November 16, 2001

Ms. Carol Mitten, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Room 210
Washington DC 20001

Re: Review of BZA Appeal No. 16716
Response to Shaw Pittman, LLP letter dated Nov. 9, 2001

Dear Chairperson Mitten and Members of the Commission:

The Nebraska Avenue Neighborhood Association (NANA), an Appellant in the referenced case, hereby responds to new plans attached to the November 9, 2001 letter referenced above. The plans should not be admitted to the record or, at least, should not block the *sua sponte* review for several reasons:

1. The claim that DCRA has reviewed and confirmed that the newly contrived plan presents no zoning issues does not negate the need for *sua sponte* review:

   (a) DCRA has erred in the past;

   (b) The new plan sheets showing the original design do not match the original design in official plans in DCRA records. The newly supplied sheets are unofficial and inaccurate.

   (c) Structural and elevator review of the any new elevator and elevator penthouse plan is required--previous review raised "Plan Correction List" concerns to clarify and correct the previous elevator penthouse plan. New plans must go through proper review.

3. The proposed change does not address the fact that the stairwell penthouse and the walls surrounding the roof structures to make them a single structure (referred to as a "Mansard roof") are also not setback a distance at least equal to their height, as required.

NANA respectfully requests the opportunity to address the Zoning Commission on the issues related to the nonconformity with zoning requirements presented by this building permit.

Yours truly,

Anne Page Chiapella

Anne Page Chiapella,
President, Nebraska Ave. Neighborhood Assn.

Cc: Maureen Dwyer, Esq
William Bennett, Esq.

ZONING COMMISSION
District of Columbia
Case 01-26
Exhibit 7

ZONING COMMISSION
District of Columbia
CASE NO.01-26
EXHIBIT NO.7

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter to the Zoning Commission was sent by first class mail to the following on November 16, 2001:

Maureen Dwyer, Esq. (Sunrise)
Shaw Pittman, LLP
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