

May 8, 2018

VIA IZIS

Anthony Hood, Chairman
D.C. Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 200-S
Washington, DC 20001

Re: **Case No. 17-26 – Response of MIRV Holdings, LLC (the “Applicant”) to NCPC Report**

Dear Chairman Hood and Members of the Commission:

On May 4, 2018, the National Capital Planning Commission (“NCPC”) submitted its report in this case. In that report, NCPC noted the following:

[NCPC] **Advises** the Zoning Commission that certain matter-of-right uses in this district, such as residential, shopping, and business uses, are inconsistent with the acceptable uses stipulated in the Statement of Non-Disturbance established on March 7, 1990 between the District of Columbia government and the U.S. General Services Administration. (See Exhibit 33 of the record.)

The Zoning Commission’s determination in this Zoning Map Amendment case is solely based on the standards enumerated in Subtitle X § 500.3 (“the Zoning Commission shall find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site”). Issues related to the 1990 Statement of Non-Disturbance (“SNDA”) have no bearing on the Zoning Commission’s decision in this case. All issues related to the 1990 SNDA between the U.S. General Services Administration and the Applicant are title issues, not zoning issues or issues that are pertinent to the Zoning Commission’s review and approval of this Zoning Map Amendment application.


As evidenced by the written information and testimony presented by the Applicant in this case, and the Office of Planning’s support of this application, approval of this application is consistent with the standards enumerated in Subtitle X § 500.3. In fact, the NCPC Executive Director’s Recommendation states that “Staff has evaluated the referral from the Zoning Commission of the District of Columbia and finds that the proposed map amendment **would not be inconsistent with the Federal elements of the Comprehensive Plan for the National**

Anthony Hood, Chairman
May 8, 2018
Page 2

Capital” (emphasis added). As noted in the public hearing in this case, in response to a question from Commissioner Miller, the resolution of the issues related to the 1990 SNDA will occur in another forum and are not relevant to the Zoning Commission’s approval of this Zoning Map Amendment application.

For these reasons, the Applicant requests that the Zoning Commission once again approve this application by taking Final Action at the May 14, 2018 Public Meeting. Thank you for your attention to this request.

Very truly yours,


Paul A. Tummonds

Certificate of Service

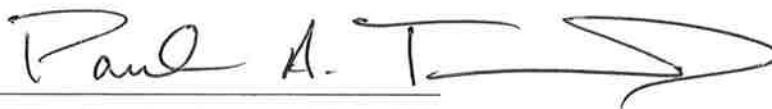
The undersigned hereby certifies that copies of the foregoing document will be sent by e-mail to the following addresses on May 8, 2018.

Karen Thomas
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024
(By E-Mail)

Jonathan Rodgers
District Department of
Transportation
55 M Street, SE, Fourth Floor
Washington, DC 20003
(By E-Mail)

Bradley Ashton Thomas
Chairperson, ANC 5E
107 P Street NW
Washington DC 20001
(By E-Mail)

Ronnie Edwards
ANC 5A05 and Chair of ANC 5A
122 Michigan Avenue NE, #L24
Washington DC 20017
(By E-Mail)

A handwritten signature in black ink that reads "Paul A. Tummonds". The signature is stylized, with a large, sweeping flourish at the end of the name.

Paul A. Tummonds