



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

202-332-2630 • www.anc1c.org

July 3, 2009

Commissioners: Zoning Commission of the District of Columbia

Chairperson
Bryan Weaver (1C03)
Vice Chairperson
M. Mindy Moretti
(1C04)

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

Secretary
Katherine Boettrich
(1C08)

Re: Case No: 08-17

Dear Members of the Board:

Treasurer
J. Michael Logsdon
(1C05)

This correspondence serves two purposes.

Barry Weise (1C01)
Emily Mechner (1C02)

First, to add to the record that the ANC 1C action of June 6, 2009 to support Case No. 08-17 as proposed was taken during a regularly scheduled general session of ANC 1C, with a quorum present. The vote was 8-0 in support of adopting the proposed OP change.

Nancy Shia (1C06)

Second, to transmit to the Commission further action taken by resolution at the July 1 general session, with a quorum present. The attached resolution passed by a vote of 7-0.

Wilson Reynolds
(1C07)

This resolution is titled:

"ANC 1C Resolution in Response to Harris Teeter, Inc. Request to Add Additional Language in Zoning Commission Case No. 08-17. Response to Holland & Knight Additional Language in Proposed Amendment to Reed Cooke Overlay District.

Some of the important points of this Resolution:

- The Holland & Knight proposed language change was not communicated to ANC 1C by Letter of Service.
- Confirmation of June 6 vote.
- Opposition to Holland & Knight proposed language addition.
- In case of adoption by the Commission of the proposed Holland & Knight language; ANC 1C amendment to the proposed language.

Sincerely,

Wilson Reynolds
Chair, Planning, Zoning & Transportation Committee
Advisory Neighborhood Commission 1C

Cc: ANC 1C
Attachment

2009 JUL -8 PM 2:31
JUL 05 10:50 AM '09
OFFICE OF ZONING

ZONING COMMISSION
District of Columbia

CASE NO. 08-17(ORTG)
EXHIBIT NO. 14
ZONING COMMISSION
District of Columbia
CASE NO. 08-17
EXHIBIT NO. 14

ANC 1C Resolution in Response to Harris Teeter, Inc. Request to Add Additional Language in Zoning Commission Case No. 08-17. Response to Holland & Knight Additional Language in Proposed Amendment to the Reed Cooke Overlay District.

Whereas; On June 6, 2009, by a vote of 8-0, with a quorum present, ANC 1C did vote to support amending the Reed Cooke Overlay District by the addition of a new Section (1401.2) proposed in Zoning Commission Case No. 08-17 to read:

Section 1401.2. If any principal uses prohibited by § 1401.1 would be permitted as an accessory use in the underlying zone district, that accessory use is also prohibited in the RC Overlay District.

And Whereas; ANC 1C is aware of the an additional proposed change on behalf of Harris Teeter, Inc. to include a modification to would specifically exempt Square 2572, Lot 36 from the proposed amendment by the20addition of the following language to § 1401.2:

“...except for accessory uses located in the grocery store located in Square 2572, Lot 36”.

Now, Therefore Be It Resolved: ANC 1C urges the Zoning Commission to not include the additional proposed change submitted on behalf of Harris Teeter, Inc. for the following reasons:

- Adequate protection and procedures exists to allow for continued existing uses, and potential future uses as a grocery store;
- As of this date, ANC 1C did not benefit from service of this notice;
- Future prohibited ancillary uses not present on the subject parcel should be subject to the processes and procedures set forth in the zoning regulations;
- Creation of a single exception related to the operation of a single building is contrary to equal protection under law;
- There exists no compelling public interest to be served by the creation of such exception;
- The reasonable expectations of the building owner are met by the suggested language without the exception.

(Stated simply, he got what he wanted and the exception requested involves giving him more than he needs or could reasonably expect.)

- The operation of the building, to the extent possible given its present use, should conform with the Reed-Cooke Overlay;

And be it Further Resolved: Should the Zoning Commission vote to accept the additional proposed language:

“...except for accessory uses located in the grocery store located in Square 2572, Lot 36”.
Such adoption shall be accompanied by further language suggested by ANC 1C, to read as follows:

“...except for present accessory uses located in the grocery store located in Square 2572, Lot 36; as within the current location of the level (floor) of the grocery store as of July 1, 2009; limited to the number of square feet as of July 1, 2009.



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Letters of Service

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Nancy Shia (1C06)

Wilson Reynolds
(1C07)

By electronic Transmission and First Class USPS

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Maureen Gallagher
Reed Cooke Neighborhood Association
P.O. Box 21700
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OZ Case No. 08-17