ANC 2D
400 Eye Street, SW
Washington, DC 20024
May 22, 2002

Members of the Commission
DC Office of Zoning
441 4th Street, NW
Suite 210 South
Washington, DC 20001

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RE: Case # 01-35 – Waterside Mall

VIA FAX / 202-727-7072

Dear Commission Members,

I am writing to ensure that you have an accurate understanding of the position ANC-2D on Case #01-35 – Waterside Mall -- that the Zoning Commission heard on May 2, 2002, so that the ANC may be accorded great weight in this matter.

It is my understanding that Commissioner Richard Westbrook, ANC2D-01, had testified that ANC-2D had voted to approve the request of the developer for a technical amendment to the zoning regulations regarding loading docks. Although he was not authorized to represent the Commission at the hearing on May 2, if he simply stated that the Commission had voted 3-2 in support of this measure at our regularly scheduled meeting on April 8, that would have been true – at the time.

However, at a subsequent regularly scheduled meeting, held on May 13, Commissioner Ahmed Assalam, who *had* voted with the 3-2 majority in favor of the proposal, asked that it be recorded in our minutes that he wished to be recorded in *opposition* to the technical amendment. His opposition was identical to that of the other two minority Commissioners who had voted against the proposal on April 13 -- Commissioner Moffatt and myself. Our feeling was that this move was precipitous and that the developer had not provided the community with enough background regarding the precise rationale for such a technical amendment

Accordingly, if Commission ANC2D is to be accorded great weight on this issue, it should be noted the majority opinion previously rendered, is no longer reflective of the members who had voted at that time and, subsequently, that Advisory Commission 2D would be in opposition to the Zoning Commission approving this technical amendment.

Sincerely,

Andy Litsky, Chairman, ANC-2D

ZONING COMMISSION
District of Columbia
Case 01-35
Exhibit 25

ZONING COMMISSION
District of Columbia
CASE NO.01-35
EXHIBIT NO.25