Government of the District of Columbia
Zoning Commission

June 21, 2004

Jacques B. DePuy, Esq.
Stephanie A Baldwin, Esq
Greenstein DeLorme & Luchs, P C
1620 L Street, N W
Suite 900
Washington, D C. 20036-5605

Re: Z.C. Case No. 04-07 / WASA

Dear Mr. DePuy & Ms Baldwin

The Office of Zoning is in receipt of your letter dated June 9, 2004, regarding the above-referenced case

The Zoning Regulations are strict regarding the timeliness of submissions into case records The record on this case was closed on May 20, 2004, with specific additional submissions requested from the Commission due on June 2, 2004, therefore, your letter cannot legally be included in the above-referenced file Furthermore, on June 14, 2004, the Commission denied your request to reopen the record and accept your letter

Thank you for your letter If you have any questions, please do not hesitate to me at (202) 727-0330

Sincerely,

Alberto P Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION
District of Columbia
Case 04-07
Exhibit 37

Enclosure

ZONING COMMISSION
District of Columbia
CASE NO.04-07
EXHIBIT NO.37

LAW OFFICES
GREENSTEIN DELORME & LUCHS, P. C.

WILLIAM H HARRIS, JR
RICHARD G WISE
ABRAHAM J GREENSTEIN
GILBERT E DeLORME
VINCENT MARK J POLICY
RICHARD W LUCHS
JUDITH R GOLDMAN
JACQUES B DePUY
JEFFREY H GELMAN
ALAN S WEITZ
WILLIAM C CASANO
JOHN PATRICK BROWN JR
LEWIS F MORSE
ROGER D LUCHS
STEPHANIE A BALDWIN
LYLE M BLANCHARD
JOHN M CATALANO
GREGORY T DuMONT
ALFRED M GOLDBERG
MONIC Y HALSEY
DONALD F HOLMES, JR
M RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P SABIO*
JAMES D SADOWSKI
*ADMITTED IN VA ONLY

1620 L STREET, N W , SUITE 900
WASHINGTON, D C 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410
www gdllaw com

OF COUNSEL
MARK J ZWEIFLER
ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

June 9, 2004

BY HAND DELIVERY

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

Re Zoning Commission Case No 04-07; Request For Re-Opening of the Record to Accept Attached Letter

Dear Ms Mitten

This firm represents Forest City/Washington ("Forest City"), the developer designated by the U.S. General Services Administration for the development of the Southeast Federal Center site ("SEFC Site") The SEFC Site is immediately adjacent to the property owned by the D C. Water And Sewer Authority ("WASA")

On the behalf of Forest City, we respectfully request that the Zoning Commission exercise its authority pursuant to Section 3024 5 of the Zoning Regulations and reopen the record of Zoning Commission Case No 04-07 for the purpose of accepting the enclosed letter from Forest City The letter pertains to the proposed development of the WASA property, including the location and design of a "Load Out" Facility to the Main Pumping Station

ZONING COMMISSION
District of Columbia
CASE NO. 04-07
EXHIBIT NO. 31

Thank you for your consideration of our request

Sincerely yours,

Jacques B DePuy

Stephanie A Baldwin

235221v1
Enclosure

cc Mr Uwe Brandes, D C. Office of Planning
Ms Kirsten Brinker, Forest City/Washington
Mr Harold DeBlanc, Forest City/Washington
Mr Thomas W Henneberry, Forest City/Washington
Mr Joel Lawson, D.C Office of Planning
Mr Ken Lore, Esquire
Ms Deborah Ratner Salzberg, Forest City/Washington

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing letter to Zoning Commission Chairperson Carol J Mitten from the law firm of Greenstein, DeLorme & Luchs, P C., was transmitted via courier this 9th day of June 2004 to

Garland H Stillwell, Esquire
Emily J Vaias, Esquire
Linowes & Blocher, LLP
7200 Wisconsin Avenue, Suite 800
Bethesda, MD 20814-4842

Advisory Neighborhood Commission 6D
Mr Ahmed Assalaam, Chair
Millennium Arts Center
65 I Street, S W
Washington, DC 20024

Stephanie A Baldwin

235247v1

FORESTCITY

WASHINGTON

June 9, 2004

BY HAND DELIVERY

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

Re Zoning Commission Case No 04-07, D C. Water and Sewer Authority ("WASA")

Dear Ms Mitten and Members of the Zoning Commission.

As you know, Forest City/Washington ("Forest City") has been designated by the U.S General Services Administration as the developer of the SouthEast Federal Center site ("SEFC Site") The SEFC Site is immediately adjacent to the WASA property

Forest City has been working very closely with the Office of Planning on development issues including those pertaining to the Anacostia waterfront and the design and development of the SEFC site and the WASA property We have also met with senior WASA officials on one occasion and WASA engineers on another occasion. Both meetings were introductory in nature Unfortunately, our discussions with WASA only occurred recently and we have had insufficient time to resolve complex engineering, architectural, access, security and other issues pertaining, in particular, to WASA's proposed "Load Out" Facility This proposed facility is intended to be located on the east side of the main pump station immediately adjacent to the SEFC Site Thus, the Load Out Facility might have a significant adverse impact on the residential, retail and recreational development proposed by Forest City

In view of the foregoing and for the reasons set forth below, Forest City respectfully requests that the Zoning Commission defer action on the proposed "Load Out" Facility so that Forest City, WASA and OP can continue to work together and to resolve outstanding issues

5803 NICHOLSON LANE NORTH BETHESDA, MD 20852
(301) 287-3234 FAX (301) 287-3332

A. First and foremost, Forest City and WASA have only had the opportunity to share their respective plans and discuss mutual issues recently Because the issues involved are complex and have the potential for major impacts on the SEFC Site, the Anacostia Waterfront and other nearby property, it is imperative that sufficient time be allowed for Forest City, WASA and OP, as well as the many engineers, architects, planners and other professionals who are involved in these matters, to continue their discussions and to attempt to resolve issues

B. Second, we have been advised that the Consent Decree issued by the U S District Court does not require WASA to construct the Load Out Facility Thus, there is no immediate need or requirement for WASA to proceed with respect to this facility

In view of the above, Forest City respectfully requests that the Zoning Commission withhold approval of the construction of the Load Out Facility until adequate discussions have been held among WASA, Forest City and OP and all outstanding issues have been resolved We also respectfully request that WASA be required to present its detailed plans for the Load Out Facility to the Zoning Commission and secure approval of such plans from the Zoning Commission This will ensure that Forest City has an opportunity to present its views to the Zoning Commission in the event an agreement among WASA, Forest City and OP is not reached It will also allow WASA to move forward upon secural of Zoning Commission approval in the event WASA and Forest City are unable to agree on the resolution of outstanding issues

Thank you for your consideration of our recommendations and requests

Sincerely yours,

Deborah Ratner Salzberg (MS)

Deborah Ratner Salzberg
President
Forest City/Washington

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cc Mr Andrew Altman, Director, D C Office of Planning
Mr Uwe Brandes, D C Office of Planning
Mr Joel Lawson, D C Office of Planning
Mr Harold DeBlanc, Forest City/Washington
Mr Thomas W Henneberry, Forest City/Washington
Ms Kirsten Brinker, Forest City/Washington
Ken Lore, Esquire, Swidler & Berlin
Jacques B DePuy, Esquire, Greenstein DeLorme & Luchs, P C