

11/17/08

Cleveland Park Citizens Association

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To: DC Zoning Commission
From: George Idelson, President, Cleveland Park Citizens Association
Date: November 11, 2008
Subject: Comments on Case #08-06-5 ZRR—Commercial Zoning: Mapping and Use Principles

We are a city of neighborhoods, each unique in character. In Cleveland Park, residential quality of our community is preserved by the Neighborhood Commercial Overlay District (NCOD), which defines uses and scale of development within our shopping area on Connecticut Avenue. The Overlay works in terms of its stated objectives. The retail mix is diverse and well serves the community. Our 25% of frontage limitation on restaurants and bars provides ample choice as well as a way to keep parking and other impacts at a manageable level. Minimal retail turnover suggests that the formula works for the businesses as well as the community. It is not surprising that many other DC neighborhoods are interested in the Overlay model.

The Office of Planning's recommendations to replace overlays is not only out of sync with the views of many community leaders around the city, it is clearly "inconsistent" with the new Comprehensive Plan that calls on planners (in Rock Creek West) to *"Consider the use of neighborhood commercial zone overlays similar to those used in Cleveland Park and Woodley Park..."*

OP's proposal to do away with overlays is a plan to fix something that isn't broken. There is nothing about the OP plan that will make an overlay substitute easier to understand or to enforce. When challenged, OP says that they are not against the idea of overlays, but that the local objectives can be accomplished with a "simpler" form of zoning that would be tailor-made for each neighborhood.

Unfortunately, OP can't or won't describe the process by which new zones will be created: who will set the boundaries, who will define the provisions, how impacts will be measured, and what appeals a community may have. That's a lot of uncertainty. Why take a system that works reasonably well and, instead of making appropriate adjustments, replace it *in toto* with a new and untried systemic change?

Current zoning regulations include many overlay districts. Their goals range from defining retail uses, to preserving trees, to stimulating industrial growth, to encouraging the arts. Neighborhoods fought hard to get the protections they offer. One has to wonder what OP is thinking, other than to clear the path for development and to remove communities from the planning process.

ZONING COMMISSION
District of Columbia

CASE NO.

08-06-5
ZONING COMMISSION
District of Columbia

EXHIBIT NO.

CASE NO. 08-06-5
EXHIBIT NO. 18

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When the zoning rewrite working groups were announced, overlays were assigned to the Commercial Corridors group. Somehow, the process was bifurcated, with the overarching principle of replacing overlays shifted to the Retail Working Group. Meanwhile, the Commercial Corridors Group was moved from September, 2008 to late Spring, 2009. It is our belief that the recommendations of the Retail Group might have been quite different had those who had been advised to focus on the Commercial Corridors designation been alerted to the change.

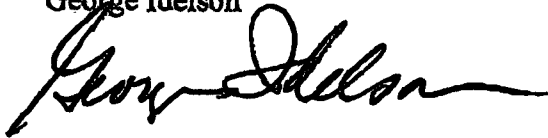
The Office of Planning says that neighborhoods can write in the same protections in the new zoning as they had in the Overlay. But how will the neighborhood's preferences be determined and by whom? Would a committee be set up to write each overlay-replacement? Will it be OP who chooses the members of such a committee? Would all of the city's 200 neighborhoods be included in the process? What would be the time frame? How much would OP have to staff up to monitor and coordinate such a process? And... why do it?

OP argues that a primary reason for the change is that the current text requires consulting two places in the regulations to learn the zoning requirements for a single overlay site, whereas under OP's proposal all the requirements applicable to single site would be found at a single location in the regulations. This goal is impracticable, since provisions in the zoning regulations regularly contain many references to other provisions, elsewhere in the regulations. The need to follow such references cannot be short-circuited except at the cost of repeating the same text over and over.

Overlays aren't inflexible. Text amendments and the Special Exception rule are long-standing remedies for inequities.

As president of the Cleveland Park Citizens Association, I have seen the divisiveness that can arise in the community over zoning issues. I urge the Zoning Commission not to reopen this can of worms. The Overlay works. Let it be.

George Idelson

A handwritten signature in black ink, appearing to read "George Idelson", written over the printed name.