GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CORPORATION COUNSEL

Commercial Division



D.C. OFFICE OF ZONING
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January 12, 2004

Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: BZA Application No. 17110 – Millennium Arts Center, Inc. – 65 Eye Street, S.W.

Dear Mr. Griffis:

This Office represents the District of Columbia with respect to the ownership and management of the subject property which is titled in the District of Columbia.

The purpose of this letter is to clarify the District's letter of authorization dated October 24, 2003, incorporated into the application filed by the Millennium Arts Center, Inc. ("MAC") on November 13, 2003. That letter was intended merely to permit MAC to file an application for a zoning variance which it was required to obtain pursuant to a February 2000 lease between it and the District of Columbia Public Schools. Because only the owner of the property is permitted to apply for a zoning variance, the Office of Property Management agreed to authorize MAC to act on behalf of the owner in applying for the variance.

That authorization should not, however, be construed as permitting MAC to make any representations on behalf of the District as to whether the inability of the lessee to use the premises for its intended purposes results in "exceptional and undue hardship upon the owner" of the property – the District of Columbia – within the meaning of D.C. Official Code § 6-641.07(g)(3) (2001). In fact, there is no hardship whatsoever to the District, as owner of the property, as a result of the property's current zoning.

I trust the foregoing will be helpful in clarifying to the Board of Zoning Adjustment the position of the owner of the property. Should you have any questions, please contact the undersigned.

Sincerely,

ROBERT J. SPAGNOLETTI
Corporation Counsel

Emily K. Morris

By: EMILY K. MORRIS
Assistant Corporation Counsel

cc: Cynthia Giordano, Esq.
Millennium Arts Center, Inc.

BZA
Case No. 17110
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17110
EXHIBIT NO. 23