

August 1, 2002

DC Office of Zoning  
441 4th Street, NW  
Suite 210 South  
Washington, DC 20001

DC Office of Zoning  
2002 AUG -5 PM 3:04

Attention: Alberto Bastido

Attached is my revised testimony for Case No. 02-06 (*Text Amendments to Neighborhood Commercial Overlay District: Limitation for Eating or Drinking Establishment*).

Sincerely,

George Idelson

ZONING COMMISSION  
District of Columbia  
Case 02-06  
Exhibit 24

ZONING COMMISSION  
District of Columbia  
CASE NO.02-06  
EXHIBIT NO.24

***Testimony by George Idelson, President, on behalf of the Cleveland Park Citizens Association re: Zoning Commission Hearing on Case No. 02-06 (Text Amendments to Neighborhood Commercial Overlay District: Limitation for Eating or Drinking Establishment)***

The Cleveland Park Citizens Association (CPCA) has spoken clearly and often on the issue of compliance with the Overlay limits on restaurants. My views reflect a majority position taken by CPCA members at a duly constituted business meeting. A copy of the resolution has been entered into the record separately.

1. Compliance with city regulations is central to our organization's mission. Indeed, it is written into our Constitution, and I, as President, am duty bound to insist on it.
2. While the 3-year window in Section 1302 (f) "grandfathering" restaurant usage in vacant building space may seem like a neat compromise to some, we see it as a novel theory in violation of the Overlay that would rescue a specific developer for an ill-conceived investment about which it had ample warning. What this developer is seeking is a "special exception." There are rules for requesting special exceptions. There is no need to rewrite the Overlay.
3. We don't know how this so-called "compromise" was arrived at, but for the record, neither I nor any member of our zoning committee members were consulted.
4. While parking and traffic are at the root of many neighborhood issues, this is not just about parking and traffic. This is about locking up retail real estate so that only high priced renters – namely restaurants – can afford to come in. The developer argues that new tenants (read restaurants) are reluctant to commit, because of uncertainty about the rules. The rules are quite clear. What isn't clear is whether they will be enforced or perhaps changed, . Furthermore, this amendment gifts one particular developer with a prize. By locking up these "grandfathered" spaces, no other rentor could lease to a restaurant should the usage ever drop below 25 percent.

5. I make no claim that every resident of Cleveland Park feels precisely the same about this issue. What I know is, we share a common desire for more community services and we don't want to become another Adams Morgan.

5. Which raises another issue. There is no consensus on just what the current percentage of restaurants is. This isn't rocket science. More like tape measure science. Why doesn't the Zoning Commission engage one or more reputable surveyors to determine the actual percentages involved. Having credible numbers might help inform the debate, although the issue remains the same.

6. What we ask for is simple:

1302 (f) should read:

"In the event that a property ceases to be used as an eating or drinking establishment, its linear store frontage shall no longer be included in the measurement of such uses."

George Idelson  
3035 Newark Street NW  
Washington, DC 20008  
(202)362-4279