ShawPittman LLP

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November 13, 2002

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By Hand Delivery

Carol Mitten
Chairperson, D.C. Zoning Commission
441 4th Street, N.W., Second Floor
Washington, DC 20001

Re: Zoning Map Amendment Application - Building Bridges Across the River (the "Applicant"), on behalf of The National Park Service
Zoning Commission Case No. 02-41 –
STATEMENT IN SUPPORT OF RULEMAKING DESIGNATION

Dear Chairperson Mitten:

The purpose of this letter is to request that the Zoning Commission designate the above-mentioned zoning map amendment application to be a rulemaking case and that a public hearing in this case be held and conducted in accordance with the provisions of 11 DCMR § 3021. As discussed herein, such a designation would be fully consistent with the requirements of 11 DCMR §§ 3010.4.

The Zoning Regulations note that:

Rulemaking cases are (i) legislative in nature, (ii) cases in which the issues to be resolved at the public hearing may affect large numbers of persons or property or the public in general, including such matters as the following:

(a) A zoning text or map amendment that is proposed in furtherance of the Comprehensive Plan for the National Capital or other public law or policy;

(b) Cases in which the primary issues involve land-use, urban planning and zoning policies, such as the development pattern of the city or a particular geographic area, population density, distribution of employment centers, traffic and transportation patterns and related matters; and

(c) Cases in which the facts, information and opinions sought for the public hearing are to come from a wide cross-section of the public.

11 DCMR § 3010.4

ZONING COMMISSION
District of Columbia
Case 02-41
Exhibit 11

ZONING COMMISSION
District of Columbia
CASE NO.02-41
EXHIBIT NO.11

In addition, the Zoning Regulations state that rulemaking cases include:

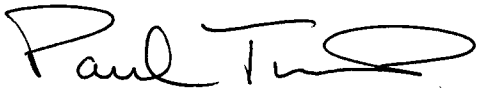
> (b) Proposals initiated by public agencies to amend the zoning map for a neighborhood, commercial district or other geographic area encompassing multiple properties unless determined otherwise by the Commission pursuant to § 3010.7. 11 DCMR § 3010.5(b).

This application fully satisfies the requirements of 11 DCMR § 3010.4. As discussed in detail in the statement in support of the application filed on October 28, 2002, the proposed Zoning Map Amendment will help implement and achieve numerous goals of the Comprehensive Plan. In addition, the primary issues related to the establishment of a SP-1 zone for the 16.403 acre property certainly address the future land-use and urban planning goals for a large portion of the far southeast corner of the District of Columbia as well as appropriate buffer uses and areas between federally, unzoned land, and residential areas. Finally, due to the size of the area to be rezoned and the breadth and variety of uses that Applicant will bring to the property, a wide cross section of the public may be interested in this application.

Moreover, this application is filed on behalf of The National Park Service, which is the fee title holder to the property, and fully supported by the District of Columbia Department of Parks and Recreation, which entered into a lease with the Applicant to allow its development and use of the property. Shaw Pittman, in partnership with the DC Bar Association Pro-Bono Program, is providing pro-bono legal services. The shared vision of all these agencies and organizations, for this important project to move forward and help shape this neighborhood in Southeast, D.C., is another reason that a rulemaking designation for this case is appropriate.

The Applicant looks forward to the Zoning Commission setting this case down for a public hearing at its November 18, 2002 public meeting. If you have any questions or comments, please feel free to call me at (202) 663-8873.

Sincerely,



Paul Tummonds

cc: Maxine Brown-Roberts, OP (By Fax)
Alan Bergstein, Office of Corporation Counsel (By Fax)
Linda Jackson (By Fax)
Skip McMahon (By Fax)
Chris Smith (By Fax)