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June 10, 2004

VIA FAX, E-MAIL, and MESSENGER DELIVERY

Zoning Commission of the District of Columbia
One Judiciary Square, Suite 210 South
441 Fourth Street, NW
Washington, DC 20001

Re: ZC Case 00-27: Requests for Party Status

Dear Honorable Members of the Commission:

This evening you will hear ZC Case 00-27. We take this opportunity to review the requests for party status, an issue you will address at the outset of the hearing.

The Advisory Neighborhood Commission 2-A is an automatic party, provided it meets the requirements for public deliberations such as posting Notice, having a quorum, and voting in public. We believe they have fully satisfied all requirements and should be granted party status.

To the best of our knowledge, there are two requests for party status as proponents, one from William Beckett and the other from Charles and Mary Ahlgren, managing partner or owners of properties included in the area under consideration. We support their being granted party status.

To the best of our knowledge, there are two requests from individuals or groups seeking to become parties in opposition, one from a group of tenants in the Tiverton Apartment building, the other from Todd Sherbacow, an owner of a unit in the Gibson condominium, where he resides with his wife in a unit on the ninth floor that faces both west and south (unit 902).

- As to the Tiverton tenants, we do not oppose their being granted party status but encourage the Commission to establish the degree to which that group's interests apply to the total number of apartment units. To the extent that the units are being occupied by students that are not local taxpayers, the group's sweeping request for party status should be scaled back to reflect no more than what they represent.

ZONING COMMISSION
District of Columbia
CASE NO. 00-27
EXHIBIT NO. 96

ZONING COMMISSION
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- As to Mr. Sherbacow's request, his request for party status declares that he had to pay a particularly high price for his unit when examination of sales data from that period to the present would suggest otherwise. Attached is a list of sales on record.

  Second, his request includes not just himself and his wife, but also the Gibson Condominium Association. Apart from providing no evidence that he was authorized to request status on behalf of that entity, the request fails to establish the specific interests that the Association would have in the proceedings.

  In this context, the Commission should be aware that the Gibson has a total of 79 units. Of these, most face exclusively east (overlooking 23rd Street) or west (overlooking the interior of Square 37 and facing the rear of the Westin Grande hotel). Twenty units, two per floor, have not only the typical east- or west-facing windows (with balconies), they also have some windows facing south (no balconies). Thus, the issue of views is of no consequence to three-fourths of the condominium's units.

  Of those units with south-facing windows, those on the 7th and lower floors would find views south eliminated with development of the full existing R-5-B zone's "envelope" if a 50 foot building were built with an 18' 6" penthouse. Views from the 8th floor would be significantly "clipped." Units on the 9th floor, where Mr. Sherbacow's unit is located, would have, at best, little more than a view to the horizon until ended by higher buildings, such as that at Three Washington Circle, due south. If R-5-B rights were exercised along the southern edge of Square 37, at L Street, the views from even the roof deck of the Gibson to the south would be such that there would no longer be any way to see the row houses that line the southern face of L Street, at least where roof structures were situated. Likewise, present limited views of Washington Circle from the roof deck would likely be eliminated by intervening roof structures. Accordingly, claims of impaired views (ones that neither Mr. Sherbacow nor the Gibson established any legal right to in the first place by such means as a scenic easement) resulting from the proposed rezoning as claimed in his filing are not justified from Mr. Sherbacow's unit, other south-facing units within the Gibson, even those on the floor above his, or from those observing from normal vantage points on the Gibson's roof deck.

Accordingly, we ask that the Commission evaluate each of the requests for opposing party status carefully and make an appropriate determination about each before the proceeding gets underway in light of the information herein revealed or that otherwise comes to your attention at the start of the hearing.

If you have any questions, you may reach me at (202) 828-1893 or my colleague, Lindsley Williams, at (202) 828-1873. Thank you.

Sincerely yours,

HOLLAND & KNIGHT LLP

Douglas J. Patton

Attachments

cc: William Beckett c/o Cynthia Giordano (E-mail)
Charles Ahlgren (E-Mail)
ANC 2-A (Fax)
Tiverton Tenants c/o Michael Malloy (E-Mail)
Todd Sherbacow (Fax)

2007980_v1

Recent Sales History – 1140 23rd Street, NW 'The Gibson'

Lot	Unit #	SF	Date	Price	Price/SF
2077	1006	1,118 sf	1/8/01	$325,000	$290.70
2007	202	806 sf	2/6/01	$205,000	$254.34
2022	308	734 sf	6/8/01	$200,000	$272.48
2043	604	1,010 sf	6/20/01	$259,000	$256.44
2014	209	667 sf	6/29/01	$171,500	$257.12
2013	208	734 sf	7/16/01	$170,000	$231.61
2067	904	1,010 sf	7/20/01	$297,500	$294.55
2038	507	734 sf	9/5/01	$170,000	$231.61
2032	501	681 sf	12/31/01	$169,900	$249.49
2039	508	667 sf	7/31/01	$198,000	$296.85
2001 Sales		816 sf	10	Average	$263.52
				Weighted Average	$265.40

Lot	Unit #	SF	Date	Price	Price/SF
2047	608	667 sf	1/4/02	$177,500	$266.12
2049	702	896 sf	1/11/02	$250,000	$279.02
2065	902	891 sf	8/6/02	$300,600	$337.37
2049	702	896 sf	8/13/02	$312,000	$348.21
2011	206	679 sf	8/15/02	$205,000	$301.91
2055	708	667 sf	9/24/02	$199,000	$298.35
2076	1005	1,035 sf	11/6/02	$480,000	$463.77
2036	505	1,035 sf	11/19/02	$340,000	$328.50
2002 Sales		846 sf	8	Average	$327.91
				Weighted Average	$334.63

Lot	Unit #	SF	Date	Price	Price/SF
2023	309	667 sf	1/23/03	$212,500	$318.59
2010	205	1,035 sf	3/28/03	$335,000	$323.67
2070	907	734 sf	3/28/03	$220,000	$299.73
2060	805	1,035 sf	6/3/03	$397,001	$383.58
2058	803	991 sf	6/26/03	$345,000	$348.13
2053	706	1,118 sf	6/27/03	$400,000	$357.78
2055	708	667 sf	7/9/03	$240,000	$359.82
2064	901	691 sf	7/10/03	$250,000	$361.79
2071	908	667 sf	8/6/03	$250,000	$374.81
2021	307	742 sf	9/8/03	$255,000	$343.67
2042	603	991 sf	9/11/03	$370,000	$373.36
2074	1003	991 sf	9/30/03	$365,000	$368.31
2028	405	1,035 sf	10/2/03	$355,000	$343.00
2018	304	1,010 sf	10/23/03	$359,000	$355.45
2007	202	806 sf	12/5/03	$337,500	$418.73
2003 Sales		879 sf	15	Average	$355.36
				Weighted Average	$355.92

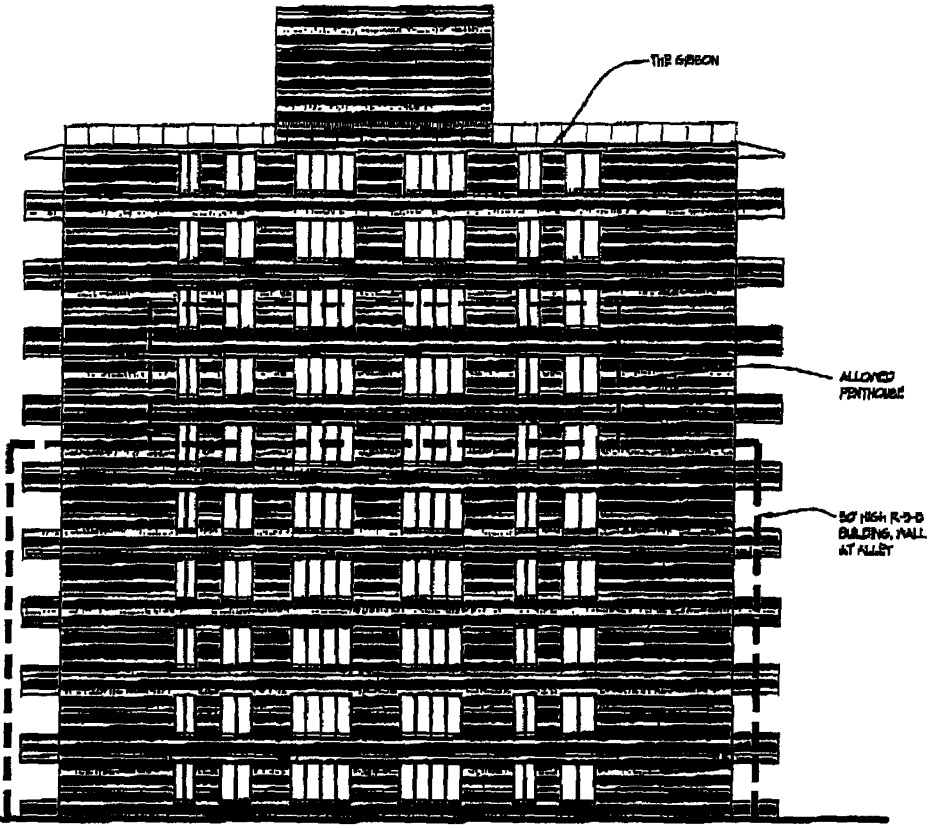
Lot	Unit #	SF	Date	Price	Price/SF
2039	508	667 sf	1/16/04	$260,000	$389.81
2039	508	667 sf	1/30/04	$250,000	$374.81
2029	406	1,118 sf	2/10/04	$410,000	$366.73
2004 Sales		817 sf	3	Average	$377.11
				Weighted Average	$375.20

Sales Summary By Year

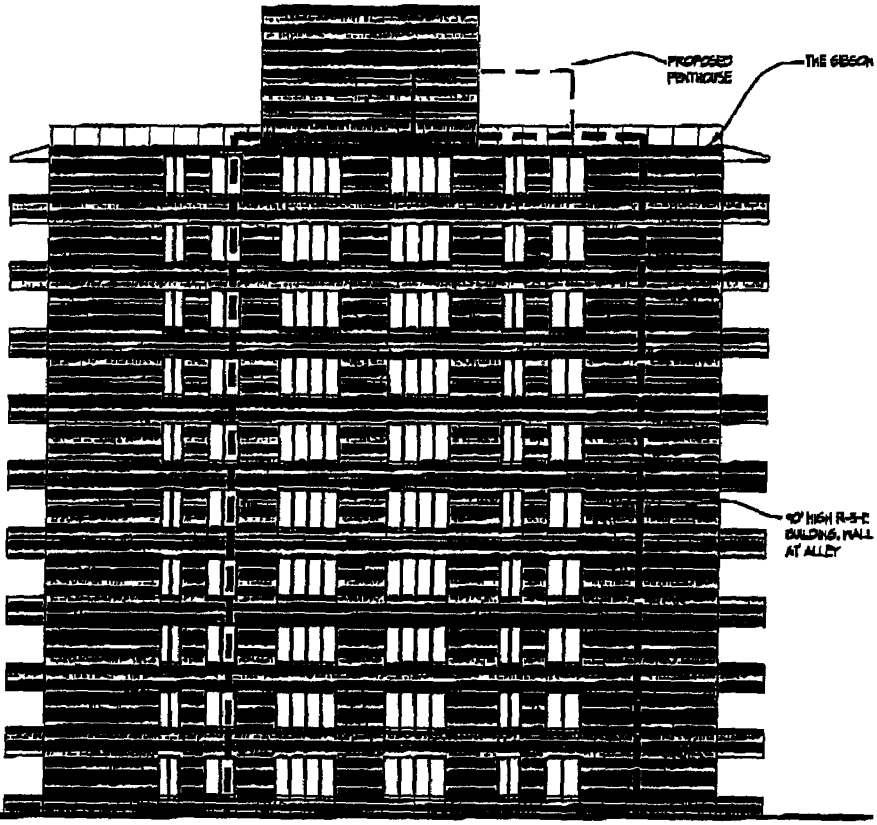
Gibson	2001	2002	2003	2004
#Sales	10	8	15	3
Average SF	816 sf	846 sf	879 sf	817 sf
Average $/SF $264	$328	$355	$377	
Weighted Average $/SF	$265	$335	$356	$375

Recent Sale Unit 902

Lot	Unit #	SF	Date	Price	Price/SF
2065	902	891	8/6/02	$300,600	$337.37



ELEVATION OF THE GIBSON WITH A, R-5-B BUILDING TO THE SOUTH.



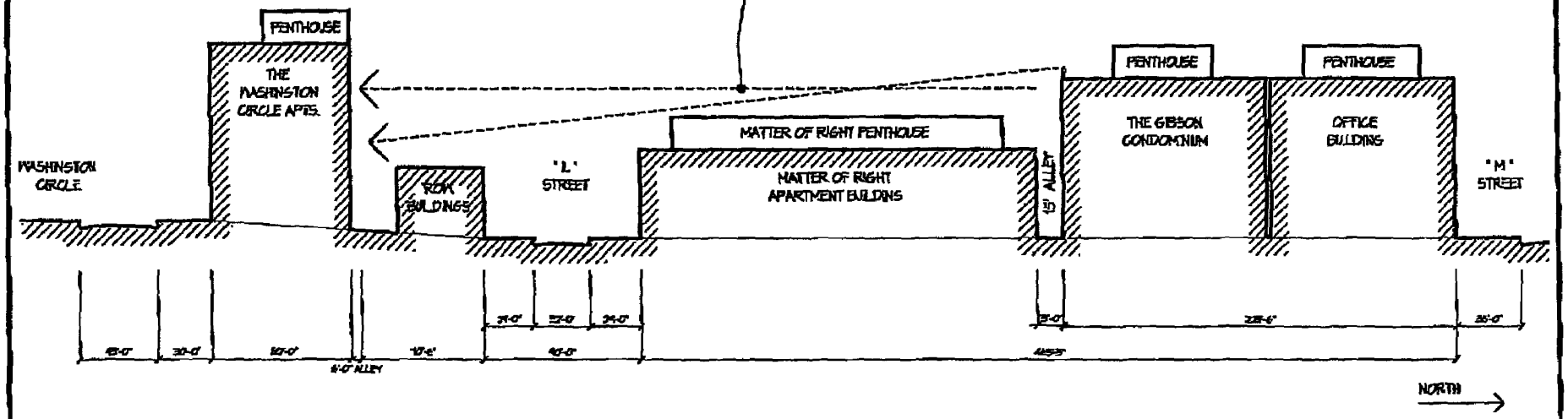
ELEVATION OF THE GIBSON WITH A, R-5-E BUILDING TO THE SOUTH.

(COMPARISON OF OUR R-5-E BUILDING TO A R-5-B BUILDING)

GIBSON SOUTH ELEVATION

PROJECT: SQUARE 37 APARTMENT BLDG 63rd STREET, N.W. WASHINGTON, D.C. 20008		SCALE: 1/16" = 1'-0"	REVISED FEASIBILITY DESIGN DESIGN SET
DEVELOPER: CIRCLE MANAGEMENT	ARCHITECT: ERIC COLBERT & ASSOCIATES 717 6TH STREET, N.W. WASHINGTON, D.C. 20001	JUNE 07, 2004	A-2A

THIS SCALE SECTION SHOWS THAT A MATTER OF RIGHT APARTMENT BUILDING ON THE SOUTH SIDE OF SQUARE 31 WOULD BLOCK THE VIEW FROM THE GIBSON. ONLY THE TOP FLOORS WOULD BE ABLE TO SEE THE TOP OF THE WASHINGTON CIRCLE APARTMENTS. NO APARTMENTS WOULD BE ABLE TO SEE THE ROW BUILDINGS ON THE SOUTH SIDE OF "L" STREET. A PERSON STANDING ON THE ROOF DECK, WOULD NOT SEE THESE TOWNHOUSES EITHER.



1 NORTH / SOUTH BLOCK SECTION

ARCHITECT: ERIC COLBERT & ASSOCIATES | CLIENT: CIRCLE MANAGEMENT INC. | PROJECT: Square 37 Apartment Building | A-2B

Jun-10-04 12:02pm From-HOLLAND & KNIGHT LLP MAIN 2 2028555564 T-550 P.007/007 F-473

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CITY	STATE	(TELEPHONE NUMBER)

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CITY	STATE	(TELEPHONE NUMBER)

TO:		
Dorothy Miller	ANC 2A	202-331-0947
NAME	COMPANY/FIRM	FAX NUMBER
Washington	DC	202-331-0191
CITY	STATE	(TELEPHONE NUMBER)

FROM:		
Lindsley Williams	202-828-1873	Cover Plus Six (total-7)
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