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2005 JUN 31 AM 8:45

June 30, 2005

Geoff Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Washington, D.C. 20001

Re: Application No. 17304
Office Building at Benning Road Metrorail Station

Dear Mr. Chairman and Members of the Board:

This is to request an additional continuance in the above-referenced matter until after the BZA August recess for the purpose of conducting additional community outreach regarding the project.

As you will recall, at the last hearing on May 24 at the request of Councilmember Gray, we agreed to continue the hearing. At the hearing, an issue arose as to whether a number of property owners located within 200 feet of the property received a direct mail notice from the BZA. Allegations were made that some 48 property owners failed to receive the proper notice. Since then we have checked our records and determined that 11 property owners within 200 feet were inadvertently left off the list which Arnold & Porter LLP provided to the BZA. This was an error on the part of our firm and not an attempt on the part of the Applicant to deceive the public as has continuously been alleged by the opposition to this case.

The attached flyer about the project distributed at the June 14 ANC meeting is a case in point. The flyer asserts that the building has six stories, refers to it as a halfway house and a penitentiary and claims that it will bring a "minimum" of "14,000 ex-offenders and parolees into your backyard."

Regretfully, this is just one of the many allegations and misrepresentations which the opposition continues to promote about the project. Other examples include allegations that the ANC has not been informed when the Applicant has provided proof that to the contrary, assertions of racism in the siting of CSOSA offices, claims that an EIS is required and that the project has not received the property permits from DCRA.

The effect of this campaign on the part of the opposition is to so muddy the waters about this project that the Applicant, which is a community-based partnership, finds it necessary to postpone the July 5 hearing so that it can attempt to set the record straight and conduct additional community outreach regarding the true merits and intent of this project. It is the Applicant's hope that Councilmember Gray can assist in this endeavor.

BZA
Case No. 17304
Exhibit No. 80

Board of Zoning Adjustment
District of Columbia
CASE NO. 17304
EXHIBIT NO. 80

In the interim, we are requesting a continuance until the Applicant is able to ascertain an appropriate time for the hearing in the fall.

Thank you for your consideration.

Respectfully submitted,

Cynthia A. Giordano

Attachment

cc: Councilmember Gray
ANC-7D
Office of Planning

Metro and Marshall Heights Development/Jenco do not expect you to read this...but

WHAT YOU DON'T KNOW CAN HURT YOU

This is YOUR Neighborhood. Get Informed, Stay Informed, Inform Others.

My people are destroyed for a lack of knowledge...

(The Bible: Hosea 4:6)

If ever there was an example of *what you don't know can hurt you*, this is it and effective Tuesday, July 5, 2005, this truth will begin to manifest itself in the form of a six-story intrusion into our neighborhood FOR THE BENEFIT OF A MINIMUM OF 14,000 EX-OFFENDERS AND PAROLEES (500 PER DAY)—unless you, the citizens, act.

According to a June 2002 Washington Post article:

"CSOSA has been cited in several recent columns as the agency that took nearly a year to notify a Superior Court judge that convicted felon and now-accused double-homicide felon Allen Logan had failed the terms of his probation. That failure -- along with other miscues in the criminal justice system -- allowed Logan to be on the streets when he should have been behind bars on the day 18-month-old Mikea Washington and 80-year-old Simona Druyard were murdered -- nearly decapitated in June."

Colbert I. King

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Show your support—CALL, WRITE, ATTEND, and SPEAK UP

and resolve to NEVER let this happen to us again!

BOARD OF ZONING HEARING

When: Tuesday, July 5th 2005
Where: Board of Zoning Adjustment located at 441 4th Street, NW Room 220
Take Metro to the Judiciary Square Metro Stop (and you are there)
Time: 1:00 PM

Purpose: To OPPOSE the proposed 6-story building (incl. penthouse) and parking lot **ON the Kiss and Ride Metro station lot**

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...Why weren't YOU notified?

If you were bringing 14,000 ex-offenders and parolees into YOUR neighbor's backyard, WOULD YOU ADVERTISE IT?!!

For more information: Call Dorothy Douglas, Chair, ANC7D, 202.397.2277, email: ANC7D@aol.com
(Please see reverse side)

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...A halfway house or penitentiary in close proximity to you home will reduce the appeal of your property? –Why? Because not only is there real fear (14,000 ex-offenders), but even worse, there is psychological fear (14,000 ex-offenders). And where there is fear of any kind there is less perceived value.

...Metro, CSOSA, and Marshall Heights Development are moving forward with its plan for this building without giving the citizens of this neighborhood the MINIMUM benefit of a traffic study or impact study. Why? Metro knows that the 90 employees + 14,000 ex-offenders **at a rate of 500 per day** at the site will have a **major impact** on the surrounding residential area already suffering from illegal parking in our residential zones. Because the building will consume the entire parking lot, all traffic will be rerouted down the back alley turning it into a major thoroughfare and endangering the lives of those who want or even require access to the rear of their properties. No impact study means that the needs of 14,000 ex-offenders at a rate of 500 per day was given primary consideration and the safety of the surrounding day care centers, schools, children, and senior citizens have taken a back seat because profit for a few and the needs of ex-offenders matter more.

... Metro systematically excluded all homeowners with EVEN addresses on 46th Street from their mailing list when they are required by law to inform ALL property owners within a 200 foot range of the site? Why? Because the only thing separating the rear of the even numbered homeowners' properties from this proposed site is a 15 – 18 foot alley. Consequently, these property owners will NEVER again see the light of day shine through their back windows again once this six-story (including penthouse), 83-ft monument to our worst ills is built.
Sinister, you say? You BET it is.

...Metro also omitted the name of its commercial neighbor, The Industrial Bank, from its mailing list? Why? Because ALL traffic will be rerouted AROUND the proposed CSOSA building to 45th Street, thus bypassing Metro and MUST then proceed down the alley where it will conflict with the Industrial Bank's customers. Why tell them now? Let them find out AFTER the building is built.

...Marshall Heights Development/ Jenco is the proposed OWNER/DEVELOPMENT COMPANY that is trying to stuff this building down our throats? This area is primarily RESIDENTIAL!!! Why a $10 million, six-story class A (or B) 38,000-sf "office" building to accommodate a quasi-federal tenant? Consider this:
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To Get Informed, Stay Informed, and Inform Others—

YOUR ATTENDANCE IS REQUIRED

Zoning Hearing – 1:00 PM on Tuesday, July 5, 2005 441 4th Street, NW Room 220

ARNOLD & PORTER LLP

RUSH

202.942.5000
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

Fax Transmittal

June 30, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)	RECIPIENT ROOM #(S)
Rick Nero Vincent Gray	202/727-6072 202/724-8097		
SENDER	**SENDER'S TELEPHONE NUMBER**	**SENDER'S ROOM NUMBER**	
Cynthia Giordano	202-942-5840	1262	
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2005 JUN 31 AM 8:45

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REVISED

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BZA Case No. 17304 Exhibit No. 80(4)

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202.942.5000
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555 Twelfth Street, NW
Washington, DC 20004-1206

Fax Transmittal

July 1, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)	RECIPIENT ROOM #(S)
Beverly Bailey	202/727-6072		
SENDER	**SENDER'S TELEPHONE NUMBER**	**SENDER'S ROOM NUMBER**	
Cynthia Giordano	202-942-5840	1262	
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