

**THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD COMMISSION (ANC 2A) RESOLUTION #0406--RA2**

*Resolution Pertaining to the Office of Zoning Interpretation of 11 DCMR 3011.3*

**WHEREAS, it has been customary for the Zoning Commission to take into account the views of Advisory Neighborhood Commissions and other interested entities when considering whether an application or petition under 11 DCMR is appropriate to set down for hearing before the Commission; and**

**WHEREAS, the views of Advisory Neighborhood Commissions and other entities with knowledge relevant to an application or petition can be helpful to the Zoning Commission in identifying issues that should be addressed before the Commission and interested parties undertake full consideration of the application on the merits; and**

**WHEREAS, the Office of Zoning has recently announced that, based on the language of 11 DCMR 3011.3 ("After considering the application or petition and the recommendations of the Office of Planning, and after reasonable opportunity for the applicant or petitioner to present the applicant's or petitioner's views, the Commission may dismiss the application or petition or set it down for hearing or other proceeding"), the Zoning Commission will henceforward consider only the submissions of the applicant and the report from the Office of Planning before acting on a request to set-down an application for hearing; and,**

**WHEREAS, the language quoted from 11 DCMR 3011.3 requires the acts described therein but does not preclude consideration by the Commission of other relevant views and information; and**

**WHEREAS, the role of Advisory Neighborhood Commissions in providing views and information to DC agencies is clearly and definitively described in DC Code §1-309.10(a) ("Each...Commission...may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning...which affect that Commission area. For the purposes of this part, proposed actions of District government policy shall be the same as those for which prior notice...is required"); and**

**WHEREAS, the Zoning Commission's actions in set-down hearings result in actions by the government of the District of Columbia; and**

**WHEREAS, the law [DC Code §1-309.10(d)(3)(A)-(C)] provides that the views of Advisory Neighborhood Commissions about such actions must be considered and afforded "great weight";**

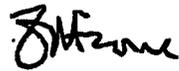
**NOW, THEREFORE, BE IT RESOLVED THAT ANC 2A requests the Zoning Commission District of Columbia**

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D.C. OFFICE OF ZONING  
2006 APR 20  
ZONING COMMISSION  
District of Columbia  
CASE NO. 06-12  
EXHIBIT NO. 19

Commission for the District of Columbia to reverse the recent reinterpretation of 11 DCMR 3011.3 by the Office of Zoning and to consider filings by Advisory Neighborhood Commissions and other entities with relevant knowledge before determining what action to take on an application or petition under that regulation.

DATE: April 19, 2006

ANC-2A SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 LEHRMAN	X					
02 THOMAS	X					X
03 SAVAGE	X					
04 MORRIS	X					
05 MILLER	X					
06 MICONE	X				X	



CHAIRPERSON

Fax for Sharon 727-6072

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Sharon -

Please call to confirm receipt.

Thanks!

Jinca Milone

202-305-1756