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December 4, 2002

By Hand Delivery

Ms. Carol Mitten
Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: Zoning Commission Case No. 01-28TE – Modification and Extension Request for a PUD Located at 200 K Street, N.E. – Waiver Request to Allow Filing of a Party Status Request

Dear Chairperson Mitten:

On behalf of Greenebaum & Rose Associates, the contract purchasers of Lots 12, 13, 14, 48, 57, 809, 810, 811, 820, 822, 824, and 826 in Square 774[1], we hereby request a waiver of 11 DCMR §3022.3 to allow the filing of the attached request for party status in the above-mentioned case. The above mentioned Lots are owned by the Capitol Cab Cooperative Association, Inc., however, this entity is currently engaged in bankruptcy proceedings.

Representatives of Greenebaum & Rose Associates have been diligently working with the bankruptcy trustees for the property owner to obtain the attached authorization letter. Due to the Thanksgiving holiday, the representatives of Greenebaum & Rose Associates were unable to obtain the necessary authorization letter from the bankruptcy trustees and file the attached documents with the Office of Zoning on the day after Thanksgiving, as required by 11 DCMR §3022.3.

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[1] A letter from the Capitol Cab Cooperative Association, Inc. authorizing Greenebaum & Rose Associates to act on its behalf in all matters before the Zoning Commission regarding this case is attached to the letter requesting party status in this case.

ZONING COMMISSION
District of Columbia
Case 01-28TE/93-3C
Exhibit 23

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Northern Virginia
New York
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London

ZONING COMMISSION
District of Columbia
CASE NO.01-28
EXHIBIT NO.23

The requested waiver will not prejudice the rights of any party in this case and will allow Greenebaum & Rose to participate in this proceeding in an appropriate manner. Therefore, we request that the Zoning Commission exercise its authority under 11 DCMR §3000.8 and grant the waiver request.

If you have any questions or comments regarding this request, please feel free to call the undersigned at (202) 663-8000.

Sincerely,

Maureen Dwyer

Paul Tummonds

Enclosures

Document #: 1290985 v.1

GREENEBAUM AND ROSE ASSOCIATES
5301 WISCONSIN AVENUE, N.W.
SUITE 510
WASHINGTON, D.C. 20015

TEL (202) 686-3000
FAX (202) 686-3617

December 2, 2002

By Hand Delivery

Ms. Carol Mitten
Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Second floor
Washington, DC 20001

Re: Zoning Commission Case No. 01-28TE – Modification and Extension Request for a PUD Located at 200 K Street, N.E.

Dear Chairperson Mitten:

On behalf of Greenebaum & Rose Associates, Inc. the contract purchaser of the properties presently owned by Capital Cab Cooperative Associates and located at Square 774, Lots l2, 13, 14, 48, 57, 809, 810, 811, 820, 822, 824, and 826[1] I hereby request party status in the above-mentioned case. This letter shall serve as our request for party status in opposition to the PUD Modification and Extension Request pursuant to § 3022.3 of the Zoning Regulations.

As the contract purchaser of the properties located immediately across 3rd Street from the PUD, our interests are more significantly and uniquely impacted than those of the general public. The proposed height and massing of the modified PUD project will have a significant environmental and economic impact on the property we have under contract. The elimination of the previously approved setbacks of the residential portion of the approved PUD are likely to reduce the amount of light and air to our property, as well as present an imposing and monolithic façade along the entirety of the 1000 block of 3rd Street N.E.

We oppose the PUD Modification and Extension Request for several reasons. We feel the proposed residential building is not in keeping with the existing residential nature

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[1] A letter from the Capital Cab Cooperative Associates authorizing Greenebaum & Rose Associates, Inc. to act on its behalf in all matters before the Zoning Commission regarding this case is attached to this letter.

of the area and will have a significantly greater negative impact on our property than the project that was approved in the original PUD. We are also concerned that the Modification Request does not address the status of the commercial portion of the approved PUD or the status of the amenities that are to be provided as a result of the PUD. We believe that any discussion of the PUD and Modification and Extension Request needs to address the entirety of the PUD, as the entire PUD significantly impacts our property directly across the street.

Members of the law firm of Shaw Pittman, 2300 N St., N.W., Washington, D.C. 20037 will be our legal counsel in this matter. Philip Johnson, Merrick Malone and Samuel Rose will be witnesses on behalf of Greenebaum & Rose Associates before the Zoning Commission.

Sincerely,

Greenebaum & Rose Associates, Inc.

By

Enclosure

COOPERATIVE ASSOCIATION, INC.

1033 THIRD STREET, N.E. WASHINGTON, D.C. 20002 (202) 546-1974

December 3, 2002

Samuel G. Rose
Greenbaum & Rose Associates
5301 Wisconsin Avenue, N.W., Suite 510
Washington, D.C. 20015

Dear Mr. Rose:

This letter confirms Capitol Cab Cooperative Association, Inc. granting approval to you or your representative to testify on Capitol's behalf before the Zoning Commission in regard to the PUD application with respect to the properties located in the 1000 block of 3rd Street, N.E.

We expect to cooperate and work closely with you in regard to protecting our interest in the neighborhood as it relates to this application.

Sincerely,

Stanley Tapscott, Chairman
Board of Directors