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September 22, 2005

Ms. Carol Mitten, Chair
DC Zoning Commission
Room 210
441 4th Street, N.W.
Washington, DC 20001

**Re: PUD Modification for 1616 Rhode Island Avenue, N.W.
Zoning Commission Order No. 02-51A**

Motion for Postponement

Dear Chairperson Mitten:

ANC 2B hereby requests a postponement of the Zoning Commission's hearing on the subject case for 6 weeks to enable the Advisory Neighborhood Commission to secure the necessary factual information and expert testimony to take an active role in the proceedings.

The request for postponement is based on three factors:

First, the final hearing on the subject case was held by ANC 2B on Wednesday, September 14, 2005. Prior to that time, the ANC continued in dialogue with the developer in an effort to reach an accommodation on several issues, principally the neighborhood amenities. During that period, the ANC remained hopeful that the developer would be sufficiently forthcoming and voting on the project was postponed. Sadly, the developer's proposals fell far short of the mark. ANC voted unanimously on September 14 to oppose the application.

Secondly, it was not until after the vote on September 14 that the ANC was able to retain legal counsel in opposition and begin the process of preparing for the zoning hearing. However, the ANC has been unable to hire experts to provide written and oral

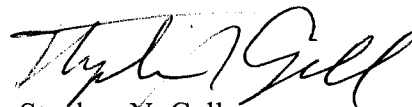
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testimony on such short notice. On the issue of the value of the amenities compared with the monetary benefits to the developer of C-4 zoning and additional FAR, appraisers require a 4 to 6-week lead time.

Third, information on the proposed development has not been readily available. It is difficult to make FAR calculations based on the information in the Prehearing statement. There are substantial square foot discrepancies between the Prehearing statement and the report of the Office of Planning which lead to different conclusions about how the FAR was calculated and size of the additional FAR. A postponement would enable the ANC to secure the required information from the applicant and other sources.

The Zoning Commission and the ANC have treated this development with extraordinary deference, including the granting of six extensions since the original PUD was approved in 1989, and two or more substantial modifications. A brief delay to enable the ANC to prepare for the Commission's hearing would appear to be appropriate.

Respectfully submitted,



Stephen N. Gell