



# Advisory Neighborhood Commission 1C

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**Commissioners:** February 8, 2008

**Chairperson** Donna Hanousek  
Bryan Weaver (1C03) Zoning Commission of the District of Columbia  
441 4<sup>th</sup> Street., NW, Suite 220-South  
Washington, DC 20001

**Vice Chairperson**  
M. Mindy Moretti  
(1C04)

**Secretary**  
Katherine Boettrich  
(1C08)

**Treasurer**  
Wilson Reynolds  
(1C07)

Barry Weise (1C01)

Emily Mechner (1C02)

J. Michael Logsdon  
(1C05)

Nancy Shia (1C06)

**RE: Case No. 07-33**

**Dear Ms. Hanousek:**

At the general session of Advisory Neighborhood Commission 1C held January 6, 2008 a motion to participate in the Zoning Commission proceedings on the above referenced case was moved, and passed.

The general session of ANC 1C was convened proceeding due notice to the public, with all eight Commissioners present. The motion passed by a vote of six yeah, zero no, and two abstentions. The motion is attached.

Sincerely,

Wilson Reynolds  
Chairperson  
Planning, Zoning, & Transportation (PZT) Committee  
Advisory Neighborhood Commission 1C

By fax

Attachment

ZONING COMMISSION  
District of Columbia  
07-33  
CASE NO. \_\_\_\_\_  
EXHIBIT NO. 7

ZONING COMMISSION  
District of Columbia  
CASE NO.07-33  
EXHIBIT NO.7

**Resolution to Participate in DC Zoning Commission Case. No. 07-33; In Support of the Authority and Validity of the DC Board of Zoning Adjustment, and its Legitimate Procedure for allowing Special Exceptions; and Defend the Reed-Cooke Overlay District.**

Whereas, on December 5, 2007, ANC 1C passed the following Motion:

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**ANC 1C Participation Before Board of Zoning Adjustment Proceedings.**

**ANC 1C does support participation in Board of Zoning Adjustment Case 17675 as an Intervener to proceedings of appeal filed by the Reed Cooke Neighborhood Association regarding the Reed Cooke Overlay District being in conflict with proposed off-premise sales of alcohol by Harris Teeter.**

**Furthermore, that ANC 1C does charge the Chairperson of ANC 1C Planning, Zoning, and Transportation Committee to represent ANC 1C in these proceedings.**

**Finally, that ANC 1C does endorse the validity of the Reed Cooke Overlay District, Chapter 14, Title 11 DC Municipal Regulations, and specifically Section 1401.1, and Section 1400.4 of Chapter 14 as clear and irrefutable justification by the Board of Zoning Adjustment to instruct the applicant, Harris Teeter, Inc. to seek permission to sell alcoholic beverages by seeking a Special Exception, as stated in Section 1403 of Chapter 14 of said DCMR Title 11.**

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**And Whereas, on December 10th the DC Zoning Commission did set down Case #07-33 based on the Petition by the DC Office of Planning to amend the Reed-Cooke Overlay District, Chapter 14, Title 11 District of Columbia Municipal Regulations, Section 1401.1 (b) to prohibit in the RC Overlay District off-premises alcoholic beverage sales;**

**And Whereas, a suitable, and reasonable mechanism does exist in the RC Overlay District to seek an exception from the requirement of Section 1401.1(b) by seeking a Special Exception (or Variance) before the DC Board of Zoning Adjustment as outlined in Section 1403; Special Exceptions;**

**And, Whereas in RC Overlay District, Section 1403.1 clearly states that:  
" An exception from the requirements of this chapter shall be permitted  
only if granted by the Board of Zoning Adjustment"**

**And, Whereas in a Memorandum dated November 30, 2007 from the  
Office of Planning to the Zoning Commission makes clear that the  
proposed text amendment to the RC Overlay District, Section 1401.1 (b) is  
being requested primarily for the benefit of a grocery store being  
constructed in the Citadel building located at 1631 Kalorama Road, the  
new Harris Teeter grocery store;**

**And, Whereas the same Memorandum states (bottom of page 2) that the  
applicant, during proceedings before the Board of Zoning Adjustment,  
resulting in BZA Order 17395, adopted June 12, 2006, did not request  
permission for the sale of off premises alcohol:**

**"The order granting the requested zoning relief did not also grant a  
variance from the prohibition against off-premises alcoholic beverage  
sales set forth in § 1401.1 (b), as no such relief was sought by the  
applicant or considered by the Board."**

**Now, Therefore Be It Resolved; ANC 1C does desire to participate in  
Zoning Commission Case No. 07-33; and**

**Be It Further Resolved; that ANC 1C does request the Zoning Commission  
to accept one, and only one amendment to the Reed-Cooke Overlay  
District, Chapter 14, Title 11 DCMR;**

**Section 1401.1 to read (addition in quotations):**

**The following "primary or accessory" uses shall be prohibited in the RC  
Overlay District; and**

**Be It Further Resolved; ANC 1C does support the authority of the Board of  
Zoning Adjustment, and the process to seek Special Exceptions as  
reasonable, appropriate, and legitimate avenue for the applicant to seek  
relief for the sales of off premises alcoholic beverages;**

**And, Be It Further Resolved to, again, support the resolution of December  
5, 2007, specifically as it relates to Case No. 07-33:**

**"ANC 1C does endorse the validity of the Reed Cooke Overlay District,**

**Chapter 14, Title 11 DC Municipal Regulations, and specifically Section 1401.1, and Section 1400.4 of Chapter 14 as clear and irrefutable justification by the Board of Zoning Adjustment to instruct the applicant, Harris Teeter, Inc. to seek permission to sell alcoholic beverages by seeking a Special Exception, as stated in Section 1403 of Chapter 14 of said DCMR Title 11."**

**And, Be It Further Resolved that ANC 1C instructs the Applicant, Harris Teeter, inc., to do what it should have done in 2004 and apply for a Special Exception, or Variance, as the case be justified, like all other individuals, and businesses in the District of Columbia that follow the rules, regulations, and procedure of the City; and**

**Be It Finally Resolved that ANC 1C:**

- Having signed a Voluntary Agreement with Harris Teeter, Inc. supporting an off premises alcoholic beverage license;**
- Having committed to the process of seeking a Special Exception before the Board of Zoning Adjustment as the proper avenue to seek relief for the sale of alcoholic beverages in the Reed Cooke Overlay District; and**
- Seeking to avoid further expense and conflict to all parties;**
- Does declare the support of ANC 1C on behalf of Harris Teeter, Inc. to receive a Special Exception under Section 1403; Special Exceptions of Chapter 14 Reed Cooke Overlay District, Title 11 DCMR, before the Board of Zoning Adjustment if Harris Teeter, Inc. does request such Special Exception before the Board of Zoning Adjustment.**
- That this commitment of support from ANC 1C shall be in effect until Midnight, March 31, 2008.**

**Passed Feb. 6, 2008: Yeah 6; Nay 0; Abstain 2**

**a matter of  
FAX**

**To: Patria Bursey 202-727-6072**

**From: Wilson Reynolds February 8,2008**

**LLOYD-METRO, Inc.  
2370 Champlain St., NW, Suite 23  
Washington, DC 20009**

**V 202-986-2213  
F 202-332-6513  
LloydMetroInc@aol.com**

**Total Pages: FIVE**

**NOTES:**

**Dear Patria:**

**Regarding Case 07-33.**

**If you can confirm please call 202-986-2213, ex 3.**

**Wilson Reynolds**

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