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August 23, 2002

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BY HAND

D. C. Zoning Commission
441 – 4th Street, N. W.
Room 220 South
Washington, D. C. 20001

ZONING COMMISSION
District of Columbia
Case 02-06
Exhibit 28

SEP 10 2002
11 3:57

Re: Case No. 02-06 – Neighborhood Commercial Overlay Zones

Honorable Members of the Commission:

Enclosed please find the final comments of Urban Investments Advisors, LLC (UIA), the owner of the building at 3500-3518 Connecticut Avenue, N.W., regarding the proposed amendments to the NC Overlay Zone regulations. This document summarizes UIA's position, and is intended to supplement our previous submissions at Exhibits 15 and 16 of the record in this case.

We wish to draw the Commission's attention again to the particular difficulties that would be placed on UIA if the proposed 3-year rule in Sections 1302.5(f) and (g) were to be adopted in their current form. This problem was discussed by Constance Collins Davis at the public hearing, and is set forth in her testimony at Exhibit 15 of the record. In summary, five of the eating and drinking use tenants in the building vacated the property in mid-2000. UIA has been actively marketing the property for new eating and drinking use tenants. The Bombay Bistro has signed a lease with UIA for the space previously occupied by Wingmasters. A building permit for the restaurant buildout was just issued on August 22, 2002. A Certificate of Occupancy should be able to be issued for that space prior to June of 2003, when the proposed 3-year rule would expire for that space. UIA has not yet secured tenants for the other 4 vacant eating and drinking spaces. The proposed 3-year rule as applied to those spaces will expire as early as mid-April of next year. It is not clear that the leasing, design, permitting,

ZONING COMMISSION
District of Columbia
CASE NO.02-06
EXHIBIT NO.28

construction, inspection and Certificate of Occupancy issuance can all be achieved by that time.

UIA's difficulties in this regard are not of their own making, and stem from the fact that a number of prospective eating and drinking tenants have been unwilling to commit to a lease because of the uncertainty of the current regulations. In fact, at least one prospective tenant was contacted by members of the community and was told that they would not be successful in locating in Cleveland Park, because of the zoning restrictions. Additionally, the Department of Consumer and Regulatory Affairs imposed a moratorium from January of this year until just recently on the issuance of permits for eating and drinking establishment uses, at the request of some community members. These activities have made it very difficult for UIA to convince prospective restaurant tenants that they are permitted to lease space in the building. UIA has made a substantial investment in this community, based upon the understanding that they have a right to replace one eating or drinking use with another in their building, in light of the fact that those uses in their building pre-dated the NC Overlay. If enacted as proposed, the 3-year provision would jeopardize that substantial investment and commitment by UIA.

It is clear from the testimony at the public hearing that the ANC and Cleveland Park Citizens Association representatives are opposed to the efforts of UIA to renovate and re-tenant the building with eating and drinking uses. Both representatives testified at the hearing that their organizations believe that the proposed regulations are intended to "rescue" UIA. The CPCA representative testified that the proposal "would rescue a specific developer for an ill-conceived investment about which it had ample warning". He further stated that "This amendment gifts one particular developer with a prize." This is not the case. UIA is simply trying to replace one eating and drinking use with another, to re-establish the same linear street frontage of eating and drinking uses as existed when they purchased the property. The Commission should not be influenced by whatever bias the ANC and CPCA have against UIA.

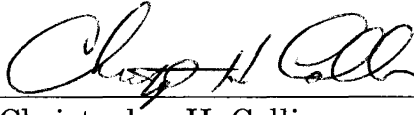
It is interesting to note the letters submitted to the record in this case which support the retention and addition of restaurants in the Cleveland Park Overlay. There are also a number of comments that have been posted on the Cleveland Park electronic bulletin board, which are enclosed herewith. To paraphrase some of those letters, the ANC and the Cleveland Park Citizens Association do not speak for the entire community on this issue.

D.C. Zoning Commission
August 23, 2002
Page 3

Thank you for your consideration.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Christopher H. Collins

CHC/skp
Enclosure

cc: Constance Collins Davis, Esquire
Jennifer Steingasser

WAS1 #1103259 v2

**FINAL COMMENTS
OF
URBAN INVESTMENTS ADVISORS, LLC
ON
PROPOSED AMENDMENTS
TO THE
D.C. ZONING REGULATIONS**

Zoning Commission Case No. 02-06 – NC Overlay District

August 23, 2002

Section 1302.5(a)

- The language in the advertised text should be amended per the recommendation of the Office of Planning's July 12, 2002, Report (Exhibit 11) (hereinafter "OP Report") to remove any ambiguity and to clarify the intent of the regulations regarding ground floor retail.

Section 1302.5(b)

- The language in the advertised text which states "The linear square footage of each designated roadway . . ." should be amended as per the recommendation of the Office of the Zoning Administrator (Exhibit 17) and the recommendation in the OP Report.

- The language in the advertised text which states "... based upon the certified and recorded plats . . ." should be amended to say "... based upon the records . . .". Not all of the plats contained in the records of the Office of the Surveyor are "certified and recorded". The Zoning Administrator should have at his or her disposal all of the relevant records of the Office of the Surveyor in order to make informed judgments and decisions on these matters.

Section 1302.5(c)

- The language of the advertised text which states that the total linear street frontage should be based upon "existing Certificate of Occupancy records" and "field observations" should be amended to say "... based upon the existing records of the Department of Consumer and Regulatory Affairs, including, but not limited to, the records of the Office of the Surveyor and building permit and Certificate of Occupancy records, by address and lot and square, and verified through field observations." The total linear street frontage for eating or drinking establishments

should be based upon more than simply the existing records of Certificates of Occupancy by address, and field observations. For instance, plats showing the lot and square will provide instant information about the amount of street frontage of a particular lot. There may be other records, including building permit plans and inspection records, which would also help the Zoning Administrator to more accurately determine the amount of ground floor linear street frontage of a particular use than either a Certificate of Occupancy or a field observation. The testimony presented at the public hearing by Constance Collins Davis of Urban Investments Advisors, LLC (Exhibit 15) illustrates clearly why the Certificate of Occupancy address and field observations alone are not reliable for this purpose.

Section 1302.5(d)

- The word “or” at the end of the advertised text should be omitted. It appears to be a typographical error.

Section 1302.5(e)

- This section should be eliminated pursuant to the extensive rationale presented in the OP Report. The Office of the Zoning Administrator also supports the elimination of this Section (Exhibit 17).

We would like to bring to the Commission’s attention the fact that subsequent to the public hearing in this case, DCRA released a measurement of the eating and drinking uses in the Cleveland Park Overlay, dated August 15, 2002, and attached hereto, which is apparently intended to be used by DCRA to determine what constitutes eating and drinking establishment linear street frontage. This list includes the gasoline station, the two grocery stores and the 7-11 convenience store in the Cleveland Park overlay as “eating or drinking establishments” governed by the NC Overlay. This was clearly not the intent of the original regulation. As pointed out in the Cleveland Park Historical Society’s testimony (Exhibit 21), the original intent was to regulate bars and restaurants. The inclusion of these other establishments also artificially inflates the existing percentage of actual eating and drinking uses.

The inclusion of these other uses as eating or drinking establishments will lead to further absurd results. The movie theater has a concession stand, and likely does a substantial business on the sale of snacks, popcorn, soda, etc. Is this an eating or drinking establishment? If the gas station is one, why not the theater? What if the bank or any of the retailers put out a coffee machine for use by their customers? The Zoning Commission should take steps to adopt amendments that are consistent with the original intent of the regulations, and should not allow the enforcement of the regulation to go beyond its original intent.

Section 1302.5(f)

- This section should be deleted and replaced with the following:

“1302.5(f)(1)

Issuance of a Certificate of Occupancy for a non-eating or drinking establishment use for the linear street frontage shall constitute discontinuance of the eating or drinking use. In that event, the linear street frontage shall no longer be included in the measurement of such uses.

1302.5(f)(2)

Discontinuance for any reason of an eating or drinking establishment for a period of more than three (3) years, without replacement with another use, shall be construed as prima facie evidence of no intention to resume active operation of the eating or drinking establishment. This presumption may be rebutted by evidence of an intention to resume the eating or drinking use, including, but not limited to, active leasing activity to secure a new tenant, or the filing of a building permit application or certificate of occupancy application for an eating or drinking use.”

The rationale for this change is set forth in Exhibits 15 and 16 of the record in this case. Please refer to those Exhibits for a full explanation of the rationale of our position.

This proposed language tracks the language of Section 2005.1 of the non-conforming use regulations. In summary, Section 2005.1 of the non-conforming use regulations creates a presumption of abandonment of non-conforming uses if there has been discontinuance for more than three (3) years. According to case law on this issue from the D.C Court of Appeals, that presumption requires a showing of both an intent to abandon, and some overt act or failure to act which carries the implication of abandonment. That presumption can be rebutted by evidence that either or both of the above elements are not present.

The D.C. Court of Appeals has held that the mere lapse of time without the active pursuit of a non-conforming use does not deprive the owner of the right to continue that use. Non-conforming uses are entitled to these rights, and conforming uses should be entitled to no less rights. Eating and drinking establishments are conforming uses and should be subject to at least the same rights as non-conforming uses.

Section 1302.5(g)(1)

- The language in the advertised text which states “. . . uses intending to occupy the same space vacated by an eating or drinking establishment, . . .” (emphasis added), should be amended by deleting the words “space vacated by” and inserting the phrase “ground floor linear street frontage previously occupied by”.. The original Overlay Regulations do not regulate “space” for eating and drinking establishments, but rather “linear street frontage”.

- The language at the end of the section which states “. . . if the space has remained vacant for a period of three years or less,” should be deleted and replaced with “which meets the requirements of Section 1302.5(f)(1) and (f)(2)”.

Section 1302.5(g)(2)

- The language should be amended to state “The expansion of the linear street frontage of an exiting eating or drinking establishment . . .”, in order to be consistent with the entirety of the regulations. This change is also consistent with the testimony at the public hearing by Ms. McCarthy of the Office of Planning.

**Comparative Measurements Based on Procedures Published on 5/17/02
and Previous Measurements of 4/18/02**

			NUMERATOR		DENOMINATOR		PERCENTAGE	
BUSINESS ESTABLISHMENT	ADDRESS	PRODUCTS SOLD	Previous	New	Previous	New	Previous	New
2900 Block Porter Street, Southside, east of Connecticut Avenue					200.86	200.86		
Petco	3505 Connecticut Avenue	Pet Supplies						
Kim's Cleaners	3529 Connecticut Avenue	Dry Cleaners						
Exxon Gasoline Station	3535 Connecticut Avenue	Gasoline Station	0	68.6				
3500 Block Connecticut Avenue, east side					437.56	437.56		
Exxon Gasoline Stations	3535 Connecticut Avenue	Gasoline Station	69.0	69.0				
Greenwood at Cleveland Park	3529 Connecticut Avenue	Restaurant	20.0	22				
Farmer Market	3527 Connecticut Avenue	Grocery Store	0	24.5				
City fitness	3525 Connecticut Avenue	Health Club						
Blockbuster Video	3519 Connecticut Avenue	Movie						
Brother Gourmet Coffee Bar	3515 Connecticut Avenue	Restaurant	25.5	25.0				
Shalsa Bagel	3513 Connecticut Avenue	Restaurant	25.1	25.01				
Motor Photo	3511 Connecticut Avenue	Photography						
Parcel Plus	3509 Connecticut Avenue	Parcel Services						
Sala Thai	3507 Connecticut Avenue	Restaurant	25.51	25.51				
Petco	3505 Connecticut Avenue	Pet Supplies						
Chicago Bar and Grill	3501 Connecticut Avenue	Restaurant	73.3	73.0				
2700 Block Ordway Street, east of Connecticut Avenue		(North)			158.65	158.65		
Chicago Bar and Grill	3501 Connecticut Avenue	Restaurant	0	65.1				
2700 Block Ordway Street, east of Connecticut Avenue		(South)			140.66	140.66		
Yanku	3435 Connecticut Avenue	Restaurant	0	25.5				
Elegant Nail	2744 Ordway Street	Salon						
Park Bend Pub	2700 Ordway Street	Restaurant	0	34.4				

**Comparative Measurements Based on Procedures Published on 5/17/02
and Previous Measurements of 4/18/02**

BUSINESS ESTABLISHMENT	ADDRESS	PRODUCTS SOLD	NUMERATOR		DENOMINATOR		PERCENTAGE	
			Previous	New	Previous	New	Previous	New
3400 Block Connecticut Avenue, east side					746.08	746.08		
Park Bench Pub	3433 Connecticut Avenue	Restaurant	3.5	3.5				
Yanku Restaurant	3435 Connecticut Avenue	Restaurant	36.5	36.3				
Atomic Billiards	3427 Connecticut Avenue	Food/Drink	4.9					
Brookville Supermarket	3527 Connecticut Avenue	Grocery Store	0	50.1				
Yes Natural Food	3425 Connecticut Avenue	Organic Market						
Cleveland Park Liq. Store	3423 Connecticut Avenue	Liquor Store						
Coppi's Vigorelli	3421 Connecticut Avenue	Restaurant	19.01	19.01				
Nam-Vet	3419 Connecticut Avenue	Restaurant	19.2	19.2				
Aroma Company	3417 Connecticut Avenue	Night club	15.0	15.0				
Ritz Camera	3415 Connecticut Avenue	Photography						
Made By you	3413 Connecticut Avenue	Arts and Craft						
Firehook Bakery	3411 Connecticut Avenue	Bakery/Rest.	15.01	15.0				
Wake Up Little Suzie	3409 Connecticut Avenue	Novelty						
McDonald's	3407 Connecticut Avenue	Restaurant	25.01	25.0				
Bank of America	3401 Connecticut Avenue	Bank						
H and R Block	3337 Connecticut Avenue	Taxes						
Vic DumitDance Studio	3335 Connecticut Avenue	Dance Studio						
Spices Sushi Bar	3333 Connecticut Avenue	Restaurant	18.0	18.0				
Uptown Cleaner	3333 Connecticut Avenue	Dry Cleaners						
Artisan Lamp	3331 Connecticut Avenue	lamp Co.						
CVS Pharmacy	3327 Connecticut Avenue	Phamaceuticals						
Vacancy	3323 Connecticut Avenue							
lavandor Restaurant	3321 Connecticut Avenue	Restaurant	20.0	20.0				
Nanny O'Briens	3319 Connecticut Avenue	Restaurant	20.0	20.0				
Brother Sewing Machine	3317 Connecticut Avenue	Machine Repair						
Vacltalian Deli	3315 Connecticut Avenue	Restaurant	20.5	20.5				
Uptown Bakery	3313 Connecticut Avenue	Bakery	20.5	20.5				
Ardeo	3311 Connecticut Avenue	Restaurant	20.0	20.0				
alais du Chocolat Café	3309 Connecticut Avenue	Restaurant	20.0	20.0				
Frame mart Galleryt	3307 Connecticut Avenue	Art and Supplies						
Town Jeweler	3305 Connecticut Avenue	Jelwer						
Cleveland Park Shoe repair	3303 Connecticut Avenue	Valet and Dry Cl.						

**Comparative Measurements Based on Procedures Published on 5/17/02
and Previous Measurements of 4/18/02**

BUSINESS ESTABLISHMENT	ADDRESS	PRODUCTS SOLD	NUMERATOR		DENOMINATOR		PERCENTAGE	
			Previous	New	Previous	New	Previous	New
Andrew Hairstylists	3301 Connecticut Avenue	Beauty Salon						
Macomb Street, East side of Connecticut Avenue					123.54	123.54		
	2755 Macomb Street	Apartment House						
Macomb Street, West side of Connecticut Avenue					150.51	150.51		
Cleveland Park Branch Library		Macomb St. Side						
3300, 3400, 3500 Block Connecticut Avenue, West side					1122.4	1,122.40		
Cleveland Park Branch Library	3300 Connecticut Avenue	Library						
Shawn and Charles Saloon	3400 Connecticut Avenue	Beauty Salon						
Wash Inst. Of Nat medicine	3402 Connecticut Avenue	Health Food Store						
Designer to Cosignment	3204 Connecticut Avenue	Clothing						
T.D. Walsh Inc Realtors	3406 Connecticut Avenue	Residential						
Ireland Four Province	3410 Connecticut Avenue	Restaurant	55.7	46.3				
ByBlos Deli	3412 Connecticut Avenue	Restaurant	34.5	34.0				
Super Cut	3416 Connecticut Avenue	Restaurant						
Potomac Video'	3418 Connecticut Avenue	Beauty Salon						
Star Buck Coffee	3420 Connecticut Avenue	movie						
Uptown Vision	3424 Connecticut Avenue	Restaurant	21.0	21.5				
Transcendence /Perfection	3428 Connecticut Avenue	Optometrist						
U.S. Post Office	3430 Connecticut Avenue	Novelty						
European Custom Tailor	3432 Connecticut Avenue	Postage						
Nonomura Studio	3432 Connecticut Avenue	Clothing Art						
Apartment Building	3432 Connecticut Avenue	residential						
Apartment Building	3446 Connecticut Avenue	Residential						
Alero Restaurant*	3500 Connecticut Avenue	Restaurant	32.5	38.0				
Vacant*	3502 Connecticut Avenue	Restaurant	18.5	18.5				
Park Place Cleaners	3504 Connecticut Avenue	Dry Cleaner						

**Comparative Measurements Based on Procedures Published on 5/17/02
and Previous Measurements of 4/18/02**

BUSINESS ESTABLISHMENT	ADDRESS	PRODUCTS SOLD	NUMERATOR		DENOMINATOR		PERCENTAGE	
			Previous	New	Previous	New	Previous	New
Vacant*	3506 Connecticut Avenue	Restaurant	18.5	18.5				
National Shoe Rebuilder	3508 Connecticut Avenue	Shoe Rebuilding						
Vacant*	3510 Connecticut Avenue	Ice Scream Shop	18.5	18.5				
Vacant*	3512 Connecticut Avenue	Restaurant	18.5	18.5				
Vacant*	3514 Connecticut Avenue	Restaurant	18.5	18.5				
Vacant*	3516 Connecticut Avenue	Restaurant	18.5	18.5				
Lisa Designer	3518 Connecticut Avenue	Beauty Saloon						
Subway	3520 Connecticut Avenue	Restaurant	12.2	12.2				
Apartment Building	3506 Connecticut Avenue	Residential						
Ivy Place	3520 Connecticut Avenue	Restaurant	12.5	12.5				
Tsintolas Realty Co.	3520 Connecticut Avenue	Realtor						
D.C. fire Department	3520 Connecticut Avenue	Engine Co. No. 28						
Yenching Palace	3522 Connecticut Avenue	Restaurant	25.0	25.0				
Yenching Palace	3524 Connecticut Avenue	Restaurant	25.0	25.0				
Seven/Eleven	3530 Connecticut Avenue	Conv. Store	0	44.5				
(*all starwood under previous study*)								
Newark Street, both side, West side of Connecticut Avenue					374.46	374.46		
Cleveland Park Branch Library]		Newark Street Side						
The Maclin Apartment	2911 Newark Street							
2800 Block Ordway Street, both side West of Connecticut Avenue					188.98	188.98		
Apartment House	3446 Connecticut Avenue	Ordway Street side						
Alero Restaurant*	3500 Connecticut Avenue	Ordway Street side	0	42.1				
2800 Block Porter Street, South side, West of Connecticut Avenue					102.29			
						102.29		
7-Eleven Food Store	3530 Connecticut Avenue	Conv. Store	0	22.4				
Apartment house	2902 Porter Street	Residential						
TOTAL MEASUREMENT			844.94	1,214.2	3745.99	3745.99	22.56%	32.41%

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> </ym/BlockSender?MessRet=1&.crumb=IYoCPMlCDWs&SP=Yes&NE=shabbir@mindsh
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> net&box=Inbox&MsgId=8100_839464_5778_2089_1428_0_3788&inc=&num=&Search=&YY
> =79908&order=down&sort=date&pos=0> | Add to Address Book
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> Date: Thu, 08 Aug 2002 22:29:40 -0000 Bottom of Form 1
> Subject: [Cleveland-Park] Cleveland Park: Residential Village? No
> way.
> --- In cleveland-park@y..., rupol@a... wrote:
> > As a citizen of the neighborhood since 1956, briefly on Ordway and
> 43 years
> > on the E. side of Newark, I have watched the gradual encroachment
> on our
> > residential village
> ^^^^^^^^^^^^^^^^^^^
>
> You don't live in a village, you live in an urban environment.
>
> As long as Cleveland Parkers cling to the idea that they live in
> some sort of romantic European hamlet, you'll continue to have to
> pony up the occasional \$12million to stop development.
>
> I suppose if you don't really care about the money, it doesn't
> really matter.
>
> -Shabbir
> 3422 Porter Street Autobahn
>
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> ce.com&box=Inbox&MsgId=3091_594616_6937_2051_1595_0_3241&inc=&num=&Search=
> &YY=65876&order=down&sort=date&pos=0> | Add to Address Book
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> Date: Wed, 24 Jul 2002 17:13:23 -0000      Bottom of Form 1
> Subject: [Cleveland-Park] Re: No hardware store
> --- In cleveland-park@y..., "seidcon1" <seidcon1@y...> wrote:
> > The reason why we do not have a hardare store is not because the
> > restaurants are crowding them out. Unfortunately, the small labor-
> > intensive, owner-operated urban hardware store is as much a vestige
> > of yesteryear as polite, helpful clerks at the CVS.
>
> There was an article in the paper (Post? NW Current?) about two
> months ago about the economics of hardware stores in NW. They even
> gave a break-even figure in rent/sq. ft. The verdict was that rents
> were too high in NW to make a hardware store possible. Intersting
> reading, even if one disputes the results. I think there's room for
> a hardware advisory service business with JIT delivery of supplies
> from some suburban warehouse, but that scheme in essence trades the
> journey of a supply truck for the journey(s) of 10 CP folks going out
> to the 'burbs for those screws and grommets.
>
> Dan Gordon
>
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> To: cleveland-park@yahoogroups.com Top of Form 1 &&
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> h.com&box=Inbox&MsgId=5006_574246_5305_2528_1880_0_3236&inc=&num=&Search=&
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> <<...OLE_Obj...>> <<...OLE_Obj...>> &&&&&&&
> Date: Wed, 24 Jul 2002 10:19:34 -0400 Bottom of Form 1
> Subject: RE: [Cleveland-Park] No hardware store
> I think a hardware store would bring ten times the traffic of a
> restaurant.
> I'd rather go take advantage of those huge Home Depot parking lots for
> hardware shopping and when dinner time comes, be able to walk to as many
> restaurants as they can pack in here. But that's just me.
>
> Sam Spencer
> www.samphonic.com
>
>
>

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CC: anc3c@yahoogroups.com <<...OLE_Obj...>> <<...OLE_Obj...>>
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rder=down&sort=date&pos=0> | Add to Address Book
<javascript:document.frmAddAddrs.submit()> Bottom of Form 1
Date: Tue, 23 Jul 2002 16:21:15 -0700 (PDT)
Subject: [Cleveland-Park] Re: ANC 3C Planning and Zoning Mtg re Comm
Overlay, and Change in ANC Aug Mtg Date

The DC Advisory Neighborhood Commission 3C (ANC 3C), will have a Planning and Zoning Committee meeting (P & Z), on August 12, 2002 at 7:30 PM at 2702 36th St., NW., to review Office of Planning and other issues related to a proposed text amendment by the DC Zoning Commission (Commercial Overlays and "Restaurant and Food Service" Limits) (i.e. Cleveland Park, Woodley Park, etc.).

The full ANC 3C has changed its August meeting from August 26, 2002 to a new date of August 19, 2002, at the 2nd District police station (Idaho Ave / Wisc behind Giant), at 7:30 Pm, to review Comment due to the Zoning Commission by August 23, 2002 in the Text Amendment case.

<
> From: "Kimberly Hallas" <kimberlyhallas@b...
> </group/cleveland-park/post?protectID=20017601425405620913809704614024
> 7130
> 134222044111183113152055230201>>
> Date: Tue Jul 23, 2002 9:24 am
> Subject: RE: [Cleveland-Park] Zoning Commission Proposed Regulations
> on Cleveland Park...
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> <<...OLE_Obj...>>
>
> Hi Virginia,
>
> I've asked that question before about another matter - has there ever
> been a survey of all the citizens of Cleveland Park - about this issue
> and other hot topics. I received no response. It seems there are many
> groups that claim to represent the majority of the community, but do
> not represent me. I've never been asked what my opinion is and wonder
> if others haven't either.
>
> I don't believe the conflict here is between the apartment dwellers
> and the single family home dwellers either. I own a home and I know
> many other home owners on my block and the next that also would like
> more restaurants in the neighborhood. That's why we purchased in the
> city - getting less house for more money - so that we could live in a
> CITY. If I wanted quiet suburbia, I would have purchased out in
> Darnestown.
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Form 1
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Date: Mon, 22 Jul 2002 13:39:14 EDT
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Subject: Re: [Cleveland-Park] Zoning Commission Proposed Regulations
on Cleveland Park...
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It is imperative that we have more restauraanats in Cleveland Park. The Citizens Assoc. doesn't represent me. I am a long time resident of the neighborhood. Restaurants are one of the few businesses that can afford the rents that the market now calls for. Ms. Miller is quite right to testify on

behalf of the amendment that would at least provide for some liberalization of a policy that is a disaster. Why have empty vacant space which serves no one, deteriorates, promotes crime and is an eyesosre. Why not have a vibrant

neighborhood?. I don't understand how and why the overlay got passes in 1989. I am legally blind and need places to walk to. Who does the citizens assoc. represent? Has there ever been a survey of all the citizens of the Cleveland Park area. I suspect there is conflict here between the apartment dwellers and single family home dwellers who are concerned about cars in their area. This a city./ let's keep it that way. Virginia Cerello

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Mr. Idelson,

I have some questions for CPCA:

1. What kinds of businesses do you think we'll get if restaurants are limited? I'd like to see a hardware store and a book & music store like a lot of other people, but that doesn't seem very likely.

2. Would you rather see vacant storefronts and hair/nail salons than restaurants? I wouldn't.

I think that fears of becoming another Adams Morgan or Georgetown are misplaced -- 3 or 4 more restaurants won't cause a "tipping". Instead, why not focus efforts on limiting alcohol sales and having reasonably early closing hours.

I would think that most people would want more neighborhood restaurants, especially if the right ones were added to the mix.

Respectfully,

Steve Seidman

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drloeb,

I think it is unreasonable to expect a renovation project such as the one Starwood undertook to be completed within 6 months, given the permit and historic review process required, not to mention the actual work itself. (Indeed, look how long it takes to redo a bathroom or kitchen in a house!)

I do not see where Starwood is getting preferential treatment under the proposed CDRA regulations. I further think that we should be encouraging renovation of deteriorating properties.

Anyone notice the facade at Nanny O'Briens recently? I am surprised the overhang hasn't fallen off and landed on someone.

Andrew Aurbach
Ordway Street

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I assume the landlord seeking preferential treatment is Starwood?
Where is the preferential treatment?

There were 7 food establishments in that property when they bought it
prior to renovation: Yanni's, Alero, Timtada (Thai), Indian Kitchen,
Wingmaster's Grill (BBQ), Cleveland Park Scoop Shop and Italian.

There are currently 2, Yanni and Alero. I am confused about why
there shouldn't be 7 there now, and why we have to wait with
vacancies for this to get resolved?

Further, I am confused why no one raised a fuss when the Italian
place moved next door, thus grandfathering in what will presumably be
the Subway Subs chain store? Why was this allowed to happen in the
face of what we are going thorough now?

I agree with Steve...let's move on and get those vacancies filled.

Andrew Aurbach
Ordway Street