



**District Of Columbia Government
ADVISORY NEIGHBORHOOD COMMISSION 6C**

May 4, 2006

Chair Mitten
Zoning Commission of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 210S
Washington, DC 20001

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**Re: Letter of Explanation Regarding Communications to the Zoning Commission
on Case 05-34 – Petition by ANC 6C for Map Amendment to Square 896, Lot 76 of
Square 895 (Medlink)**

Dear Chair Mitten and Members of the Zoning Commission:

We are writing to you in the above referenced case in our roles as ANC 6C Commissioners. Specifically,

- Commissioner Sherman represents the Single Member District (6C06) in which the referenced property is located;
- Commissioner Sisolak is the Chair of ANC 6C's Zoning and Planning Committee and he also represents the SMD (6C07) immediately bordering Medlink;
- Both Commissioners Sherman and Sisolak testified at the Public Hearing on March 23rd as ANC 6C's representatives on this matter; and,
- ANC 6C passed a resolution on September 14, 2005 designating "... Commissioners Michael Sherman and Bill Crews to represent ANC 6C in all forums for this matter." Commissioner Crews subsequently resigned his ANC seat to become the DC Zoning Administrator and Mr. Sisolak was subsequently sworn in as the 6C07 Commissioner and duly authorized to represent the ANC along with Commissioner Sherman on all matters related to MedLINK.

We understand that the record on this matter was closed on March 23, 2006. It is precisely because the record is closed that we are hoping this letter along with all of the post-hearing letters are not even considered. Inclusive in this request, we hope you reject the request made by ANC Commissioner Mark Dixon in his letter to you dated May 3, 2006, which we now understand has been rescinded, in which he asks the Commission to postpone a decision on this matter now scheduled for your May 8, 2006 Meeting and to reopen the case.

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Commissioner Dixon is Chair of ANC 6C. Nevertheless, he was acting unilaterally and without a Commission vote in submitting his letter to you which he did on behalf of *MedLINK's owner and his counsel after meeting with them*. In point of fact, the following statement in the letter signed by Chairman's Dixon letter is not correct:

"Please be advised that ANC 6C, which originally requested the subject map amendment regarding Square 895, Lot 76, intends to reconsider its petition at our next monthly meeting scheduled for May 10, 2006. At this meeting, we will consider whether to withdraw our petition in this regard ..."

Agendas for the ANC meetings must approved by a majority vote of the quorum present. Medlink was listed as a non-voting discussion item on the agenda of the Zoning & Planning Committee's meeting on May 3, 2006. It was discussed. No vote was needed. And no vote was taken. Commissioner Sisolak, as Chair the Committee, will not report Medlink as an item for the May 10, 2006 ANC meeting as is standard practice on non-voting matters

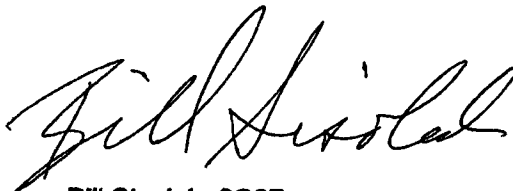
Accordingly, the publicly noticed ANC agenda for the May 10, 2006 meeting does not include the right-zoning proceeding of Square 895. It was inappropriate for Chairman Dixon in his letter to you to assume that the ANC's final agenda will include this matter when the publicly noticed agenda does not include this item and when no proposal has been made to add this item.

In summary, it should be noted that ANC 6C minutes show that Commission passed the resolution to petition the Zoning Commission to rezone Square 896, Lot 76 from R5D to R5B on September 14, 2005. The motion was made by Commissioner Sherman and seconded by Chairman Dixon. That resolution stands with its "great weight" to the Zoning Commission. Accordingly, the undersigned urge the Commission to move forward expeditiously on its final decision in this case.

Very truly yours,



Michael Sherman, 6C06



Bill Sisolak, 6C07