

September 23, 2005

The Hon. Carol J. Mitten,
Chair, DC Zoning Commission
441 4th Street, NW Suite 210-South
Washington, DC 20001

**Re: ZC Case No. 02-06, Text Amendments to Neighborhood Commercial Overlay
District: Limitation for Eating or Drinking Establishments**

Dear Chairman Mitten:

I am writing to you on behalf of the Q Street Association, which is a neighborhood group made up of residents of the 1400 block of Q Street, NW. We are located in the Uptown Arts Overlay District that is centered on the 14th Street and U Street corridors. The Arts Overlay district, in section 1901.6 of the Zoning Regulations, contains a limitation on the linear frontage (25 percent) of 14th and U Streets that may be occupied by eating and drinking establishments that is similar to the limitations set out in the Neighborhood Commercial Overlay District (NCOD) which are the subject of the proposed text amendment in Case No. 02-06.

While we understand that the proposed amendments before the Commission in this case do not directly impact the Arts Overlay district, nonetheless the principles involved are the same. We oppose the proposal to substitute the existing limitation on eating and drinking uses in the NCOD with a provision that would allow eating and drinking uses by right or by special exception.

We believe that lifting the limitation to allow eating and drinking uses by right or by special exception would over time undermine the goals of the NCOD that are set out in section 1300 -- namely, to preserve neighborhood shopping areas by providing a range of uses that meet the needs of residents and others who use these areas. If eating and drinking uses are allowed by right or by special exception, then over time what we will see is a proliferation of eating and drinking uses driving out other small neighborhood-oriented businesses. Restaurants, bars and other eating and drinking uses generate high revenues, which allow them to pay higher property rentals for their premises. As commercial rentals in the area get bid up by eating and drinking establishments other businesses get priced out. We are starting to see this happening in our own neighborhood already, as we approach the 25% limit on these uses established in the Arts Overlay District.

We firmly believe that the existence of the limitation on eating and drinking uses in the NCOD, which has been in place for almost 20 years, reflects the preferences of the community to have neighborhood shopping areas that incorporate a range of uses. These existing limitations fundamentally recognize that a situation without limits -- such as that which would result from eating and drinking uses being allowed by right -- leads inevitably to a much higher proportion of eating and drinking uses. Instead of being neighborhood shopping and eating areas, these neighborhoods then become eating and drinking

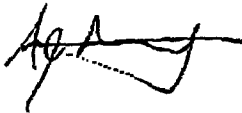
"destinations" to which people travel from throughout the city. This would lead to a fundamental change in the character of these neighborhoods.

Regarding 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 Board of Zoning Adjustment) than the existing pre-determined limitation, since the community would need to mobilize and attend hearings in relation to each separate applicant. While administering the existing limits places something of a burden on the Zoning Administrator's office, we would argue that this burden is correctly located – the limits are an important zoning principle that has helped to preserve the character of the NCOD 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 limitation on eating and drinking uses in the NCOD 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 the public hearing in this case.

We thank the Zoning Commission for the opportunity to comment on this issue.

Sincerely,



Andrea J Doughty

On behalf of:

Q Street Association

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