

WILKES, ARTIS, HEDRICK & LANE

CHARTERED

ATTORNEYS AT LAW

1666 K STREET, N. W.

WASHINGTON, D. C. 20006-2866

(202) 457-7800

CABLE ADDRESS: WILAN
TELECOPIER: 202-457-7814

WRITER'S DIRECT DIAL:

3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5329
4020 UNIVERSITY DRIVE
FAIRFAX, VIRGINIA 22030-6888

April 3, 1989

Lindsley Williams, Chairman
D.C. Zoning Commission
District Building, Room 11
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking
Zoning Commission Case Nos. 86-26 and 87-27

Dear Chairman Williams and Members of the Commission:

The Zoning Commission has published a proposed rule-making which would amend the Zoning Regulations to establish Neighborhood Commercial Overlay Districts (NC) for commercial areas in Cleveland Park, Woodley Park and Macomb/Wisconsin. Previously, the Zoning Commission adopted commercial overlay districts for both Cleveland Park and Woodley Park. The proposed rulemaking follows several public hearings which included testimony from representatives of the Office of Planning, the Advisory Neighborhood Commissions, and various citizen groups, as well as our representation of our clients in the various areas.

Numerous times over the past two years, we have, on behalf of clients, communicated with the Zoning Commission through oral presentation, and written comments, to express concern that the Zoning Commission had failed to establish a basis for the proposed downzonings and commercial overlays. We continue to believe that the Zoning Commission and the Office of Planning have failed to establish a sound basis in planning, traffic or otherwise for these proposals. The Zoning Commission has failed to take into consideration the views of the various business and property owners in the area who oppose the taking of their property rights which the downzonings and overlays would accomplish. Further, as is attested by the numerous letters received by the Zoning Commission since the proposed rulemaking has been published, there is a great deal of confusion among the residents in the area as to just what the Zoning Commission hopes to achieve. It is our view that in

1989 APR - 3 PM 3:39
ZONING SECRETARIAT,
DISTRICT OF COLUMBIA

ZONING
COMMISSION
86-26
EXHIBIT

NO. 579

ZONING COMMISSION
District of Columbia
CASE NO. 86-26
EXHIBIT NO. 579

466 4/3/89

WILKES, ARTIS, HEDRICK & LANE

CHARTERED

Lindsley Williams

April 3, 1989

Page 2

addition to failing to establish a sound rationale for the proposed changes, the Zoning Commission will render the Zoning Regulations and Zoning Map incomprehensible to the general public.

During the hearings on the Connecticut Avenue Overlay Districts, now referred to as the Cleveland Park and Woodley Park Neighborhood Commercial Districts, we noted the failure of the proponents of the overlay districts to recognize the existence of two of the city's costly Metro stations in the immediate area. We continue to believe that the Zoning Commission is putting the city's substantial investment in Metro at risk by downzoning in the immediate area of Metrorail stops. Principles of urban planning dictate that the areas in the immediate vicinity of mass transit stations should be encouraged to grow to further encourage the use of mass transportation. In many areas of the country, the areas in close proximity to mass transit stations contain incentive districts, not disincentives as is the case here. In the Macomb/Wisconsin Neighborhood Commercial District, the Tenleytown Metro Station is within walking distance and the arguments are equally applicable.

Finally, we continue to believe that the proposed amendment to the Zoning Regulations to establish individual commercial districts which are site-specific as is the case here, are contrary to the dictates of the uniformity clause. Perhaps the proposed rulemaking is styled as a neighborhood commercial district in an attempt to address this issue. However, it is our view that the three commercial districts which are spot-zoned for these commercial overlays, would be in violation of the uniformity clause regardless of the style of the text change. For example, fast food restaurants are generally permitted in the C-2-A zone, however in Woodley Park they will no longer be permitted pursuant to proposed rulemaking Section 1307.5. Second, the District of Columbia has a procedure for reviewing commercial projects containing 50,000 square feet or more, known as Large Tract Review. Only in the Macomb/Wisconsin area is there a miniature large tract review procedure for projects of 10,000 square feet or more.

In conclusion, based upon the extensive written record and oral presentation in both of the above-referenced cases, we believe that the proposed amendments are without a sound basis,

WILKES, ARTIS, HEDRICK & LANE

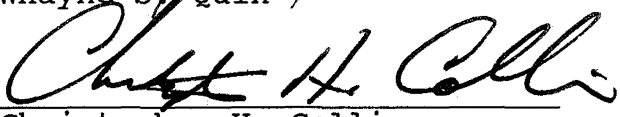
CHARTERED

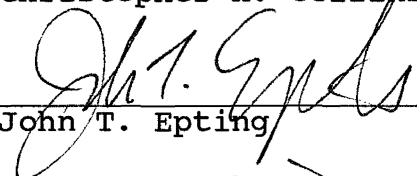
Lindsley Williams
April 3, 1989
Page 3

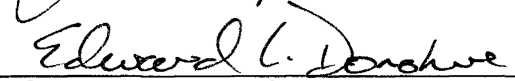
and are ill-advised. Therefore, we would like the Zoning Commission to be aware of our opposition.

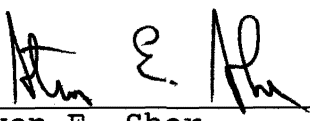
Sincerely,


Whayne S. Quin


Christopher H. Collins


John T. Epting


Edward L. Donohue


Steven E. Sher
Director of Zoning Services