GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Z.C. CASE NO.: 00-06

As Secretary to the Commission, I hereby certify that on APR - 4 2008 copies of this Z.C. Order No. 976 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

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ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia
CASE NO. 00-06
EXHIBIT NO. 17

ZONING COMMISSION
District of Columbia
CASE NO.00-06
EXHIBIT NO.17

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 976
Z.C. Case No. 00-06
(Proposed Zoning Map Amendment for Square 701 from C-M-2 to C-3-C)
July 12, 2004

DISMISSAL ORDER

Willco Construction Company and various other owners of property in Square 701 requested an amendment to the Zoning Map to change the zoning designation for Square 701 from C-M-2 to C-3-C. At its public meeting on July 12, 2004, the Zoning Commission for the District of Columbia (the "Commission") voted 5-0-0 to dismiss the application.

FINDINGS OF FACT

1. On February 29, 2000, the Office of Zoning received an application from the consulting firm of Fred L. Greene Associates, L.L.C., on behalf of Willco Construction Company and various other owners of property in Square 701 ("Applicant"). The Applicant requested the Commission amend the Zoning Map of the District of Columbia to change the zoning designation for Square 701 from C-M-2 to C-3-C.

2. At the time the application was filed, the Commission had already advertised its intent to hold a public hearing to consider a zoning change for Square 701 as a part of Zoning Commission Case No. 96-3/89-1 (Map Amendment & Overlay District at Buzzard Point – Capitol Gateway) ("Capitol Gateway Rulemaking").

3. The Commission referred the application in this matter to the Office of Planning ("OP") for a setdown report in March 2000. An OP representative met with the Applicant in June 2000 to discuss the application and exchange information to prepare OP's report. At the meeting, the parties discussed deferring the OP report to consider the impact of the Capitol Gateway Rulemaking on the application.

4. At the Commission's July 10, 2000 public meeting, OP advised the Commission that the Applicant had agreed to defer consideration of its application in light of ongoing Capitol Gateway Rulemaking proceeding.

5. The Commission voted to approve Capitol Gateway Rulemaking on April 19, 2002, took final action on October 28, 2002, and then modified the final action slightly on November 18, 2002. The final rulemaking was published in the *D.C. Register* on January 7, 2005 at

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6. The Commission's Secretary wrote to the Applicant's representative on April 19, 2004 and again June 16, 2004, asking whether the Applicant was willing to withdraw its application in light of the fact the Commission rezoned Square 701 in the Capitol Gateway Rulemaking. Because the Applicant did not respond to the letters, the Secretary telephoned the Applicant's representative in July 2004. In this telephone conversation, the Applicant's representative informed the Secretary that he had no objection to dismissing the case.

CONCLUSIONS OF LAW

The Zoning Commission dismisses the application for several related reasons.

First, after the Applicant requested a change from the C-M-2 zoning designation, the Commission rezoned Square 701 from C-M-2 to CG/CR in the Capitol Gateway Rulemaking. The new zoning designation permits similar development potential to that which was sought by the Applicant.

Second, the Commission feels it is unnecessary to revisit its recent decision to rezone Square 701 in the Capitol Gateway Rulemaking. The Commission held several hearings in that case, and gathered extensive evidence before it reached its decision to develop and apply the new CG/CR designation for Square 701. The Applicant had the opportunity to participate in that proceeding, and to put forward whatever evidence it planned to present in this proceeding.

Third, the Applicant, through its designated representative, indicated to the Commission's Secretary in July 2004 that it had no objection to dismissal of the case.

DECISION

Upon consideration of the reasons set forth herein, the Commission for the District of Columbia, pursuant to 11 DCMR § 3011.3, hereby dismisses Zoning Commission Case No. 00-06.

At its July 12, 2004 public meeting, the Zoning Commission **DISMISSED** the case by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Kevin Hildebrand, Gregory Jeffries, and John G. Parsons to dismiss).

In accordance with the provision of 11 DCMR § 3028, this Order is final and effective upon publication in the DC Register on APR 11 2008.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING