GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
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MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: April 12, 2002

SUBJECT: Comment on Request for Recision of a Covenant on 4500 Wisconsin Avenue, N.W. (Lot 15 in Square 1730)

Request for Elimination of the Existing Covenant

The applicant in BZA Application No. 16857, HQ Acquisition, LLC, is requesting the Zoning Commission to authorize the rescission of a 1940 covenant relating to the property at 4500 Wisconsin Avenue. This matter is on the agenda of the Zoning Commission's April 19 meeting.

Background

This project, 4500 Wisconsin Avenue, N.W., is the landmark Sears building, most recently used as a Hechinger store but essentially vacant since Hechinger closed in late 1999. The applicant, HQ Acquisitions, LLC, has proposed an innovative adaptive reuse of the landmark building for retail use and the addition of a four-story residential building above the existing building with approximately 180 residential rental units. The project has been reviewed and approved by the D.C. Historic Preservation Review Board.

The project is also the subject of an application to the Board of Zoning Adjustment (BZA) for three variances and a special exception (BZA Application No. 16857) which was the subject of a hearing by the BZA on Tuesday, April 9, 2002. The Office of Planning prepared a report on this application and recommended that the three variances and the special exception be approved. The project also had strong community support. At the conclusion of the April 9 hearing, the BZA approved the requested variances and the special exception by a bench decision.

ZONING COMMISSION
District of Columbia
Case 02-16
Exhibit 3

At that hearing, the applicant informed the BZA of their request to the Zoning Commission to rescind the covenant.

ZONING COMMISSION
District of Columbia
CASE NO.02-16
EXHIBIT NO.3

The 1940 Covenant

In summary, the covenant was executed in 1940 between the original developer of the existing building, Sears, Roebuck and Company, and the District of Columbia Board of Commissioners (the governing body of the city at that time). The covenant was related to the action of the Zoning Commission, as it was constituted at that time, in rezoning the property from "Residential A Restricted" to "First Commercial," zoning categories that existed at that time. The covenant provided for approval of the building plans by the Zoning Commission.

The purpose of the covenant has since been replaced by today's zoning regulations and by the review of plans for a landmark building by the Historic Preservation Review Board. The applicant believes the covenant is no longer necessary and has asked the Zoning Commission for permission to rescind it. In a letter of March 1, 2002 to the applicant's counsel, Toye Bello, Acting Zoning Administrator, has indicated no objection to the recision of the covenant, provided that this request be made public at the Board of Adjustment hearing. As indicated above, the applicant informed the BZA about the covenant at the April 9, 2002 hearing.

Office of Planning Recommendation

The Office of Planning does not object to the recision of the covenant. The OP position was noted in our April 3, 2002 report to the BZA on Application No. 16857, which also noted that OP would inform the Zoning Commission of our position.

AA/jf