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September 29, 2005

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VIA HAND DELIVERY

Carol J. Mitten, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Room 210
Washington, DC 20001

Re: Zoning Commission Case No. 02-51A
PUD Modification for 1616 Rhode Island Avenue, NW

Dear Chairperson Mitten and Members of the Commission:

On September 28, 2005, legal counsel for the Regents of the University of California ("University") submitted a request to allow a late filing in the above-referenced matter and requested a continuance of the public hearing scheduled for September 29, 2005. The applicant in this case, Rhode Island Associates Limited Partnership ("Applicant") is strongly opposed to granting party status to the University and to postponing the public hearing. As set forth in detail below, the University was fully aware of the status of this case and had every opportunity to participate at an earlier date.

The Zoning Regulations are clear that in order to participate in a proceeding before the Commission, any affected person shall file certain information with the Commission, not less than fourteen days prior to the date set for the hearing. 11 DCMR 3022.3. The University has been aware of Applicant's development plans for over five months but waited until one day before the public hearing to submit its request for party status.

Applicant filed its PUD modification application on April 13, 2005, and simultaneously sent the University a copy. On May 13, the undersigned spoke in a conference call with Gordon Schanck, the Director of Real Estate for the University, Jack Zimmerman and Mike Bochio (one of whom was identified as a University architect) regarding their concerns with Applicant's plans. It was evident that the University was aware of the potential effects of the proposed construction, as they voiced some concerns with the proposal. It was also clear that the University was aware of its ability to participate, as Mr. Schanck noted as much during the conversation. The University, however, made no effort to participate in this case.

On June 21, 2005, the Applicant submitted its pre-hearing statement to the Zoning Commission and simultaneously sent a copy to the University. The University, again, made no effort to participate.

ZONING COMMISSION
District of Columbia
CASE NO. 02-51A
EXHIBIT NO. 25

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The Applicant posted and has maintained signs advertising the hearing date for this matter since August 16, 2005. In addition to providing all relevant information regarding the hearing, the signs include a phone number for individuals to call and voice their concerns. The University's proposed witness, Karen Akerson, would presumably pass the signs every day on her way to work. Yet, the University continued to ignore all opportunities to become involved in this case.

In light of the University's awareness of the application, its prolonged delay in requesting party status is inexplicable. The University is no stranger to the PUD process, as it was a part of the PUD modification application filed for this site in October 1998. Its delay in requesting party status until one day before the public hearing is inexcusable. Pursuant to the Zoning Commission's own rules, the University's request to allow a late filing should be denied.

The University also seeks a continuance for the public hearing currently scheduled for Thursday, September 29, 2005. As detailed above, the University has had more than ample time to prepare for this hearing. It states that it would like additional time to engage an architect to review the Applicant's design plans, however, it offers no reason for why it did not retain an architect during the past five months. In fact, my conversation with Mr. Schanck in May included an architect on staff with the University, demonstrating that the University thought it prudent to involve an architect four months ago. The University offers no viable argument for why a continuance is warranted; postponing the hearing will only cause unnecessary delay.

The hearing has been properly advertised and the University has had adequate time to prepare. Accordingly, the Applicant respectfully requests that the Zoning Commission deny the University's request for party status and its request to postpone the public hearing.

Sincerely yours,



Phil Feola

cc: Arthur Jackson, Office of Planning (via hand delivery)
Stephen Gell, Esq. (via hand delivery)
Richard L. Aguglia, Esq. (via hand delivery)
Garrett Preis (via email)