

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 595

Case No. 88-20

(Map Amendment - Square 1789)

November 14, 1988

On July 29, 1988, the District of Columbia Office of Planning (OP), by memorandum, petitioned the Zoning Commission to initiate action and authorize a public hearing to consider the rezoning of Square 1789 to C-1. OP stated the following:

"The Tenley Circle area of Wisconsin Avenue has two commercial center classifications as indicated on the Comprehensive Plan Generalized Commercial and Production and Technical Employment (PTE) Land Use Policies Map (Map 3). The area along Wisconsin Avenue north of Nebraska Avenue is designated as a Multi-Neighborhood Commercial Center. This is in keeping with its existing scale of development and the presence of the Tenleytown Metro Station.

In contrast, the area south of Nebraska Avenue carries a Local Neighborhood Commercial Center designation. While much of Wisconsin Avenue has commercial zoning along its frontages in the Tenley Circle area, the intent of the Comprehensive Plan's policies is to concentrate future development in the immediate vicinity of the Tenleytown Metro Station. The Local Neighborhood Center designation south of Nebraska Avenue implies a less intensive level of development.

This policy is also reinforced by the land use designations shown on the Generalized Land Use Map (Map 1) of the Comprehensive Plan. A Low Density commercial designation is shown for the areas immediately south of Nebraska Avenue with Moderate Density commercial land uses beyond. This, combined with the Local Neighborhood Center classification, forms the basis for the future development of the area south of Nebraska Avenue."

In Zoning Commission Case No. 86-17, on May 21, 1987, the Zoning Commission approved final action to rezone various properties on Wisconsin Avenue, N.W., between Chesapeake and Rodman Streets, from C-3-A to C-1, C-2-A, and C-2-B. In that decision, Square 1789, which is south of Nebraska Avenue, was rezoned from C-3-A to C-2-B. Z.C. Order No. 530, which effected the decision of the Commission, ultimately was entered as a final order on September 30, 1988.

At its monthly meeting on August 8, 1988, the Zoning Commission considered letters dated August 4 and 5, 1988 from the law firm of Wilkes, Artis, Hedrick and Lane (WAH&L) opposing the OP petition. WAH&L stated, in part, that the OP petition was directly contrary to the planning recommendation made to the Zoning Commission in Case No. 86-17, to the effect that C-1 rezoning was inconsistent with the Comprehensive Plan because it was too low in density and height to meet the applicable "moderate density commercial" land use category. The August 5, 1988 WAH&L letter further states:

OP's threat to downzone the property ignores the fact that the 4100 Wisconsin Avenue project, which was filed on April 9, 1987 (Z.A. 87-186) was vested under the then applicable vesting provisions and has been found by Donald G. Murray, Director, DCRA, to comply with applicable zoning. / See Exhibit B. The only revisions which have been made to the project have been in response to the comments received during the large tract review process resulting in a lowered density, (1.375 FAR), redesign, decreased scale, more retail and relocated antennae.

At that same meeting, the Zoning Commission also considered letters dated August 5, 1988, from Advisory Neighborhood Commission 3C and the Wisconsin Avenue Corridor Committee, in support of the OP petition. After discussion, the Zoning Commission deferred hearing action and requested the Department of Consumer and Regulatory Affairs to determine whether the 4100 Wisconsin Avenue project had already vested.

On October 17, 1988, at its monthly meeting, the Zoning Commission was informed by the Director of OP that various citizen groups in the affected area of Wisconsin Avenue and the developer of the 4100 Wisconsin Avenue project were negotiating an agreement that would limit the development of the project in Square 1789 to a C-1 level of development.

On November 14, 1988, at the monthly meeting of the Zoning Commission, the Director of OP informed the Commission that the OP petition was moot because an agreement had been reached between the affected citizens and the developer. The Director requested that the petition be dismissed. The Commission concurs that this would be appropriate action.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders DISMISSAL of Case No. 88-20, without a public hearing.

Vote of the Commission taken at the public meeting on November 14, 1988: 4-0 (Lindsley Williams, Lloyd D. Smith, John G. Parsons and Maybelle Taylor Bennett, to dismiss; George M. White, not present, not voting).

In accordance with the provisions of Section 3028 of the Zoning Regulations, this order is final and effective upon publication in the D.C. Register, that is on 23 DEC 1988.

 MAYBELLE TAYLOR BENNETT Chairperson Zoning Commission	 EDWARD L. CURRY Executive Director Zoning Secretariat
---	--