

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 09-06
Z.C. Case No. 09-06
Abdo New York, LLC
(Consolidated Planned Unit Development and Related Zoning Map Amendment
@ Square 4268 & Various Parcels)
December 13, 2010**

ORDER OF DISMISSAL

On March 30, 2009, the Office of Zoning received an application from Abdo New York, LLC (the “Applicant”). The Applicant requested consolidated approval of a planned unit development (“PUD”) and related amendment to the Zoning Map of the District of Columbia (the “Application”). The property that is the subject of the Application consists of approximately 697,874 square feet of land area (Square 4268, Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815 and Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153) as well as a portion of a public alley to be closed (the “Subject Property”).

The Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on July 30, 2009 on the application. At the conclusion of the hearing, the Commission requested that the Applicant provide additional documents and information. The Commission took proposed action, contemplating that if it received the requested documents and information from the Applicant, it could consider final action on the application at its September 14, 2009 public meeting. Because the requested submission was not received, the application was not scheduled for final action in September and the matter lay dormant for a year.

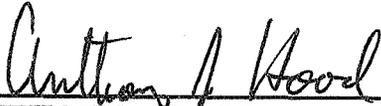
In September 2010, the Secretary to the Commission contacted the Applicant’s counsel concerning the status of the Application and learned that the Applicant was no longer involved in the development of the Subject Property. After giving the Applicant’s counsel further time to either file the information or a notice of withdrawal, the Secretary scheduled the matter for final action at the Commission’s regularly scheduled public meeting of November 8, 2010. At the meeting, the Secretary apprised the Commission of the status of the Application and suggested that the Commission needed to determine whether it could proceed with final action in the absence of the information requested. The Commission concluded that it could not and authorized the Secretary to inform the Applicant’s counsel that the Commission would consider dismissing the case if a responsive submission was not received by December 6th. The Secretary conveyed this message in writing to the Applicant’s counsel on November 9, 2010.

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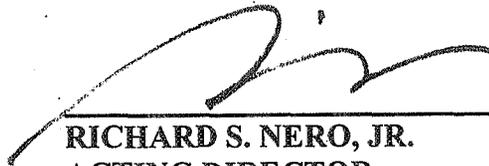
At its December 13, 2010 public meeting, the Secretary advised the Commission that no response was received. The Commission therefore voted to dismiss the application.

On December 13, 2001, upon the motion of Chairman Hood, as seconded by Commissioner Chairman Turnbull, the Commission **DISMISSED** this Application at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Michael G. Turnbull, Peter G. May, and Greg M. Selfridge to dismiss).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D. C. Register*; that is on September 16, 2011.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 09-06

SEP 14 2011

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 09-06 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|---|
| 1. <i>D.C. Register</i> | 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Allison Prince, Esq.
David Avitabile, Esq.
Goulston & Storrs
1999 K Street, N.W. #500
Washington, D.C. 20006 | 6. Councilmember Harry Thomas, Jr. |
| 3. ANC 5B
c/o Harbor Light Center
2100 New York Avenue, N.E.
Washington, D.C. 20002 | 7. DDOT (Martin Parker) |
| 4. Commissioner Jacqueline Manning
ANC/SMD 5809
2116 R Street, N.E.
Washington, D.C. 20002 | 8. Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, D.C. 20024 |
| | 9. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:

A handwritten signature in cursive script that reads "Sharon S. Schellin".

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning