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June 22, 2007

BY HAND

District of Columbia Zoning Commission
c/o Anthony Hood, Acting Chair
414 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **“Waterfront” PUD, First Stage PUD Modification and Partial
Second Stage PUD Application, Z.C. Case No. 02-38A**

Gentlemen:

On behalf of a party, Tiber Island Cooperative Homes, Inc. (hereinafter the “Tiber Island Cooperative”), I am writing to note our objection to the lack of opportunity to cross-examine the Applicant’s witness, the architect, Shalom Baranes, during the Rebuttal portion of the public hearing held on June 14, 2007. Tiber Island Cooperative had some important questions for Mr. Baranes which it did not get the chance to ask. Other parties to the case may also have had questions.

As counsel for Tiber Island Cooperative, I attempted to get the attention of the Chair to be recognized after Mr. Baranes’ testimony concluded, but I was not successful. The meeting was adjourned without any opportunity for any of the three parties to cross-examine the witness. When prepared, the transcript should reflect that the Chair made no mention of the parties’ right to cross-examine Mr. Baranes. I spoke with the Chair after the hearing adjourned and inquired concerning the issue and was told to remind him of the matter and that he would look into it. I believe that the omission of the right to cross-examine was entirely unintentional, but it nevertheless was prejudicial to Tiber Island Cooperative and deprived it of a valuable right under Zoning Commission Procedures.

Cross-examination of the project architect during Rebuttal was especially important because Mr. Baranes for the first time in the hearings addressed the possibility of increasing the setbacks and the height of the proposed buildings in order to create more open space. He suggested there could be “flexibility” for the project with respect to the building height and he addressed the Historic District issue. These were issues which Tiber Island Cooperative emphasized in its testimony and would have asked further questions of the rebuttal witness.

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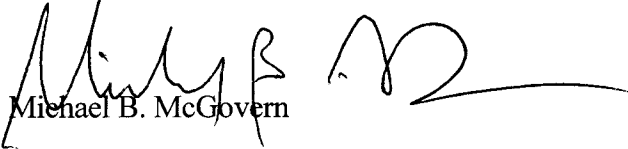
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In view of the procedural irregularity and the desire of Tiber Island Cooperative and perhaps other parties to cross-examine the rebuttal witness, I request that the public hearing be reconvened in the near future to permit cross-examination of Mr. Baranes. It should not take very long to conclude the Rebuttal portion of the case and thus cure the clear defect in the record in this case. In addition, I suggest that the submissions of proposed Findings of Fact, Conclusions of Law and Decision presently due by July 12, 2007 be extended to a date more than seven (7) days after the transcripts of the complete public hearings have been made available.

Very truly yours,


Michael B. McGovern

Attachment

cc: Waterfront Associates LLC
(c/o Wayne S. Quin, Esquire)
Carrollsborg Square Condominium
(c/o Henry Baker, President)
ANC-6D (c/o Max Skolnik, Chair)
Tiber Island Cooperative Homes, Inc.
(c/o Paul Greenberg, President)