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# MEMORANDUM

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D.C. OFFICE OF ZONING
2002 SEP 17 PM 4:35

**By Hand Delivery**

TO: Alberto Bastida

FROM: Maureen Dwyer
Paul Tummonds

DATE: September 17, 2002

RE: Review of Zoning Commission Case Files

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In a review of Zoning Commission case files in the Office of Zoning we have found a number of cases that are still viewed by the Zoning Commission and the Office of Zoning as active files, even though they have not been acted on by the Zoning Commission or the Office of Planning in a considerable amount of time, they have become moot, or they require a final order from the Zoning Commission. We hope that this memorandum is helpful to you and the Office of Zoning in "cleaning-up" some of these long-standing cases. It is important that the Zoning Commission officially close some of these cases to provide assurances to all members of the public as to the existing zone districts for the property and that there are no potential obstacles to pursuing development opportunities for these properties.

We believe that the following cases should be acted on by the Zoning Commission.

1) Zoning Commission case No. 91-2 – Zoning Map Amendment application of ANC 3E, Citizens for the Preservation of Residential Neighborhoods, and the Tenley and Cleveland Park Emergency Committee (TACPEC) for Squares 1729/1731, 1770 and 1778 from the C-3-A to the C-2-A Zone District (properties adjacent to the Tenleytown Metrorail Station). The last entry in the record of this case is a letter from TACPEC dated November 2, 1993 to the Office of Planning requesting that OP take some action in this case. We believe that it would be prudent for the Office of Zoning to confer with the Office of Planning to see if OP still considers this to be an active case. If not, the Zoning Commission should dismiss this case.

2) Z.C. Case No. 92-1C – PUD application of the West End Trading Company (Blackies) for Lot 76 in Square 51 (22nd and M Streets, N.W.). This application was not pursued by the applicant. Subsequently, this property became part of the PUD and Map Amendment application approved by the Zoning Commission in Order Nos. 855 and 855-A. The Zoning Commission should officially close this case.

ZONING COMMISSION
District of Columbia
Case 00-06
Exhibit 11



ZONING COMMISSION
District of Columbia
CASE NO.00-06
EXHIBIT NO.11

3) Z.C. Case No. 93-6C – PUD application of Scoville Street Corp. for Square 516S (4th, 5th, I Street and Massachusetts Ave., N.W.). No action was taken by the Zoning Commission on this application. The last entry in the record of this case is a letter dated April 14, 1993 from J. Kirkwood White to the Office of Zoning that requested the Zoning Commission to suspend processing of the application until the applicant is able to provide drawings regarding the residential portion of the proposed project. Based on our research of the file, it does not appear that any further plans or documents were provided to the Office of Zoning. Due to the considerable amount of time that has occurred since the last correspondence in this case, it would be appropriate for the Zoning Commission to dismiss this case.

4) Z.C. Case No. 98-2M/97-12M/94-17C – PUD and Zoning Map Amendment application of Washington Development Group for Lots 830 and part of 7000 in Square 560 and Lot 831 in Square 562 and use of the air rights over the Centerleg Freeway. From a review of the record in this case, it does not appear that any action in this case has been pursued by the applicant since 1999. The case was originally filed on August 15, 1997. After numerous delays and postponements, the hearing was continued until June 10, 1999 and the applicant was requested to respond to 11 requests for information in addition to resolving the Control Board issue over whether it had any rights to develop north of Massachusetts Avenue. On June 1, 1999, the applicant requested postponement of the public hearing on the basis that the Control Board had yet to reach a decision as to whether the applicant had control of the site. The applicant stated that it would submit a request for a new hearing date once it had received Control Board approval. The Control Board has now gone out of existence and there has been no further action on the case since June 1, 1999.

5) Zoning Commission Case No. 00-06 – Zoning Map Amendment application of Willco Construction Co. for Lots 41, 48, 49, 50-61, 998-100, 103-105, 131-136, 144-147, 155-160, 161, 167, 815-818, 822-824, & 828-830 in Square 701 from the C-M-2 to the C-3-C Zone District (bounded by N, Half, M and 1st Streets, S.E.). The last entry in the record of this case is a memorandum from Stephen Cochran of OP to Fred Greene, of F.L. Greene Associates, L.L.C. dated June 29, 2000. In this memorandum, Mr. Cochran noted that OP and the representative of the applicant, Mr. Greene, agreed to postpone the set-down hearing for this application until the Fall of 2000. Based on our research, further action has not occurred in this case. We believe that it is prudent for the Office of Zoning to encourage OP to file its set-down report and bring this case to the Zoning Commission for a set-down determination.

6) Zoning Commission Case No. 00-05 – Zoning Map Amendment application of the Welch Family for Lots 40, 63-67, 801-805, 834, 838, 839, 842, 848, 860, 861-866, 872, 873, 876 & 878 in Square 369 from the DD/C-2-A and DD/C-2-C to the DD/C-3-C Zone District (bounded by 9th, 10th, L and M Streets, N.W.). The last information in the file is a letter from Richard Nettler on 1/19/01 stating that they have not been able to schedule a set-down hearing because OP has not filed a report. We believe that it is prudent for the Office of Zoning to encourage OP to file its set-down report and bring this case to the Zoning Commission for a set-down determination.

In addition, you had discussions earlier this year with Paul regarding a corrected Zoning Commission Order, Order No. 909-A, for Zoning Commission Case No. 96-12Z. This case dealt with miscellaneous citywide map amendments and the corrected order addressed necessary changes to Zoning Commission Order No. 909 regarding properties near Benning Road, 18th Street, Oates Street, and Bladensburg Road, NE. This corrected Order should be issued by the Zoning Commission as soon as possible. A copy of the proposed Order No. 909-A is attached for your convenience.

If you have any questions or comments regarding the cases or issues addressed in this memorandum, please feel free to give either of us a call.

Enclosure

Document #: 1270716 v.1