



HUNTON & WILLIAMS LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

RICHARD L. AGUGLIA
DIRECT DIAL: 202-955-1634
EMAIL: raguglia@hunton.com

FILE NO: 99999.000309

September 28, 2005

By Hand Delivery

Ms. Carol J. Mitten, Chairperson
Zoning Commission for the District of Columbia
441 Fourth Street, N.W.
Suite 210
Washington, DC 20001

Re: *Zoning Commission Case No. 02-51A*
Application for a Modification to an Approved PUD
(1616 Rhode Island Associates LP - Square 182, Lots 82 and 83)

Dear Chairperson Mitten and Commission Members:

This firm is representing the Regents of the University of California (the “University”), which is a party to the case by virtue of its ownership of one of two lots which form the PUD for which a modification is sought by the Applicant. See attached authorization. For the reasons that follow, the University objects to the massing and design of the proposed office building as it impacts negatively on the University’s building.

OBJECTION TO THE MASSING AND DESIGN OF THE PROPOSED OFFICE BUILDING

While the University does not object to the proposed modification based on a change in use (from hotel to office), the massing and design of the proposed office complex raises privacy, light and air issues for the existing other half of the PUD, i.e., the Washington campus building of the University (the “University Building”). The University Building currently has 3 floors of administrative office and classroom space, with 8 floors of residences (total bed capacity of 292 persons), including a 4th floor open air courtyard for students, visiting professors and staff. The proposed office building appears from drawings submitted by the Applicant to be “flush” with the existing University Building without sufficient setback for the privacy of the students as well as casting a giant shadow over the open air courtyard, giving it a chimney or smoke stack like effect.

The Commission should take note that the original PUD approved in 1989 involved the construction of one (1) mixed use building. In 1998, after minor modifications and extensions of the PUD, the Commission affirmed a subdivision of the PUD site for two discrete buildings

Ms. Carol J. Mitten, Chairperson
September 28, 2005
Page 2

the University Building and a hotel. See Order No. 638 F (871))(1998). The designs for the hotel included a 3,000 sq. ft. garden open to the sky adjacent to the University's 4th floor courtyard which complemented the University's portion of the PUD, in contradistinction to that proposed in this modification. See Exhibit A, pictures of the existing University Building, vacant half of the PUD, surrounding buildings, and design plans for the hotel adopted as part of the 1998 modified PUD including the adjacent 3,000 sq. ft. garden open to the sky. Subsequently, the Human Rights Campaign ("HRC") sought to modify the PUD by changing the use from hotel to office. When that attempt failed, HRC informed the Commission of its efforts to engage a hotel developer to construct a hotel pursuant to the 1998 modified PUD. That attempt also failed.

The pre-hearing submission submitted by the Applicant stresses the proposed office building design as exemplary architecture, because it enhances and continues the streetscape on Rhode Island Avenue, NW, while omitting reference to how that design fails to complement the other half of the PUD – the University Building and specifically the impact on the courtyard.

It should also be noted that all of the FAR for residential cited by the Applicant is, in fact, supplied by the University Building. While there is a decrease in the proposed FAR for commercial use, the Applicant's design must be more "sympathetic" and complementary to the University Building in terms of design, massing, height and set back because the change sought is from hotel/transient residential to office.

REQUEST TO ALLOW LATE FILING

The University requests that the Commission waive its rules to allow the University to participate as a party, despite the fact that it has not filed this request within 14 days of the hearing, as required under section 3022 of the Zoning Regulations. As grounds therefor, it should be noted that the University did not retain counsel for the 1998 amended PUD. Accordingly, the University needed additional time to find local zoning counsel to represent it. In addition, University officials who are not familiar with the Commission's rules, voiced their objections orally to Mr. Feola, the Applicant's counsel who coordinated the 1998 PUD modification, rather than presenting them to the Commission directly in writing. However, those objections were not responded to by the Applicant as evidenced by the design submitted for approval to the Commission. It should also be noted that the University's counsel was hampered in reviewing the file in this case because of the Office of Zoning's relocation and was not retained until September 23, 2005.



Ms. Carol J. Mitten, Chairperson
September 28, 2005
Page 3

If granted, the University will present the following witness as a party in partial opposition to the proposed PUD modification as it relates to massing, design, height and set back of the new office building, through legal counsel:

Karen Akerson
Associate Director
UC Washington Center
1608 Rhode Island Avenue, N.W., 3rd Floor
Washington, DC 20036

REQUEST FOR A CONTINUANCE

ANC 2B has sought a continuance of the September 29, 2005 hearing in order to hire an appraiser to value the Applicant's amenity package. By the same token, the University also seeks a continuance for the purpose of engaging an architect to review the design plans of the Applicant with the Applicant, its counsel and architect in the hopes of resolving this issue through a reasonable setback of the proposed office building which respects the integrity of the University Building and in particular the courtyard. In the alternative, the additional time will allow the University to make recommendations to the Commission in terms of massing, design, height, and setback for the proposed office to lessen the impact on the University Building and the student courtyard.

Sincerely,

A handwritten signature in cursive script that reads "Richard L. Aguglia".

Richard L. Aguglia

cc: By Hand Delivery
Phil Feola, Esq.

ANC 2B c/o Steve Gell, Esq.

Arthur Jackson, Office of Planning

UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

OFFICE OF THE SENIOR VICE PRESIDENT —
BUSINESS AND FINANCE

September 26, 2005

OFFICE OF THE PRESIDENT
Real Estate Services Group
1111 Franklin Street, 6th Floor
Oakland, California 94607-5200
Phone (510) 987-9033
Fax (510) 987-0199

Ms. Carol J. Mitten, Chairperson
Zoning Commission for the District of Columbia
441 Fourth Street, N.W.
Suite 210
Washington, DC 20001

Re: Zoning Commission Case No. 02-51A
Application for a Modification to an Approved PUD
(1616 Rhode Island Associates LP - Square 182, Lots 82 and 83)

Dear Chairperson Mitten:

This letter authorizes Richard L. Aguglia, Esq. of the law firm of Hunton & Williams LLP located at 1900 K Street, N.W., Suite 1200, Washington, DC 20006 to represent the Regents of the University of California as a party in partial opposition to the application for a modified PUD in this case. As required by Section 3002.3 of the Zoning Regulations, this authorization includes the power to bind the University in this case.

Sincerely,



Gordon Schanck
Director of Real Estate

cc: Richard L. Aguglia, Esq.

Jan Behrsin, Esq.
University of California,
General Counsel's Office

99999.000309 WASHINGTON 545676v1



University Blog
at 1608 Rhode
Island Ave NW

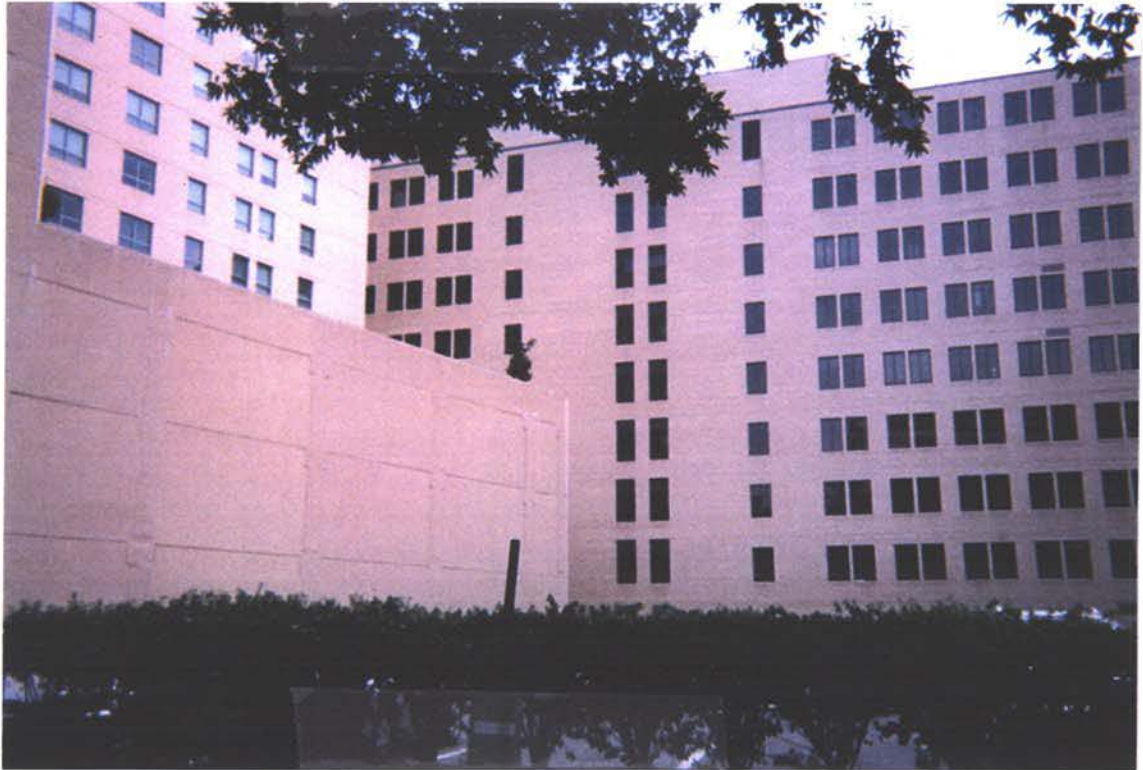
9/23/05





View of University Bldg
from adjacent and
vacant parking lot

9/23/05



View of PUD site
from Rhode Island
Ave NW
9/23/05





View of student courtyard
Above 3rd Floor of
University Bldg
9/23/05



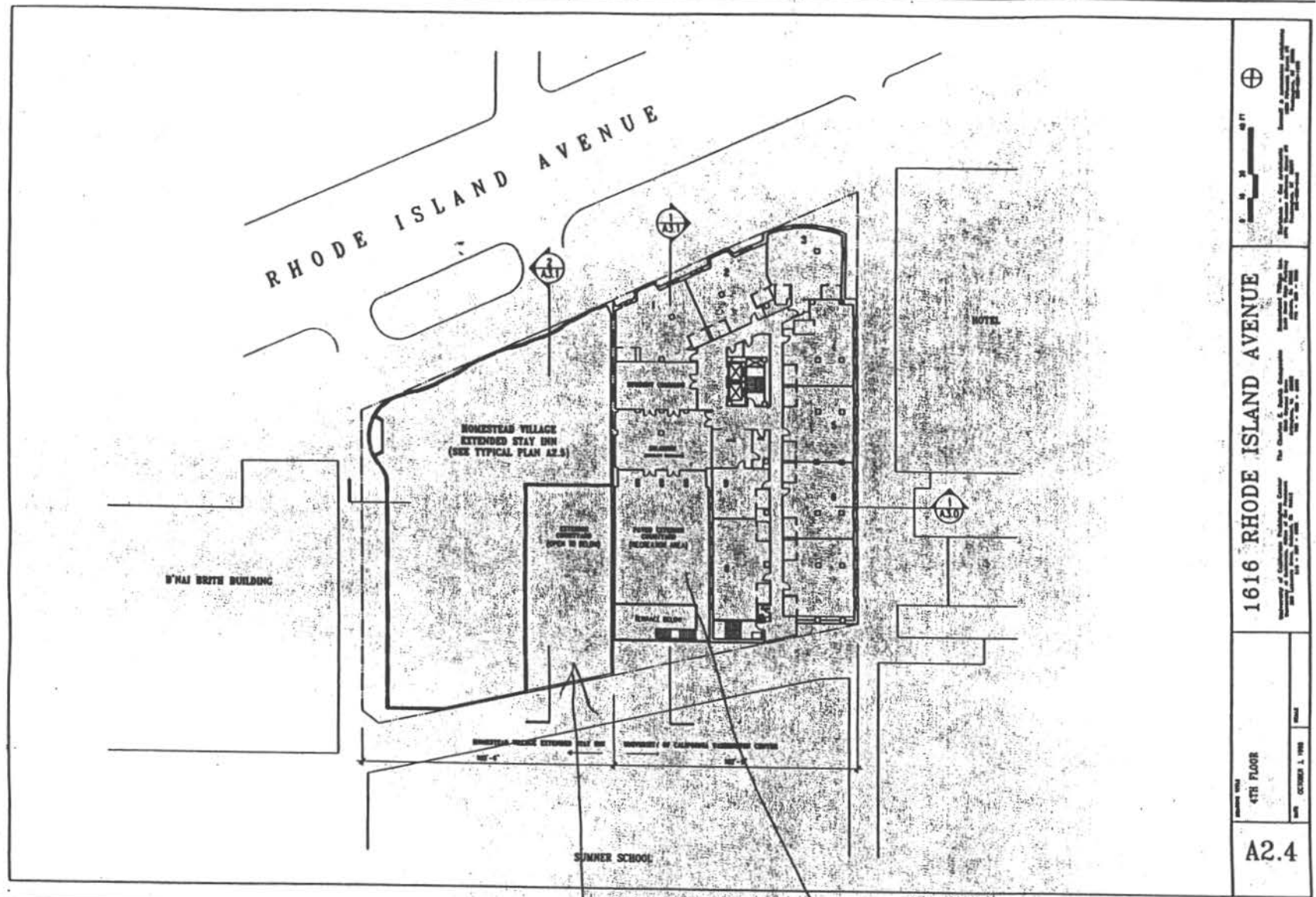
View of student courtyard
ABOVE 3rd Floor of
University Building from
REAR of lot
9/23/05



View of Rear of
University Building
9/23/05



View of Human Rights
Commission Building at
17th & Rhode Island Ave NW
9/23/05



Exterior Courtyard
Open to Below)
for Hotel Garden

4th Floor Plans
PAVED Exterior Courtyard
(Recreation Area)
on University Bldg

