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July 22, 2004

WHAYNE S. QUIN
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BY E-MAIL; ORIGINAL BY HAND

Ms. Jerrily R. Kress
Director
D.C. Office of Zoning
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

ZONING COMMISSION
District of Columbia
CASE NO. 03-12/13
EXHIBIT NO. 83

RECEIVED
D.C. OFFICE OF ZONING
2004 JUL 22 PM 12:11

Re: Pending Zoning Commission Orders

Dear Jerrily:

We currently have six cases pending before the Zoning Commission in which the Commission has voted to take final action but in which an order has not been issued, as follows:

Case Number	Description	Date approved by the Zoning Commission
03-32	Cornell University minor building expansion at 2148 O Street, NW (Applicant: Cornell University)	December 11, 2003
03-12/13	Capper/Carrollsburg redevelopment (preliminary and consolidated PUDs and map amendment) (Applicants: DCHA, Capper/Carrollsburg Venture, Square 769 LLC)	February 6, 2004
03-26	Consolidated PUD at 14th and V Streets (Applicants: PN Hoffman, WMATA, Square 235 LP, George Galich, Helen Galich Marx, and Kathryn Galich Rozansky)	March 8, 2004

ZONING COMMISSION
District of Columbia
CASE NO.03-12
EXHIBIT NO.83

04-06	Consent Calendar modification to the approved PUD at 5401 Western Avenue (settling litigation) (Applicants: Stonebridge Associates and PN Hoffman)	March 8, 2004
03-16	Amendment to the approved PUD to allow the Watergate Hotel to be converted to an apartment house at 2650 Virginia Avenue, NW (Applicants: Monument Residential LLC and BRE/Watergate LLC)	June 14, 2004
04-01	PUD and map amendment for an addition to the American Pharmacists Association HQ at 2215 Constitution Ave, NW (Applicant: APhA with the consent of GSA)	July 12, 2004

All of these cases were approved by the Zoning Commission, but none can proceed without the final written order. We understand that all of these orders have been signed off by the Office of the Attorney General and have been sent to the Chairperson for signature.

As you can see, most of these orders have been pending for a considerable period of time, one for more than seven months. We have written letters on behalf of some of these clients explaining the urgency in having the orders issued, to which we have received no response other than informal communications from Office of Zoning staff indicating that the orders were still pending with the Chairperson. Copies of those letters are attached, but the reasons set forth are summarized as follows:

- In the Cornell case, the University was trying to accomplish some modest construction over the summer of this year while students were not in attendance at the building.
- In the Capper/Carrollsburg case, the Venture would like to start the redevelopment with construction this year on a portion of the consolidated PUD and still must return to the Commission for final approval on the other parts of the project.

- In the 14th and V Street case, property acquisition from WMATA and the other owners is tied to receiving approval.
- In the 5401 Western Avenue case, the Applicants settled litigation which will ultimately result in withdrawal of a contentious Court proceeding, but settlement is on hold pending the Order.
- In the Watergate case, the Applicant wants to proceed with the purchase of the hotel in early August, but is subject to a possible appeal by the parties in opposition.
- In the APhA case, the Applicants need to conclude their purchase negotiations with GSA, which are dependent in part on the final decision.

We believe that the city, the Zoning Commission and the public at large are not well served by the substantial delay in completing what is a ministerial part of the process. The delay and the resulting uncertainty are hurting projects which the Commission has found to meet the applicable tests and to be beneficial and which the city wants. We appreciate any assistance which you can give in helping to remove this procedural roadblock which prevents these projects from moving forward.

Feel free to contact us if you have any questions or if we can provide any additional information.

Sincerely,

Whayne S. Quin

Steven E. Sher
Director of Zoning and Land Use Services

Attachments

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May 24, 2004

CHRISTOPHER H. COLLINS
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Internet Address:
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BY HAND DELIVERY

Ms. Carol Mitten, Chairperson
D.C. Zoning Commission
441 – 4th Street, N. W.
Suite 210 South
Washington, D.C. 20001

Re: Case No. 03-32 – Cornell University Campus Plan

Dear Ms. Mitten:

The purpose of this letter is to inquire into the status of the Zoning Commission Order approving the above-referenced Application, and to request expedited issuance of that Order.

The Application was filed in that case on September 25, 2003. The public hearing was held less than three months later, on December 11th, and on that date the Zoning Commission granted a Bench Decision to approve the Application. This office submitted a draft Summary Order to the Office of Zoning on December 15th, over five months ago.

A quorum of six ANC 2B Commissioners voted unanimously to support the Application and noted that you recused yourself from that vote. There was no opposition to the Application. To our recollection, there was no indication during the public hearing of any complications or other issues that would cause an extended delay in the issuance of the Order. Our client was pleased that the hearing was held, and the case decided, less than three months after the Application date. However, they are extremely concerned that, over five months later, the written Order still has not been issued. If you or your staff are awaiting the submission of any further information from the Applicant, please so advise us.

If no further information is required, then we respectfully request issuance of an expedited Order in this Application. The Applicant is currently processing permits for the necessary renovation, which they had hoped to undertake during the summer months. The Applicant is unable to move forward with those permits until the Order is issued. Thank you for your consideration.

Very truly yours,

Christopher H. Collins

CHC/skp

cc: Linda J. Johnson,
Cornell University

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NORMAN M. GLASGOW, JR.
202-419-2460
Internet Address:
norman.glasgowjr@hklaw.com

June 4, 2004

VIA HAND DELIVERY

Ms. Carol J. Mitten
Chairperson
D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

Re: Zoning Commission Case No. 03-26
Consolidated PUD at 14th and V Streets, N.W.

Dear Ms. Mitten:

On behalf of P.N. Hoffman, Inc., and the owners of the subject property, the Applicant in the above-referenced case, this is to request that the Commission expedite the issuance of the final order approving the consolidated PUD. The subject application was filed on July 21, 2003. The Commission set the case for hearing on September 8, 2003, and the hearing was held on January 15, 2004. The Commission took proposed action on the case on January 29, 2004 and after receiving the report of NCPC, took final action on March 11, 2004, almost three months ago.

The Applicant is prepared to go forward in the near future with the first phase of this two phase development, the construction of the apartment house with first floor retail along the 14th Street frontage of the property. The PUD covenant must be recorded and final details of design, financing and construction still must be resolved. P.N. Hoffman must acquire a portion of the property from the Washington Metropolitan Area Transit Authority and is under some time constraints to conclude that purchase. Construction cannot proceed, however, until the consolidated PUD has been finalized. On an emergency basis, the Council of the District of Columbia recently closed the alley that divides the property, giving further urgency to the need to have the Commission's approval in hand.

The Applicant therefore requests that the Commission's order be issued as soon as possible.

Sincerely,

Norman M. Glasgow, Jr.

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June 4, 2004

VIA HAND DELIVERY

Ms. Carol J. Mitten
Chairperson
D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

Re: Zoning Commission Case No. 04-06/02-17
Modification to the Approve PUD
5401 Western Avenue, N.W.

Dear Ms. Mitten:

On behalf of Stonebridge Associates 5401 LLC, the Applicant in the above-referenced case, this is to request that the Commission expedite the issuance of the order approving the modification to the approved PUD. The Commission approved the modification at its meeting held on March 8, 2004, almost three months ago. This modification was approved on the consent calendar as the Commission determined that the modifications were minor and did not change the material facts relied upon in the original decision.

The modifications were the result of a settlement reached between the Applicant and the Friendship Heights Organization for Reasonable Development (FHORD)and individual neighbors in the area who were parties to the application and who had collectively filed a petition for review in the D.C. Court of Appeals of the Zoning Commission's original approval. The settlement contemplated an expedited process in which the Applicant submitted revised plans to the Commission and FHORD and the neighbors supported consent calendar action to resolve the outstanding issues. Further, approval of the modifications would ultimately lead to dismissal of the appeal of the Commission's decision. All the parties understood that a prompt disposition of the matter by the Commission would be beneficial for everyone.

The Applicant cannot go forward with the proposed development until the Commission issues its order approving the modification. The PUD covenant must be recorded and final details of design, financing and construction still must be resolved. The Applicant therefore requests that the Commission's order be issued as soon as possible.

Sincerely,

Norman M. Glasgow, Jr.

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