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July 9, 2007

**VIA HAND DELIVERY**

Zoning Commission for the  
District of Columbia  
441 4th Street, N.W., Suite 210S  
Washington, D.C. 20001

RECEIVED  
D.C. OFFICE OF ZONING  
2007 JUL -9 PM 3:17

Re: Supplemental Response to Tiber Island's Objection – Waterside Mall  
Modification to First-Stage PUD Approval and  
Application for Second-Stage PUD  
**Zoning Commission Case No. 02-38A**

Dear Members of the Commission:

On behalf of the Applicant in the above-referenced case, this letter is submitted in response to the letters dated June 22, 2007, and July 9, 2007, from counsel for Tiber Island Cooperative Homes, Inc. as well as Advisory Neighborhood Commission 6D's letter dated June 30, 2007, and Carrollsburg Square Condominium Association's letter dated July 3, 2007. Although the Applicant still believes that the parties waived cross examination, as set forth in the Applicant's letter to the Zoning Commission dated June 27, 2007, the Applicant agrees in the spirit of cooperation to present Shalom Baranes for cross examination of his rebuttal testimony.

In order to prevent as much delay as possible, the Applicant respectfully requests that Zoning Commission schedule the hearing for cross examination as early as possible in the month of September. Mr. Baranes will be in town and available during the entire month of September. Assuming that the Commission designates a date at its meeting on July 9, 2007, all required notices and postings can be completed within the specified time frames for a hearing in early September. The Applicant also requests that the Commission consider this case for proposed action at the conclusion of the cross examination hearing to help move this important project forward.

ZONING COMMISSION  
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District of Columbia  
CASE NO. 02-38A  
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EXHIBIT NO. 86  
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Furthermore, the Applicant continues to assert that the deadline for filing proposed Findings of Fact and Conclusions of Law by Thursday, July 12, 2007, is appropriate. All transcripts were publicly available by Tuesday, July 3<sup>rd</sup>, which is more than seven days before the deadline in accordance with 11 DCMR § 3026.1.

We look forward to the Commission's consideration of these issues at its public meeting on July 9, 2007. Should the Commission have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Very truly yours,



Wayne S. Quin



Christy Moseley Shiker

cc: Parties to Case (***See Attached Proof of Service***)  
Jennifer Steingasser, Office of Planning (Via E-Mail)  
Matt Jesick, Office of Planning (Via E-Mail)

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### PROOF OF SERVICE

I hereby certify that on July 9, 2007, a copy of the foregoing Applicant's Response to Tiber Island's Objection was served on the following parties:

Advisory Neighborhood Commission 6D  
25 M Street, S.W.  
Washington, DC 20024

Via Hand Delivery

Max Skolnik  
ANC Commissioner  
700 7<sup>th</sup> Street, SW #610  
Washington, DC 20024

Via Hand Delivery

Tiber Island Cooperative Homes, Inc.  
429 N Street, SW  
Washington, DC 20024  
Attention: Paul Greenberg

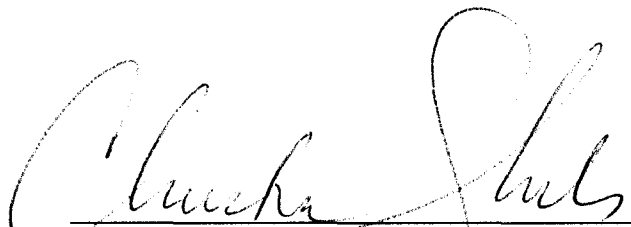
Via Hand Delivery

Michael McGovern  
Hanson & Molloy  
1320 19<sup>th</sup> Street, NW, Suite 300  
Washington, DC 20036

Via Hand Delivery

Carrollsbury Square Condominium Association  
1804 T Street, NW  
Suite One  
Washington, DC 20009  
Attention: Henry Baker

Via Hand Delivery



Christine Moseley Shiker, Esq.  
Holland & Knight