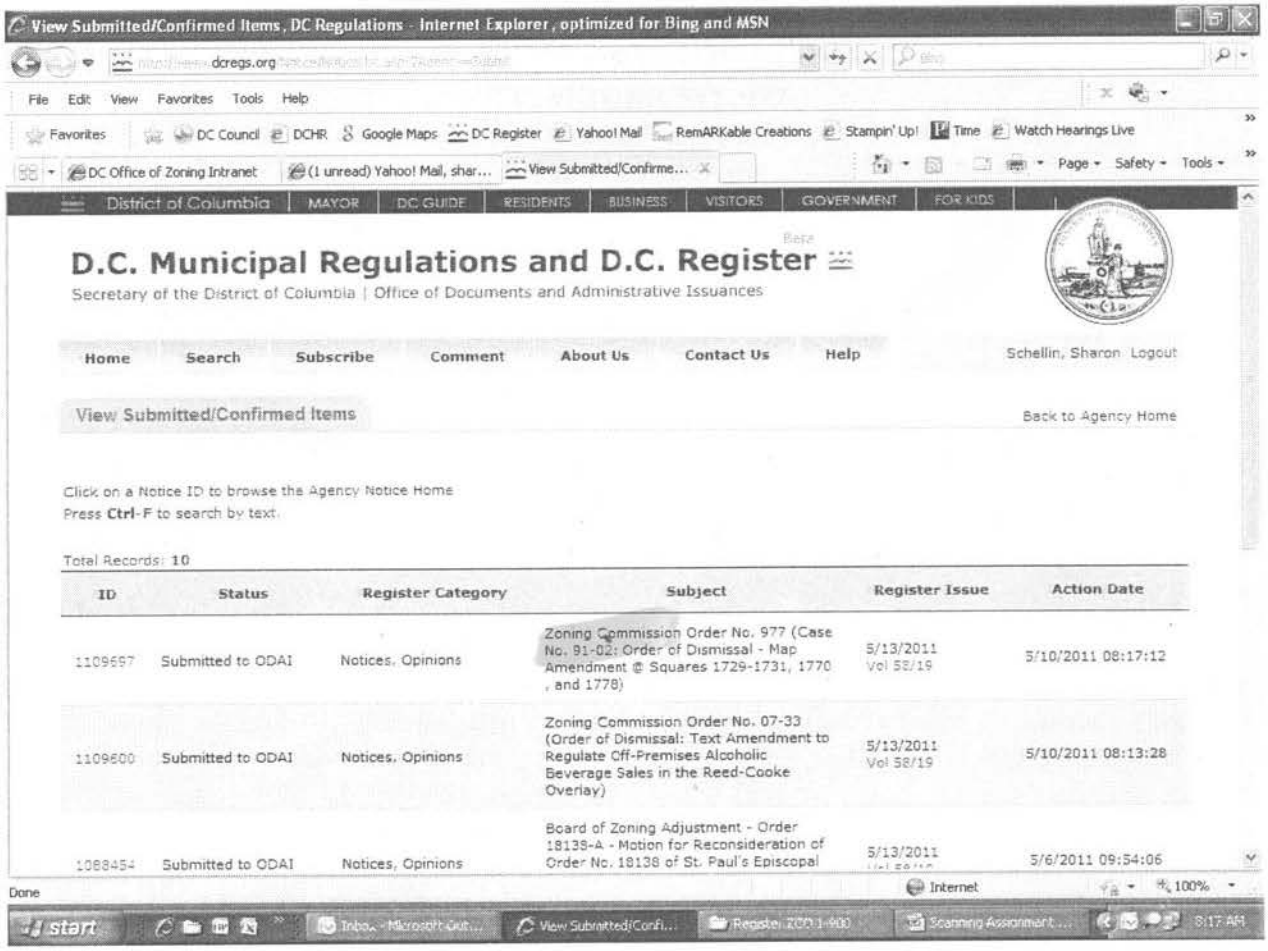


ZONING COMMISSION
District of Columbia
91-2
CASE NO.
EXHIBIT NO. 10

ZONING COMMISSION
District of Columbia
CASE NO.91-2
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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ORDER OF DISMISSAL
Z.C. ORDER NO. 977
Z.C. Case No. 91-02
Map Amendment
December 13, 2004

Background

On or about January, 1991, Advisory Neighborhood Commission ("ANC") 3E petitioned the Zoning Commission for the District of Columbia (the "Commission") to down-zone Squares 1729-1731, 1770, and 1778 (all properties adjacent to the Tenleytown Metrorail Station) from the C-3-A Zone District to the C-2-A Zone District. However, the petition was never set down for a public hearing and there has been no activity on the petition since the early 1990s.

Dismissal

On or about December 1, 2004, Alberto P. Bastida (the former Secretary to the Zoning Commission) advised the Commission by memorandum that he had been in contact with ANC 3E. Mr. Bastida's memorandum states that he sent a letter to the ANC and also spoke to the ANC Chairman, Amy McVey, by telephone. According to the memorandum, Ms. McVey expressed no objection to the petition being dismissed.

On December 13, 2004, the Commission considered the memorandum from Mr. Bastida and his recommendation that the Commission dismiss the case. Section 3011.3 of the Zoning Regulations provides that after there has been a "...reasonable opportunity for the applicant or petitioner to present...[their] views, the Commission may [either] dismiss the application or petition or set it down for [a] public hearing or other proceeding." Accordingly, the Commission voted to dismiss the case.

On December 13, 2004, upon the motion of Chairman Mitten, as seconded by Vice Chairman Hood, the Zoning Commission **DISMISSED** the proposed map amendment at its public meeting, without prejudice, by a vote of **5-0-0** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jefferies, John G. Parsons, and Kevin L. Hildebrand to dismiss).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is, on May 13, 2011.