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D.C. JUN 2 PM 4:59

June 2, 2003

VIA COURIER

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment of the District of Columbia
441 4th Street, NW
Washington, DC 20001

Re: Special Exception Application Number 16991
1700 Rhode Island Avenue, NE

Dear Mr. Griffis:

Enclosed please find an affidavit signed by me that seeks to explain to the Board the status of the position of Single Member District 04 of ANC 5B regarding the referenced matter.

In short, the SMD took a position to support the proposed minor modification at a meeting held Saturday, May 24, 2003. The letter stating the support of the SMD is attached to the affidavit. Unfortunately, it appears that the SMD representative has not signed or filed the letter with the Board. We respectfully request that the Board accept this affidavit in lieu of a signed letter.

I will attend the work session of the Board tomorrow and will be available to answer any questions at that time. This matter is extremely time-sensitive for the applicant, the Office of Chief Technology Officer. We look forward to your consideration of this request.

Respectfully submitted

Edward L. Donohue

Encl.

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BZA
Case No. 16991
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 16991
EXHIBIT NO. 39

AFFIDAVIT OF EDWARD L. DONOHUE

County of District of Columbia

State of Washington, DC

I, Edward L. Donohue, the undersigned, being first duly sworn, do hereby depose and certify as follows:

1. I am more than 18 years of age and am otherwise competent to make this affidavit.
2. I represent DC OCTO in connection with Special Exception Case No. 16991. In that capacity, I was present when the Advisory Neighborhood Commission 5B ("ANC") voted, unanimously to support the referenced application on March 6, 2003.
3. On May 24, 2003, together with representatives of DC OCTO and the Metropolitan Police Department, I presented the proposed Minor Modification of SE No. 16991 to the Single Member District (SMD 04) representative for ANC 5B. At that meeting the SMD voted to support the request for minor modification.
4. The letter attached as Exhibit A is a copy of the letter that SMD Representative Rayseen Woodland gave to me. My understanding from speaking with Ms. Woodland is that she would sign the letter and forward it to the Board of Zoning Adjustment.

5. I have direct, personal knowledge of the information provided herein, as well as the Application for Minor Modification to Special Exception No. 16991.

Edward L. Donohue
Outside Counsel for DC OCTO,

SUBSCRIBED AND SWORN to before me this 2nd day of June, 2003.

My commission expires: Gina H. Shin Notary Public District of Columbia 5/31/2004

Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 5B04

1024 Girard Street, NE
Washington, DC 20017

Phone: (202) 529-0525 · Fax (202) 529-0525
Http://www.ray-woodland.com/anc5bsmd04

May 27, 2003

VIA COURIER

Mr. Geoffrey Griffis, Chairman
DC Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

Re: Special Exception Application Number 16991
DC OCTO/ 1700 Rhode Island Avenue, NE
Support for Minor Modification

Dear Mr. Chairman:

This letter is to advise the Board of Zoning Adjustment that Single Member District 04 of ANC 5B supports the request for minor modification as requested by the Office of Chief Technology Officer (OCTO). Specifically, we support OCTO's request to add a shelter to accommodate the equipment as shown on the revised plans.

ANC 5B voted, unanimously, to support the initial request. By letter dated March 9, 2003, the ANC notified the Board of this action, which was taken at the ANC5B meeting on March 6, 2003.

The next meeting of the ANC5B is not scheduled to occur until June 5th. Due to current problems that exist within the commission of ANC5B, there is a possibility that the next public meeting for the community may not have an established quorum to vote.

On Saturday, May 24th, ANC5B04 convened a community meeting. Representatives of OCTO and the Metropolitan Police Department briefed the SMD04 on the request and answered questions. Given the minor nature of the changes and the urgency of the timing, we ask that the BZA accept this letter as the position of this commissioner on behalf of the affected Single Member District.

Sincerely,

Rayseen Woodland,
Commissioner

Encl.