Government of the District of Columbia
Office of Zoning

June 21, 2004

Amy B. McVey, Chair
ANC 3E
P.O. Box 9953
Washington, D.C. 20016

Re: Z.C. Case No. 91-02 (Tenleytown Metrorail Station Area - Rezoning)

Dear Ms. McVey:

The petition for the above-referenced case was filed February 5, 1991. I have not received any additional filings from you with regard to this case. I believe that Z.C. Case No. 96-12Z addressed your concerns regarding this matter. The Zoning Commission decision is reflected in Z.C. Order No. 909 (copy attached). I would like to hear from you no later than Tuesday, September 7, 2004. If I don't hear from you, I will ask the Zoning Commission to dismiss this matter at their September public meeting (September 13, 2004).

If you have any questions, please contact me.

Sincerely,

Alberto P. Bastida, AICP
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia
Case 91-02
Exhibit 7

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ZONING COMMISSION
District of Columbia
CASE NO.91-2
EXHIBIT NO.7

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 909*
Case No. 96-12Z
(Miscellaneous Citywide Map Amendments)
September 30, 1999

The Zoning Commission for the District of Columbia initiated this case in response to a petition from the Office of Planning (OP) requesting the Commission to amend the Zoning Map of the District of Columbia. Amendments to the Zoning Map are authorized, pursuant to the Zoning Act [Act of June 20, 1938, 52 Stat. 797, as amended, D.C. Code Ann. Section 5-413 (1981)].

The OP petition, filed on October 9, 1996, requested the Zoning Commission to schedule a public hearing to consider map amendments for eleven (11) areas within the District of Columbia. This request comprised the second phase of the land use category of the Zoning Consistency Project work program relative to the Comprehensive Plan Amendments Act of 1994. The overall purpose of this rezoning initiative is to implement provisions of the Comprehensive Plan for the National Capital that require that zoning not be inconsistent with the Plan.

At a regular public meeting on October 21, 1996, the Zoning Commission authorized a public hearing on the OP petition. Accordingly, the public hearings were properly noticed for February 24 and April 17, 1997. The hearings were conducted in accordance with the provisions of 11 DCMR 3021.

At the February 24 and April 17, 1997 public hearings, the Commission heard the presentations of the Office of Planning and a number of persons in support of and in opposition to specific proposed map amendments. The hearing on April 17, 1997 was officially noticed and conducted to address supplemental rezonings proposed by OP, to further refine the proposed rezonings in this case overall, and to officially advertise any omissions in the hearing notice for the February 24, 1997 hearing session. The April 17, 1997 hearing session was also a continuation of the February 24, 1997 hearing session.

By reports dated October 9 and December 17, 1996, and February 14 and June 2, 1997, and by testimony at the two public hearing sessions, OP recommended approval of the proposed map amendments as refined and finalized.

Advisory Neighborhood Commission (ANC) 6B (Mr. Gottlieb Simon, Executive Director testified in support of the proposed rezoning for Eighth Street, S.E.

***This Order was previously published in the D.C. Register on October 8, 1999 and December 3, 1999 with omissions. This current publication corrects this situation.**

Testimony in opposition to the specific rezoning proposal involving Eighth Street, S.E. was given by Mr. William Frank Reed of the Capitol Hill Association of Merchants and Professionals, Ms. Margot Kelly of the Baxlo Business Alliance, and Mr. Yves Fedrigault.

At the close of the second hearing session on April 17, 1997, the Zoning Commission left the record open until May 26, 1997 for the submission of additional information specifically requested.

The Zoning Commission took proposed action to approve a number of the proposed map amendments on June 9, 1997.

The Zoning Commission believes that the concerns and views expressed during the public hearing proceedings have been thoroughly discussed and considered. The Commission further believes that it has accorded all concerned ANCs the "great weight" to which they are entitled.

A Notice of Proposed Rulemaking was published in the D.C. Register on August 6, 1999 (46 DCR 6465) and was referred to the Office of the Corporation Counsel (OCC), the Zoning Administrator (ZA), the Office of Planning (OP), and the National Capital Planning Commission (NCPC) for review and comment. As a result, a number of refinements were made relative to the original proposed rezonings. All such refinements are reflected in this order as well as in the Notice of Final Rulemaking for this case published separately.

The proposed decision to approve these map amendments was referred to NCPC under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. In a letter, dated September 10, 1999, NCPC indicated that the proposed map amendments in this case would not adversely affect the federal establishment or other federal interests in the National Capital and would not be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission believes that the map amendments included herein will provide a workable mechanism to effectuate the Comprehensive Plan Amendments Act of 1994 as part of the ongoing Zoning Consistency Project. Furthermore, the Commission believes that its decision to approve the map amendments set forth in this order is in the best interests of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations, Zoning Map, and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth on this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the following amendments to the Zoning Map of the District of Columbia:

1. H Street, between North Capitol Street and New Jersey Avenue, NW

- Rezone from C-2-A and R-4 to C-3-C:
  Square 623, Lot 188; and Square 622, part of Lot 839, to a depth of 127 feet from H Street N.W.

2. Railroad Avenue, V Street, Shannon Place, and Chicago Street, SE

- Rezone from C-M-1 to C-2-A:
  Square 5784, Lots 898, 899, and 900;
  Square 5783, Lots 1018 and 829; and
  Square 5785, Lots 800 through 809, 836, 837, and 838.

3. Hanover Place, NW

- Rezone from C-M-1 to C-2-A:
  Square 617, Lots 17, 52, 212, 214, 215, 222, 223, and 800.

4. Bladensburg Road, NE - Commercial Corridor

- Rezone from C-3-A to C-2-A:
  Square 4072, Lots 57 through 60, and 97 through 99; and
  Square 4073, Lots 67 through 70, 91, and 92.

5. Benning Road, 18th Street, Oates Street, and Bladensburg Road, NE

- Rezone from C-M-1 to C-3-A, C-2-A, and R-5-B:
  Square 4491, part of Lot 805 from C-M-1 to C-3-A;
  Square 4493, parcels 150/32, 150/33, and 151/42 from C-M-1 to C-2-A;
  Square 4494, Lots 60 through 74, and 132 through 145 from C-M-1 to C-3-A;
  Square 4488, parcels 151/54 and 151/60 from C-M-1 to C-3-A;
  Square 4510, Lots 58, 61 through 64, 66, 150, and 152 from C-M-1 to C-2-A; and
  Square 4507, Lots 102, 111, 165, 170, 892, 910, and 936 from C-M-1 to R-5-B.

6. Rhode Island Avenue Metrorail Station Area - Northwest Quadrant

- Rezone from C-2-A and C-M-2 to C-3-A:
  Square 3629, Lots 6, 9, and 800 from C-2-A to C-3-A; and
  Square 3629, Lots 2, 3, 5, 7, 808, 811 through 814, and parcel 131/140 from C-M-2 to C-3-A.

7. Rhode Island Avenue, 9th, 10th, and Evarts Street, NE

- Rezone from C-M-2 to C-2-C and R-2, and from R-2 to R-5-D:
  Square 3841, Lots 65 through 70, 76, and 77 from C-M-2 to R-2;
  Square 3843, Lots 12 through 17, 805, 806, 817, and parcels 132/80, 132/81, 131/210, 131/185, and 131/230 from C-M-2 to C-2-C;
  Square 3844, Lots 816 and 820 from R-2 to R-5-D; and
  Square 3844, Lots 70, 71, 800, 815, 821, and 823 from C-M-2 to C-2-C.

This Order was adopted by the Zoning Commission at a special public meeting on September 30, 1999, by a vote of 4-0: (Hood, Franklin, Clarens, and Parsons, to adopt).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register, that is, on FEB 25 2000.

ANTHONY J. HOOD
Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning