

March 5, 2009

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Hand Delivery

Zoning Commission of the District of Columbia
441 4th Street, NW
Suite 210S
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Re: Zoning Commission Case No. 09-01
Extension of BZA Orders

ZONING COMMISSION
District of Columbia
CASE NO. 09-01
EXHIBIT NO. 5

2009 MAR -5 PM 4:37

RECEIVED
D.C. OFFICE OF ZONING

Dear Members of the Commission:

This letter is to request that the Zoning Commission act as expeditiously as possible, including taking emergency action at the conclusion of the public hearing to be held on March 30, 2009, on the proposed amendments to the Zoning Regulations to allow the Board of Zoning Adjustment to extend the validity of its orders. As the Commission is well aware, the current economic climate has forestalled the ability of applicants before the Board to prepare and file applications for building permits in many cases where the orders were issued within the last two years. The owners and developers of these projects already face significant challenges in holding the projects together, searching for financing, maintaining the property and paying real estate taxes. These owners and developers should be able to avoid having to be required to restart their projects or modify the projects to keep the approvals in place until the economy turns and allows these projects to proceed to construction. Likewise, the administrative efficiency of the Board would be enhanced by establishing a process to allow approvals to be extended rather than having to rehear cases or consider whether modifications to cases were appropriate.

We have a number of projects in our office where the two year time-frame for applying for a building permit is coming to an end and where alternative action would be required to keep the approvals in place, such as modification of plans or being forced to proceed with working drawings at significant cost and expense. The projects that are affected are not only those where the BZA order expires on or before June, 2009. In cases where the approval would expire in August or September of 2009, applicants are having to look now as to what alternatives exist to keep the approvals valid so that options are available in the event that the Commission does not take action in the June, 2009, time frame presently anticipated. For any number of reasons, a text amendment case can take longer than originally anticipated.

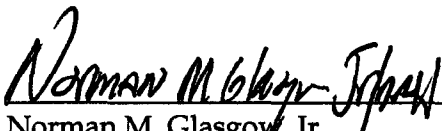
Projects approved by the Board are under tremendous stress and are in need of prompt assistance from the Commission. What is proposed essentially only makes the Zoning

Regulations consistent between approvals for BZA cases and approvals for Zoning Commission cases.

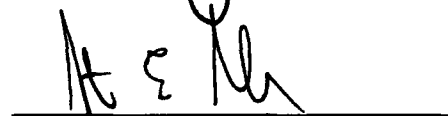
We hope that the Commission will review this request favorably and move promptly to adopt the proposed change to the Regulations on an emergency basis, as many projects are affected in the near term by the pending expirations of their respective BZA orders.

Respectfully submitted,

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