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January 23, 2009

GEORGE R. KEYS, JR.+

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OF COUNSEL:

HAROLD E. JORDAN

Richard Nero, Deputy Director of Operations
D.C. Office of Zoning
441 4th Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: BZA Application No. 17337 - Application of N Street Follies LP

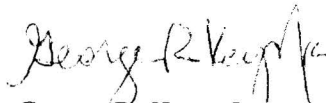
Dear Rick:

You will recall that I represented the above-referenced applicant who appealed to the D.C. Court of Appeals from the BZA's decision to dismiss the variance and special exception application as moot. With the Court's order for remand and rehearing, you and I have discussed how and when to put this case back on the BZA calendar. Looking back over our e-mail communications, I believe you last offered April 28, 2009, as a date for the rehearing and I want to know from you if that date is still possible.

You requested that I update the property owners' list and provide you with a copy and with mailing labels for the Notice of Hearing. Enclosed you will find the list and labels which rely on the current assessment and taxation information for taxpayer addresses. Thinking about the use of the labels causes me to return to my previously stated concern that the rehearing should not admit new parties to the proceeding. In that sense the rehearing should be no different than a continuance in terms of participants. You mentioned that you were going to discuss this matter with Alan Bergstein, Esq., and I am still very interested in the answer he gives to the question. In reviewing taxpayer information, I noticed that there were about 20-25 new names in the condominium building at 1325 18th Street, N.W., reflecting sales and changes in ownership since TY 2005. One could make an argument that these person should be allowed to join the proceeding since they were not owners at the time of the prior hearing, but then again no other condominium owner in a building containing 100+ units appeared as a party. The party opponents were represented by Richard Nettler, Esq. and will no doubt vigorously contest the rehearing, so one could argue that the interests of the neighborhood are being represented.

I would like to hear back from you promptly about this matter.

Very truly yours,


George R. Keys, Jr.

Enclosures

cc: Morton Bender

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17337
EXHIBIT NO. 63

Board of Zoning Adjustment
District of Columbia
CASE NO. 17337
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**Please contact DCOZ for a copy of
this exhibit.**