy Chase Building. More directly, the tenants of the Chevy Chase Building have expressed grave concern and have served notice to Chevy Chase Bank, the landlord, that, in its opinion, approval of this request of the BZA would significantly affect the value of their leasehold interest. If the BZA grants this variance, it may therefore have a substantial negative economic impact on Chevy Chase Bank.

2. Chevy Chase is the owner of the property immediately adjacent to the subject property.

3. See number 2 above.

4. Chevy Chase is being threatened with direct economic adverse impact, if the action requested of the Board is approved.

5. See all of the above.

6. The Chevy Chase Building is the only property which the BZA subject property backs up to. Therefore, the Chevy Chase Building is the property which will lose light and space due to the proposed decrease in the required rear yard setback. More importantly and more directly, Chevy Chase will be subject to a potentially significant loss of value to its property, as a result of the impact that an approval would have on the tenants of the Chevy Chase Building.

CHEVY CHASE BANK

Chevy Chase Bank
7501 Wisconsin Avenue
Bethesda, Maryland 20814

January 6, 2003

Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Case No. 16966; 1426-1430 K Street, N.W.

Honorable Members of the Board:

I am J. Page Lansdale, Group Vice President of Chevy Chase Bank, FSB, the owner of the property known as 925 15th Street, N.W., Washington, DC, 20005. This property is immediately adjacent to the above-referenced property, which is the subject of BZA Case No. 16966. This letter authorizes the law firm of Shaw Pittman to represent Chevy Chase Bank, FSB in all proceedings before the Board of Zoning Adjustment concerning the above-mentioned BZA case.

Sincerely,

J. Page Lansdale
Group Vice President

Cc: File

ROYER & BABYAK
ATTORNEYS AT LAW

925 15th STREET, NORTHWEST
FIFTH FLOOR
MCPHERSON SQUARE
WASHINGTON, DISTRICT OF COLUMBIA 20005

TELEPHONE
202.296-0784

AUTOMATIC
TELECOPIER
202.293.2768

December 30, 2002

Richard Kizer
Chevy Chase Bank
7501 Wisconsin Ave
9th Floor - Corporate Facilities
Bethesda, MD 20814
United States of America

Via Federal Express

Re: Board of Zoning Adjustment (BZA) Application No. 16966

Dear Richard:

We the undersigned are writing to express our collective objections to the proposed variances embodied in Board of Zoning Adjustment (BZA) Application No. 16966.

As you know, we, the undersigned tenants of 925 15th Street, all have long-term leases which extend past the next eight years and, in some cases, with lengthy extensions beyond that time. All of us negotiated our current leases with Chevy Chase Bank with a number of important factors and considerations. Not the least of these was, and continues to be, the light afforded to our spaces *via* the "light shaft" located among and between the buildings in what is known as "Presbyterian Alley."

The design increase in not only the "footprint" but also the height of the proposed new structure contemplated for 1426-1430 K Street, NW, would materially affect the light coming into our space. This is especially true of the lower floors, which already are affected by the current "footprint" and height of the existing buildings. While all of us knew that, at some point, these two structures would be replaced during our tenancy, none of us had reason to believe the existing "footprint" or height of any "new" building would be changed in the slightest. Should this change take place, it would have a dramatic impact on our space and ergo our leases – the value of our space will have been significantly and materially altered so as to reduce the value of our collective space and, hence, our leases.

ROYER & BABYAK

Again, we wish to emphasize our strenuous objections to all the proposed variances being sought by NEST and Totah Venture, LLC in Board of Zoning Adjustment (BZA) Application No. 16966. Further, we hope Chevy Chase Bank is successful in thwarting this encroachment into the enjoyment of our space.

Please keep us advised of any changes, meetings, alternatives, negotiations and/or discussions that might occur or be held in the future relating to Application No. 16966. We are aware negotiations might occur between the parties and request that either all lease-holding tenants of 925 15th Street, or a representative group thereof, be allowed a seat at the table. If you have any questions, please feel free to contact any of the signatories listed below. Thank you for your efforts on our behalf with regard to this matter.

Respectfully submitted,

BY: Robert S. Royer
FOR: Royer & Babyak

BY:
FOR: Kotler Marketing Group

BY:
FOR: Travel Documents Systems, Inc.

BY: William D. Moll
FOR: Drug Policy Alliance

cc: Arthur F. Jackson
Office of the Director
Office of Planning
Government of the District of Columbia
801 North Capitol Street, Northeast
Suite 4000
City of Washington, District of Columbia 20002

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

MARTIN P. SULLIVAN
202-663-9062
martin.sullivan@shawpittman.com

January 3, 2003

By Fax and E-mail

Mr. Arthur Jackson
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20001

Re: BZA Application No. 16966

Dear Mr. Jackson:

We represent the owner of the property located at 925 15th Street, N.W. This property is adjacent to the property located at 1426 – 1430 K Street, N.W. (Square 218, Lot 808 and 823), currently the subject of the above-referenced BZA application for two area variances and a special exception. On behalf of our client, we are writing to indicate our client's opposition to this application which, if approved, will have an adverse effect on its property and, more importantly, on tenants in its building.

We would appreciate any additional information that you could provide us. Please call me at your earliest convenience to discuss further. Thank you.

Sincerely,

Martin P. Sullivan

cc: Robert Royer, Esq.
Page Lansdale

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