

Cleveland Park Citizens Association

Cleveland Park Citizens Association

George Idelson, President
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2020-362-4279
g.idelson@verizon.net

To: DC Board of Zoning Adjustment
From: Cleveland Park Citizens Association
Subject: #17767 – (Appeal of McLean Bible Church)
Application for Party Status (Intervenor)
Date: May 5, 2008

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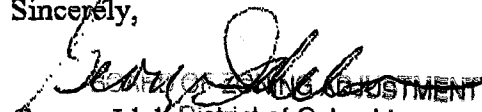
On April 28, 2008, in a 6-0 vote, and with a quorum present, the Cleveland Park Citizens Association (CPCA) was authorized by its Executive Committee to intervene in Case #17767, in support of the Zoning Administrator's ruling. (See resolution attached.) CPCA hereby requests party status in this matter. CPCA will appear without legal counsel.

CPCA has acted on behalf of Cleveland Park citizens and testified formally before DC agencies many times since the founding of the association in 1911.

The Cleveland Park Neighborhood Commercial Overlay District was enacted in 1989 to ensure a diverse mix of affordable retail uses on Connecticut Avenue and to minimize the impact of those businesses on local parking and traffic congestion. CPCA played a significant role in enactment of the Overlay, and has monitored its enforcement ever since. CPCA has been intimately involved in efforts to improve and clarify the Overlay's terms. Because of our history in this connection, CPCA was an invited partner with the Office of Planning in helping to write new definitions of the terms for eating and drinking establishments. (Those revisions were adopted as Zoning Commission Order 06-23.)

CPCA, in close cooperation with ANC-3C, has been the leading advocate for enforcement and clarification of the Overlay. Our position on the present appeal is consistent with this role. We believe that the Overlay plays an important role in enabling the neighborhood businesses to survive and contribute to the quality of life in Cleveland Park. Because CPCA has long been identified with the Overlay, the community has looked to us to represent its interests on all matters concerning this important zoning regulation. Failure to uphold the ruling of the Zoning Administrator would impair the integrity of the Overlay; accordingly, we have a high level of concern about the outcome of this appeal.

Sincerely,


George Idelson
President

CASE NO.

17767

EXHIBIT NO.

17

Board of Zoning Adjustment
District of Columbia
CASE NO. 17767
EXHIBIT NO. 17

Cleveland Park Citizens Association

**080428 CPCA Resolution: Neighborhood Commercial Overlay and McLean Bible Church
(Passed by the CPCA Executive Committee, by a vote of 6-0, on April 28, 2008)**

WHEREAS the McLean Bible Church, in 2007, made arrangements with the Uptown Theatre to conduct regular Sunday morning religious services in the theater, and

WHEREAS the DC Zoning Administrator has ruled that such a use would violate Chapter 13 of the Zoning Regulations, which reserves the ground floor space in the Cleveland Park Neighborhood Commercial Overlay District (CPNCOD) exclusively for retail services and sales (plus the theater and the library); and

WHEREAS the Mclean Bible church has appealed the ruling of the Zoning Administrator that prohibits use of the theater for church purposes; and

WHEREAS this appeal is to be heard by the Board of Zoning Adjustment, and possibly thereafter in court; and

WHEREAS the Cleveland Park Citizens Association has consistently defended the Overlay Districts as important instruments of protection for the quality and balance of the neighborhood business districts in our community, and has been intimately involved in efforts to refine and clarify the applicable regulations; and

WHEREAS it is clear that the Zoning Regulations restrict ground floor space in the CPNCOD to uses that appear on the prescribed list of uses, and religious establishments are not on that list; and

WHEREAS Neighborhood Commercial Overlay Districts are a few small enclaves in D.C.'s zoned land, and are the only areas in all of the residential and commercial zones in the city in which churches cannot locate as a matter of right, and thus cannot be construed as a burdensome constraint on churches; now therefore be it

RESOLVED that the Cleveland Park Citizens Association strongly supports the position of the Zoning Administrator as legally correct, and necessary to maintain the integrity of the Zoning Regulations; and be it further

RESOLVED that the Cleveland Park Citizens Association authorizes its officers to petition the Board of Zoning Adjustment to accept the Association as an Intervenor in the appeal case and any related litigation, and to testify in accord with this Resolution.

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Fax transmittal, Page one of three.

Attention: Richard Nero
202-727-6072

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