Carol J. Mitten
The Presidential
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May 12, 1999

Ms. Jerrily Kress
Chair, Zoning Commission
441 4th Street, N.W.
Washington, D.C. 20001

Re: Procedural Error
Zoning Commission Case #98-14C
Solar Building
1000 16th Street, N.W.

Dear Ms. Kress:

Both the Dupont Circle ANC and the Presidential Apartments are parties to the referenced zoning case and it has come to our attention that the final filings of each party were not properly logged, are not in the Master File, and were not presented to the Commissioners for their consideration before the May 10th public meeting.

Both the ANC's final filing and "Proposed Findings of Fact and Conclusions of Law" of the Presidential Apartments were provided to the Office of Zoning in a timely manner and within the deadline specified. Desmond Foynes personally delivered these materials to the Zoning Commission April 28, 1999.

You will recall that both parties have conscientiously prepared for all hearings before the Commission. The parties also prepared for and attended the April 1st "settlement discussion" that the Commission directed the applicant and parties to convene; others attended that meeting and received a copy of the community's "Proposed Consensus Memorandum and Position Paper" that the parties prepared in anticipation of the settlement meeting.

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OFFICE OF ZONING
DISTRICT

ZONING COMMISSION
CASE No. 98-14C
EXHIBIT No. 83

ZONING COMMISSION
District of Columbia
CASE NO.98-14
EXHIBIT NO.83

Madame Chair, the parties have taken every opportunity provided by the Commission to make responses, both orally and in writing. We would not, and did not, forego this final opportunity to make the views of the community known. We are grateful to Commissioner Hood for his level of interest in the views of the community; were it not for his questions regarding the community's position, it would not have been evident that our final submissions were not before the Commissioners.

We urgently seek your assistance in seeing that this matter is resolved and that all the material that we and the ANC submitted for your consideration receive its due weight.

Respectfully,

Carol J. Mitten

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cc: John Parsons
Angel Clarens ✓
Anthony Hood
Herbert Franklin