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DISTRICT OF COLUMBIA
OFFICE OF ZONING
'96 AUG 29 P12:00

August 28, 1996

D. C. Office of Zoning
Zoning Commission for the District
of Columbia
441 4th Street, N. W.,Suite 210
Washington, D. C. 20001

RE: Case No. 96-3/89-1
Buzzard Point - Capitol Gateway

Dear Sirs:

This office is general counsel to Super Salvage, Inc., which owns the land and operates its business at 1711 First Street, S. W. (Lot 802, Square 605, Ward 2) in the District of Columbia.

On July 31, 1996 my client received your office's Notice of Public Hearing in the referenced map amendment overlay district matter; the hearing date is September 12, 1996.

The purpose of this letter is threefold, both procedural and substantive.

First, the cut-off date to file notice of intent to testify in writing was July 3, 1996, four weeks before receipt of the notice. We do wish to be heard.

Second, it is my opinion that whereas Section 1605.1 grandfathers in my client's industrial useage as a conforming use; Section 1600.2(c) uses language as to purpose which undermines the certainty of that grandfather clause, or at the very least creates ambiguity and potential conflict in the future. This situation would be an obstacle to financing or refinancing the property, to negotiating business loans, and to the sale or lease of the property. I suggest that the words "which are important economic assets to the city, during the extended period projected for redevelopment" be deleted.

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District of Columbia
CASE NO.96-3
EXHIBIT NO.26

And third, we see no reason or justification for reducing the Floor Area Ratio in the proposed BP/CR District from 6.0 to 3.0 for industrial property. The grandfathering of industrial useage under these circumstances should apply equally to the FAR.

Finally, I am apprised that both of the ANC's affected, namely 2D and 6B, have requested postponement of the hearing. We support their request not only for the reasons they have raised; but also to give us time to hear from your good offices your reaction to the extended industrial use and FAR specifics raised hereinabove. Indeed we solicit your earliest possible response.

Yours truly,

Jacob C. Lish

JCL:fl

cc: Super Salvage