'99 JUN 14 P12:21

Memorandum To: Jerrily Kress
Chair, Zoning Commission
DISTRICT

From: Carol J. Mitten

CC: Mayor Anthony Williams
Council Chair Linda Cropp
Council Member Jack Evans
Council Member Phil Mendelson
Kyle Pitsor, Chair ANC-2B
Meredith deHart, Commissioner ANC-2B

Date: June 11, 1999

Subject: Correspondence (6/8/99)

Our recent correspondence contained two factual errors regarding pertinent dates and the Solar Building (ZC #98-14C). We incorrectly reported events of April 1999, as having occured in May 1999.

Attached are corrected copies of our correspondence, with the pertinent and corrected dates underlined.

We regret any confusion that may have arisen from this error.

ZONING COMMISSION
CASE No. 98-14C
EXHIBIT No. 89

ZONING COMMISSION
District of Columbia
CASE NO.98-14
EXHIBIT NO.89

**Carol J. Mitten**
The Presidential
1026 16th Street, N.W., #701
Washington, D.C. 20036
202-347-4176 (h)
202-682-0300 (w)

June 8, 1999

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

By Hand

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

Dear Ms. Kress:

This letter follows our prior correspondence of May 12, 1999 and pertains to the captioned rezoning and PUD application.

The Commission convened in public meeting on May 10, 1999 and approved the referenced re-zoning and PUD application in a vote of 3 to 2. During deliberations of the Commission, it became apparent to many observers that Commissioners lacked a full set of submissions from parties to the case, namely the Dupont Circle ANC and the Presidential Apartments. We have since confirmed our suspicions; the public record on the case closed on April 28, but the last entry in the master log for the case is dated April 5, 1999. Submissions of the parties and the applicant were received by your office but not properly processed by staff. For example, the proposed Findings of Fact and Conclusions of Law that were prepared by the applicant are not noted in the master log (see attached), but seemed to be before the Commissioners during the public meeting.

In remarkable fashion, it escaped notice of the professional staff of the Zoning Office, and its Staff Director that the Commissioners studied, deliberated and decided a contested rezoning case without a full set of documents from all parties in the case. We think your deliberations on the case, and preparations for same, were blatantly flawed for this reason.

We respectfully request that the matter be rescheduled for another public meeting. It is our expectation that all Commissioners would have a completed set of submissions from the parties in advance of that public meeting.

We attach our prior correspondence on this matter.

Sincerely,

Carol J. Mitten

cc: Mayor Anthony Williams
Council Chair Linda Cropp
Council Member Jack Evans
Council Member Phil Mendelson
Kyle Pitsor, Chair ANC-2B
Meredith deHart, Commissioner ANC-2B

# EXHIBIT LOG

Copied by C Mitten 5/12/99

CASE NO. 98-14C

| EXHIBIT NO. | NATURE OF EXHIBIT | EXHIBIT DATE | NO. PAGES | DATE REC'D |
|---|---|---|---|---|
| 79. | Testimony of Dr. Everett Carter (transp. related issues) (in opposition) | 3/25/99 | 3 | 3/25/99 |
| 80. | Ltr. from PEPCO to applicant regarding garage access through the alley system in Sq. 184 | 3/25/99 | 2 | 3/25/99 |
| 81. | Closing Statement | 3/25/99 | 2 | — |
| 82. | Ltr. from WAHL regarding meetings w/community (w/attachs.) | 4/5/99 | 5 | 4/5/99 |
| 83. | | | | |
| 84. | | | | |
| 85. | | | | |
| 86. | | | | |
| 87. | | | | |
| 88. | | | | |