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November 22, 2005

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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: ZC Case No. 02-51A
PUD Modification for 1616 Rhode Island Avenue, NW**

Dear Chairperson Mitten and Members of the Commission:

On behalf of the University of California, please be informed of the following with respect to this case:

1. The University has reached agreement with the applicant concerning revised design plans for the proposed new office building on the remaining vacant portion of the PUD. Accordingly, the University hereby withdraws its objection that the previously proposed design plans failed to respect the integrity, privacy, and light and air of its existing building (Washington Campus) including 4th floor courtyard. The applicant will present the revised plans which the University has endorsed at the hearing in this case on December 1, 2005.
2. The University concurs with the applicant's counsel that ZC Order No. 638-F established a "new" PUD in 1998 which was extended twice by the Commission. The applicant's latest request is to modify the 1998 PUD by construction of a commercial office building in lieu of a hotel.

Since the Commission approved the 1998 PUD and both prior requests for an extension of the PUD, this appears to be the "law of the case" and thus unfair at this point in time to raise issues regarding any substantial changes in circumstances which would undermine the grant of the latest extension request. This is particularly true since the University's Building was constructed and has been operational since the 1998 PUD approval.



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3. The University requests that the Commission permit the filing of this response past the November 17, 2005 deadline as it has been actively pursuing a settlement of the design issue with the applicant.

Sincerely,

A handwritten signature in black ink that reads "Richard L. Aguglia". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard L. Aguglia
RLA/csg

By PDF and By Mail

cc: Phil Feola, Esq.
Steve Gell, Esq.
Office of Planning
c/o Arthur Jackson