



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

April 3, 1989

1989 APR -3 PM 3:42  
ZONING SECRETARIAT,  
DISTRICT OF COLUMBIA

Zoning Commission of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Chairperson Williams:

Ref: Z.C. Case  
Nos. 86-26 and 87-27

I would like to register my support of the ANC 3-C Resolution adopted March 27, 1989 which provides comments on the Notice of Proposed Rulemaking for the Wisconsin and Connecticut Neighborhood Commercial Overlay Districts. In particular I find the following proposals of merit: 1) adding to the preamble of the districts a reference to "limited office space" as an objective, 2) clarifying that when the overlay and underlying zones differ that the more restrictive provision controls, and 3) referencing the Comprehensive Plan in the section on special exceptions in the Neighborhood Commercial Overlay.

Sincerely,

Betty Ann Kane  
Councilmember At-Large

Enclosure

BAK:GC:mv

ZONING COMMISSION

CASE No. 86-26

EXHIBIT No. 580

ZONING  
COMMISSION

86-26

EXHIBIT

NO. 580  
ZONING COMMISSION  
District of Columbia  
CASE NO. 86-26  
EXHIBIT NO. 580

hkt 4/13/89

# ADVISORY NEIGHBORHOOD COMMISSION 3-C

## GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS CLEVELAND PARK MASSACHUSETTS AVE. HEIGHTS McLEAN GARDENS WOODLEY PARK

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2737 DEVONSHIRE PLACE, N.W.  
WASHINGTON, D.C. 20008  
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Single Member District Commissioners:

01-Cheryl Opacinch  
02-Robert (Sam) Sampson  
03-John A. Jenkins  
04-Roger Burns  
05-Laurie Handlers  
06-Phil Mendelson  
07-Patricia Wamsley  
08-Rosalyn P. Doggett  
09-Peter Espenschied

### RESOLUTION

Re. Proposed Rulemaking: Zoning Cases 86-26 & 87-27  
(Wisconsin & Connecticut Neighborhood Commercial  
Overlay Districts)

Adopted March 27, 1989

WHEREAS: ANC 3-C is on record in Zoning Commission Cases 86-26 and 87-27 as being in support of rezonings and overlays for the local neighborhood commercial centers on Connecticut Avenue in Cleveland Park and Woodley Park, and on Wisconsin Avenue in the Macomb-Newark area; now therefore

BE IT RESOLVED BY ADVISORY NEIGHBORHOOD COMMISSION 3-C: That it comments as follows on the Notice of Proposed Rulemaking (published in 36 DCR 1675, March 3, 1989):

1. 1300: The preamble/purpose makes no reference to "limited office space" even though this is critical for: 1) encouraging retail use; 2) discouraging market pressure for major redevelopment; and 3) compliance with the Comprehensive Plan. As Harold Lewis noted in his 1956 rezoning report:

Stores for the most part do not need more than one or two floors; whereas office space is best arranged in large buildings. (p.48)

Also, a neighborhood center is not an entertainment center. Therefore, the term "entertainment" should be deleted.

2. 1301: It would appear from the proposal that the overlay provisions override the underlying zone district requirements without regard to which is more restrictive. Thus the proposal would allow certain C-2 uses (which are included in the overlay's list of "preferred uses") even where the underlying district is C-1. ANC 3-C opposes this and urges a clarifying revision to make it absolutely clear that the more restrictive -- either the overlay or the underlying zone -- be controlling in every instance.

3. 1302: Certain of the proposed "preferred uses" are more of a multi-neighborhood or regional center nature and should be deleted. Laundry/drycleaning plants are also inappropriate.

4. 1302.3 & 1302.4: The relationship between these subsections

remains unsatisfactory. These provisions limit certain uses in order to prevent their over-concentration and so as to encourage a range of uses on the ground floor. On the ground floor, 50% of the gross floor area is to comprise preferred uses. Fine. But this could include financial, travel, or ticket offices -- up to 20% of the ground floor. The balance could be restaurants and the like (also preferred uses) since the restaurant use is limited only to "linear street frontage" and not gross floor area.

This scenario would allow the neighborhood centers to become 20% ground floor banks and 30% ground floor restaurants (all of the area reserved for preferred uses), with the entire balance of the building occupied by offices. This would not provide the range of uses which are needed and desired for neighborhood centers.

This scenario may be unlikely to occur in the current small buildings on small lots. But this "worst case" could be easily realized in large buildings (such as the Giant/Murphy's or the People's/Sullivan's buildings on Wisconsin Avenue) or in new developments on large lots combined through assemblage. Therefore, ANC 3-C urges that restaurant and bank categories not be available in the calculation of the 50% gross floor area set-aside for preferred uses. We propose their deletion from the list of preferred uses. (We would also have deleted travel agencies and ticket offices, but they are not listed in the Zoning Regulations under 701.1 or 701.4, and hence are not preferred uses anyway.) This approach gains the additional advantage of being easier to administer and enforce.

5. 1304: Comprehensive Plan compliance is critical and was envisioned by the Council:

The zoning impact of the District elements is not limited to areas where amendments to the Zoning Regulations are required. Like other District agencies, the Zoning Commission and the Board of Zoning Adjustment should look to the District elements for general guidance. (Legislative report on Bill 5-282, page 52; emphasis added)

Yet in the past the BZA has demurred on the Comprehensive Plan, saying the Plan is only within the jurisdiction of the Zoning Commission. ("Responsibility for comprehensive plan consistency issues is vested in the Zoning Commission." Appeal No. 14424) To assure clear intent, the provisions for special exceptions in the NC Overlay should reference the Comprehensive Plan.

6. 1306 & 1307: Because the underlying zoning in the Connecticut Avenue NC Overlay areas remains C-2 (although ANC 3-C continues to recommend that there be additional C-1 downzoning in both Cleveland Park and Woodley Park, and FAR consistency for iden-

tical zones in each neighborhood), there should be specific provisions prohibiting fast food, theaters, hotels, and inns.

7. 1307.4: Calvert Street should be a designated street. Currently there is only one curb cut on it, which should be grandfathered, within the WP Overlay area.

8. 1308.4 & 1308.5: Idaho Avenue should be a designated street. Currently there are no curb cuts on it within the MW Overlay area. Including Idaho Avenue in 1308.4 would eliminate the question whether a building on Square 1920 could avoid the overlay restrictions regarding preferred use area by being oriented to "front" Idaho. This important street should not be excluded.

9. Attached to, and adopted as part of, this resolution is a mark-up of the Notice of Proposed Rulemaking. It reflects much of the above comments, and contains additional recommended revisions.

Adopted by unanimous vote, March 27, 1989.

ATTEST:

  
Laurie Handlers, Secretary