

LAW OFFICES

GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
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ABRAHAM J. GREENSTEIN
GILBERT E. DELORME
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ALAN S. WEITZ
WILLIAM C. CASANO
JOHN PATRICK BROWN, JR.
LEWIS F. MORSE
ROGER D. LUCHS
JAMES D. SADOWSKI

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400

FACSIMILE (202) 452-1410

www.gdllaw.com

STEPHANIE A. BALDWIN
LYLE M. BLANCHARD
GREGORY T. DUMONT
ALFRED M. GOLDBERG
JOSHUA M. GREENBERG
MONIC Y. HALSEY
DONALD F. HOLMES, JR.
GUY R. JEFFRESS
M. RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P. SABIO*

OF COUNSEL
MICHAEL T. CREHAN

*ADMITTED IN VA ONLY

January 4, 2006

BY ELECTRONIC MAIL AND HAND DELIVERY

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

Re: Board of Zoning Adjustment Case No. 17309;
Dorchester Associates; Chain Bridge Road

Dear Mr. Griffis:

This firm is counsel for the Chain Bridge Road/University Terrace Preservation Committee (the "Committee"), a party to the above-referenced proceeding. The Committee respectfully requests a continuance of the Board of Zoning Adjustment hearing currently scheduled for January 10, 2006, for at least ninety (90) days. The Committee, through counsel, has requested the Applicant's agreement to this continuance, but has not received any response.

On April 21, 2005, and again on June 24, 2005, Dorchester Associates (the "Applicant") requested a continuance in this matter. In each instance, the Applicant cited an interest in holding discussions with "neighboring opponents" in order to pursue agreements with respect to how the site should be developed. Each request was granted by the Board of Zoning Adjustment, in large measure, so that such consultations could take place.

For almost nine (9) months (between April, 2005 and January, 2006) during the continuances granted to the Applicant by the Board, no meaningful consultations with the community have taken place. The Applicant has, with one exception, refused to meet with representatives of the community, and refused to consider or propose any significant revisions to the Application. At the single meeting in which the Applicant participated in June, 2005, the Applicant not only refused to consider any of the community's proposed revisions, but failed to address any of the issues known to be of great importance to the community, including the proposed plans for protecting legally protected trees and slopes, the plans for stormwater management, and the plans to mitigate the significant and unsafe impact of the proposed development on the abutting roadway. Documents requested by the Committee were never

BOARD OF ZONING ADJUSTMENT
Board of Zoning Adjustment
District of Columbia
CASE NO. 17309
EXHIBIT NO. 80

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provided as promised. On November 8, the Committee provided Applicant with a detailed set of proposals for how to develop the property while addressing the community's concerns and proposed a meeting to discuss these concepts. On December 5, Applicant responded by refusing to consider any of the community's suggestions and declining to consult further with the community.

Instead, the Applicant filed his revised Pre-Hearing Statement with the Board on December 23 and delivered a copy to this office after it had closed on Friday, December 23 for the long Christmas weekend. Then, on the morning of December 28, 2005, the Applicant, without explanation or notice, delivered a supplement to his Pre-Hearing Statement in the form of a detailed arborist report dated August 16, 2005. The undersigned did not receive this supplement until returning to the office from vacation on Tuesday, January 3, 2006. This report was immediately forwarded to the Committee's expert arborist, but not surprisingly a meaningful review and analysis is not possible in the short time remaining before the hearing and without the ability to visit the site and investigate the actual conditions. The Committee has requested permission from the Applicant for its experts to visit the site for an inspection, but has received no response.

The importance of an independent evaluation of the tree preservation issues in this case can not be overstated. Tree preservation and the Applicant's compliance with the CBUT Overlay is at the heart of this case. Further, the Office of Planning has admitted that it does not have the expertise or resources to make a meaningful evaluation of the Applicant's proposed tree preservation plan. Without an independent review and analysis by the Committee's professional arborist, the Board will not have the information needed to review the application. The current circumstances now faced by the Board, O.P., ANC 3D and the Committee are entirely of the Applicant's own creation. The Applicant sat on his arborist report for almost five (5) months in order to prevent an appropriate review and evaluation.

It should be clear that, far from using the two extension periods to address neighborhood concerns, the Applicant has used the time to make minor changes to the plan for development and "sell" it piece-meal to District agencies, without any of the promised consultations with the community. Although the changes may appear minor, the impact of those proposed changes may be substantial when fully and adequately evaluated. Furthermore, the Applicant has chosen to use the extension period to his tactical advantage, by filing the revised materials, without the promised consultations with the community, during a major holiday period when many interested persons, including counsel, are out of town, unable to review the revised materials, and unable to communicate with their experts and consultants. In particular, both the Committee's consulting engineer and arborist have been out of town during the holidays and do not have sufficient time to responsibly review the revised materials. Additionally, in order to responsibly review the revised materials, the Committee's consultants will need access to the subject property.

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The Chain Bridge Road/University Terrace Preservation Committee did not object to the Applicant's earlier requests for continuance because it believed that the public interest would be served. However, due to Applicant's failure to hold meaningful discussions with the community prior to the submission of his revised Pre-Hearing Statement and the insufficient amount of time provided to the community to sincerely and accurately review the revised materials with its consultants, we now ask the same consideration from the Board.

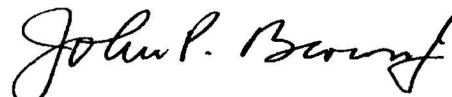
In addition, the Committee would like to note that, as of the date of this letter, the Applicant has not posted the property in accordance with 11 DCMR § 3113.14. This failure to provide public notice is more troubling given the length of the continuances and that the Office of Zoning did not provide mailed notice of the continued hearing date/time to the 200 foot property owner list. As the subject property borders on Battery Kemble National Park, and could adversely impact the parkland, the significant public interest among the park-user community in prior notification especially requires that these procedural protections be given effect. As such, the Board should not proceed with this matter until these procedural defects have been remedied.

For the these reasons, the Committee respectfully request the requested continuance be granted.

Sincerely yours,

GREENSTEIN DELORME & LUCHS, P.C.

By:



John Patrick Brown, Jr.

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cc: Advisory Neighborhood Commission 3D
Ms. Alma Gates, Chair
Ms. Maxine Brown-Roberts, OP
Norman M. Glasgow, Jr., Esquire
Mark Brodsky, Esquire