

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. Order No. 07-14A
(Map Amendment – 11 DCMR)
(Portions of Squares 3848 and 3854 from C-M-2 and M to C-2-B)
February 11, 2008

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District Charter, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia.

Amend the Zoning Map of the District of Columbia to rezone the following lots from M and C-M-2 to C-2-B:

Square 3848	Lots 56, 60, 818, 819, and 820
Square 3854	Lots 801 and 802.

Hereafter, these properties shall be referred to as the “Subject Properties.” They are located in the Brentwood neighborhood, on the northwest side of Brentwood Road, southeast of Rhode Island Avenue and Washington Court, and southwest of 10th and Bryant Streets, N.E.

The purpose of this rezoning is to adopt a zoning designation for the Subject Properties that is not inconsistent with the District Elements of the Comprehensive Plan for the National Capital (“Comprehensive Plan”). The C-2-B District was created to support a mixture of retail, commercial, and residential uses in compact areas near rapid transit.

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on December 21, 2007, at 54 DCR 12346. The Commission took final action to adopt the amendments at a public meeting on February 11, 2008. This final rulemaking is effective upon publication in the *D.C. Register*.

Setdown Proceeding

This case was initiated by an application filed by Israel Manor, Inc. on behalf of Brentwood Outlets, LLC. The Office of Planning (“OP”) recommended that the Commission schedule a

public hearing to decide the case through a report dated May 2, 2007. At a regularly scheduled public meeting, the Commission considered the application and expressed concern that the rezoning application was too narrowly focused on the site of a proposed housing project on former Lot 805 on Square 3854. The Commission requested that OP consider whether the abutting property on Square 3848 to the northeast, developed with a Bank of America branch, should also be rezoned. OP indicated that it would also review whether other properties south of Rhode Island Avenue, N.W. and east of the railroad rights-of-way should be considered for this case. OP subsequently filed a supplemental report dated May 31, 2007, recommending expanding the case to include all Subject Properties. The Commission set the case down for a public hearing at its June 11, 2007 public meeting as a rulemaking case, with OP functioning as the Petitioner.

Public Hearing and Relationship to the Comprehensive Plan

The Commission held a properly noticed public hearing on September 13, 2007 to consider the case.

OP testified in support, comparing the zoning pattern on surrounding properties south of Rhode Island Avenue, N.W., north of Brentwood Road, and east of the railroad right-of-way with the Comprehensive Plan. The current C-M-2 and M zoning on the properties only allows retail, commercial, and manufacturing uses, but no new residential uses. The Future Land-Use Map of the Comprehensive Plan designates the Subject Properties located within the Rhode Island Avenue land-use change area shown on 2006 Land-Use Policy Map, for a pattern of mixed use consisting of residential and commercial and non-residential uses. Specifically, the site is designated for medium-density residential and medium-density commercial uses.

The proposed C-2-B zoning will allow a mixture of residential and commercial uses to a low- to moderate-density. The range of land uses allowed under the proposed zone district would not be inconsistent with the Future Land Use Map, and it would support a number of other policies in the Comprehensive Plan.

Great Weight to Advisory Neighborhood Commission (“ANC”)

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the affected ANC's written recommendation but none was received.

Proposed Action

At a public meeting on October 15, 2007, the Commission unanimously took proposed action to approve the map amendment.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 21, 2007 at 54 DCR 12346, for a 30-day notice and comment period. No comments were received. By

report dated November 8, 2007, the National Capital Planning Commission found that the proposed map amendment would not be inconsistent with the Comprehensive Plan Amendment Act of 2006, would not adversely impact federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Final Action

At its regularly scheduled public meeting of February 11, 2007, the Commission took final action to approve this amendment to the Zoning Map.

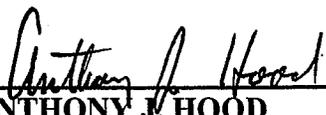
The Office of the Attorney General reviewed this Order and found it met its standards of legal sufficiency.

Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and is not inconsistent with the Comprehensive Plan for the Nation's Capital.

At its public meeting of October 15, 2007, the Zoning Commission **APPROVED** the application by a vote of **5-0-0** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to approve).

The Order was **ADOPTED** by the Zoning Commission at its public meeting on February 11, 2008, by a vote of **3-0-2** (Anthony J. Hood, Michael G. Turnbull, and Gregory N. Jeffries to adopt; Curtis L. Etherly, Jr. and Peter G. May, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*, on MAY 16 2008.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

