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February 4, 2005

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D.C. OFFICE OF ZONING
2005 FEB -4 PM 12: 13

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

Re Zoning Commission Case No 04-04
Service of Post Hearing Submission on ANC 7C

Dear Ms Mitten and Members of the Commission

The Zoning Commission considered Case No 04-04 (Carver 2000 Tenants Association) for Preliminary Action at its December 13, 2004 meeting. At that time, the Commission directed the Applicant to submit certain design modifications together with rationale The timetable for this submission was for the Applicant to submit it to the record by January 6, 2005, with the sole party in the case, Advisory Neighborhood Commission ("ANC") 7C, having until February 3, 2005 to make its comments.

Yesterday the ANC Commissioner from ANC 7C03, Ms Catherine A. Woods, sent a facsimile to the Zoning Commission indicating that the ANC was never served with the submission and requesting an additional four-week period to comment A copy of the facsimile is attached

The Applicant made the submission to the Zoning Commission on January 6, 2005 as required, and on that same date mailed a copy First Class to ANC 7C at its official mailing address as indicated in the letterhead on the facsimile and also as indicated on ANC 7C's web site [1] Under "Service of Papers, Methods of Service, Proof of Service," the Zoning Regulations provide, in part

3003 3 Service may be made and shall be considered complete as indicated in paragraphs (a) through (f) of this subsection, or as otherwise authorized by law

(c) By first class mail, when deposited in the United States mail, properly stamped and addressed

ZONING COMMISSION
District of Columbia
CASE NO. 04-04
EXHIBIT NO. 44

[1] A copy of the ANC's web page with official address is attached to this letter

ZONING COMMISSION
District of Columbia
CASE NO.04-04
EXHIBIT NO.44

Accordingly, by mailing the ANC's copy of the submission to it first class mail, the Applicant complied with Service requirements

Proposal. At this point, the Applicant proposes to resolve the problem by hand delivering a copy to each of the seven ANC 7C Commissioners today, together with a request that the ANC submit its comments to the Zoning Commission by February 21, 2005, so that the Zoning Commission can still take Preliminary Action at its February 24 meeting. We note that the further submission and review process already required two months in order to accommodate the ANC's meeting schedule (the 2nd Thursday of each month) The second Thursday this month will be February 17. Accordingly, the ANC Commissioners will have 13 days to review the minor modifications and short rationale, and four days after the meeting to submit comments to the Zoning Commission.

We hope this will be acceptable to the Zoning Commission and that the Commission will be able to consider Preliminary Action at its February 24, 2005 meeting

The public hearing on the case was completed on October 7, 2004, and in the intervening period, both construction and financing costs have increased significantly, especially for a project serving low-income households and relying on multiple forms of financing and subsidy to accomplish this important public purpose

Sincerely,
ARNOLD & PORTER LLC

Cynthia A Giordano

Nathan W. Gross, AICP

Enclosures

WELCOME TO WASHINGTON
District of Columbia



Advisory Neighborhood Commissions

ANC HOME

Election Information

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Advisory Neighborhood Commission 7C

Mailing Address:
4651 Nannie Helen Burroughs Avenue, NE #2
Washington, DC 20019
Phone: (202) 398-5100
Fax: (202) 398-5440
Email

Meeting Location:
4651 Nannie Helen Burroughs Avenue, NE #2

Meeting Date: 2nd Thursday, 7:00 p.m.

Learn more
about your Ward.

ANC	Name	Address	Phc
7C01	Patricia Malloy	501 50th Place NE Washington, DC 20019	
7C02	Savannah Crook	5302 East Capitol Street, NE Washington, DC 20019	
7C03	Catherine Woods	4904 Fitch Place, NE Washington, DC 20019	
7C04	Terrence Johnson-Bey	5220 Hayes St. NE Washington, DC 20019	256
7C05	Wadelle Anderson	314 63rd Street, NE Washington, DC 20019	na
7C06	Thomas Alston	914 55th Street NE Washington, DC 20019	584
7C07	Muriel Chambers	1027 46th Street, NE Washington, DC 20019	

ARNOLD & PORTER LLP

February 4, 2005

VIA HAND DELIVERY

MEMORANDUM

TO: Commissioners, Advisory Neighborhood Commission 7C

FROM: Nathan W. Gross, AICP

RE: Zoning Commission Case No. 04-04
Carver 2000 Tenants Association

As you know, the Zoning Commission, at its meeting of December 13, 2004, asked the Applicant in the above-cited case to submit certain design modifications together with supporting rationale to the record of the case by January 6, 2005. The Applicant was to serve the submission on ANC 7C, the sole party in the case, and the ANC was to have until February 3, 2005 to submit its comments to the record.

I submitted the information to the record on January 6, 2005 and on that same day mailed a copy First Class to ANC 7C at its official address This complies with the Zoning Regulations at § 3003.3(c) regarding methods of serving papers.

On February 3, 2005, the ANC Commissioner for 7C03, Ms. Catherine A. Woods, sent a facsimile to the Zoning Commission stating that the ANC was not served with the Applicant's submission and requesting a four-week delay in the decision. Please see the attached copy of the Applicant's letter to the Zoning Commission via hand delivery today Our proposal is that we (Applicant) hand deliver a copy of the January 6, 2005 today to each of the seven (7) members of ANC 7C and that you submit comments to the Zoning Commission by February 21, 2005, so that the Zoning Commission can still decide the case on February 24. This will give you 13 days from today to review the submission prior to your monthly meeting on the second Thursday (February 17) and four days after that to submit comments to the Zoning Commission.

A copy of the proposed plan modifications and rationale statement of January 6, 2005 is attached for your review and comment to the Zoning Commission

Attachment

Distribution: Patricia Malloy, Savannah Crook, Catherine Woods, Terrence Johnson-Bey, Wadelle Anderson, Thomas Alston, Muriel Chambers