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File No. 27758-030

November 16, 2005

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D.C. OFFICE OF ZONING

Chairperson Carol J. Mitten and Members
D.C. Zoning Commission
One Judiciary Square, Suite 210 South
441 4th Street N.W.
Washington, D.C. 20001

RE: Case No. 01-28TE (PUD Modification & Time Extension-200 K Street N.E.)
Witnesses and Summary of Testimony for the Time-Extension Phase of the Hearing

Dear Chairperson Mitten and Members:

On behalf of the Applicant, 200 K Street LP, I am providing the following information regarding the witnesses, summary of testimony, and time required for the Applicant's presentation during the Zoning Commission ("Commission") hearing November 17, 2005 on the time-extension phase of the above-listed application. This supplements and amends our witness-list submissions of April 25 and September 13, 2005.

It is our understanding that the Commission will conduct the hearing in two parts, first receiving testimony on the PUD time-extension request, then voting on the time extension; if the time extension is approved, the Commission then will receive testimony on the PUD modification proposal.

Due to the separate hearing on the time extension, the Applicant requests 20 minutes to present our arguments on this aspect. As counsel, I will summarize the legal arguments set forth in the brief submitted to the Commission on November 8th. The other Applicant representatives who will be present and prepared to testify during the time-extension phase of the hearing are:

- Ronald J. Cohen, the developer, whose affidavit attesting to his efforts to locate a lead tenant for the previously-proposed office component of the project was included in the November 8th submission,
- David Starnes, senior associate of the economic consulting firm of Basile Baumann Prost & Associates and co-author of the D.C. real estate market analysis included in the November 8th submission, and
- Jon C. Wallenstrom, senior vice president of ZOM Mid-Atlantic Inc., the firm which has committed to finance the Union Place development.

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District of Columbia
CASE NO.01-28
EXHIBIT NO.94

James P. Ventura, the developer's commercial real estate broker, whose affidavit attesting to his efforts to secure project financing was included in the November 8th submission, cannot be present due to business commitments in California.

We share the Commission's interest in having the hearing proceed efficiently. To that end, we are eliminating the testimony of our traffic consultant, Glenn Cook of The Traffic Group, from the Applicant's presentation during the PUD modification phase of the hearing. Mr. Cook will be present and available to respond to questions, but now that the District Department of Transportation has submitted a memorandum supporting the project, we believe Mr. Cook's direct testimony is no longer needed. This action, and other editing, will reduce the time needed for the Applicant presentation during the PUD modification phase of the hearing to 55 minutes, rather than one (1) hour as previously requested.

The Zoning Regulations, at 11 DCMR §§3020.2 and 3020.3 provide that the Applicant "and all persons and parties (except an ANC) shall collectively have a maximum sixty (60) minutes, exclusive of cross-examination, to present testimony", and also authorize the Commission to "grant additional or lesser time than that allowed under §3020.2...." Given the bifurcated nature of the hearing, we believe it is fair and reasonable for the Commission to allow the Applicant twenty (20) minutes to present its case on the requested PUD time extension, and an additional fifty-five (55) minutes to present its case on the proposed PUD modification, if the hearing proceeds to that phase.

Thank you for your consideration of our request.

Sincerely,

John Ray
MANATT PHELPS & PHILLIPS
Counsel to the Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon the following on November 16, 2005:

By HAND-DELIVERY to:

Commissioner Mark Dixon, Chairman
Advisory Neighborhood Commission 6C
80 New York Avenue N.W., # 402
Washington, D.C. 20001

and

By E-MAIL to:

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ANC 6C04 Commissioner Daniel Pernell
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