

Rhode Island Avenue West Neighborhood Association

September 22, 2005

Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 4th St. NW
Washington, DC 20001

RE: ZC Case No. 02-06, 9/8/05

Dear Mr. Griffis:

The Rhode Island Avenue West Neighborhood Association is an incorporated civic association serving the interests of residents living in the Logan Circle Neighborhood. Our main business artery is 14th Street NW, which is located in the Uptown Arts Overlay District. While our neighborhood is not directly impacted by the proposed amendments before you in this case, our neighborhood does have a similar limitation on eating and drinking establishments and we therefore believe it is critically important to comment on the principles involved, particularly since our neighborhood is quickly approaching its own 25% limit.

We strongly oppose the proposal to substitute the existing limitation on eating and drinking establishments in the NCOD's with a provision that would allow eating and drinking uses by right or by special exception.

We believe that lifting the limitation would, over time, undermine the goals of the NCOD's which are set out in section 1300 -- namely, to preserve neighborhood shopping areas by providing a range of uses that meet the needs of residents as well as visitors in the neighborhoods involved. Restaurants, bars and other eating and drinking uses generate high revenues which allow them to pay higher property rentals. Squeezed out of this rising commercial rental market are the smaller neighborhood-oriented businesses which the District has recognized provide needed services to residents.

We believe the existence of the limitation on eating and drinking uses in the NCOD's, reflects the preferences of the community to have neighborhood shopping areas with a wide range of uses. Without limits -- such as that which would result in from eating and drinking uses being allowed by right -- leads inevitably to a much higher proportion of such establishments. Instead of a neighborhood for residents, it becomes a destination for visitors, with the

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resulting impacts reverberating throughout the community, where the character is forever changed.

With regard to special exceptions, there is already the possibility in the existing regulations (under section 1304) for a special exception to be applied for by an eating and drinking use. We do not support moving from a system of widely known and established limits that apply equally to all -- except in special circumstances -- to a system of ad hoc special exceptions. The special exception process places a far greater burden on the community (as well as on the BZA) than the existing pre-determined limitation, since the community would have to mobilize and attend hearings on every single applicant. While administering the limits places something of a burden on the Zoning Administrator's office, we would argue that that burden is correctly located -- the limits are an important zoning principle that has helped to preserve the character of these NCOD's and it is appropriate that the burden of enforcing these principles should fall on the Zoning Administrator's office and not on individual residents and the community.

In conclusion, we support the continued retention of the 25% limitation on eating and drinking uses in the NCOD's and we support the proposed amendments to section 1302.5 regarding the measurement procedures for the limitation on eating and drinking uses that were published in the Commission's notice for this public hearing.

Sincerely,



Tim Hillard
President

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