



Before the Zoning Commission for the District of
Columbia
Case No. 08-06-08

Supplemental Submittal of the Citizens Association of
Georgetown
May 21, 2009

The Citizens Association of Georgetown ("CAG") submits these supplemental comments on behalf of its more than 1,200 members who reside in the historic district of Georgetown.

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We have been pleased that the Office of Zoning has chosen Georgetown as a primary test area to see how its proposals would actually work in the real world. While initially CAG had discussed with OP the establishment of an overlay to give greater protection from more intense development in Georgetown, we accepted postponement of such action because of OP's promise that the new zoning amendments would accomplish what we sought.

We recently met with Travis Parker and some of his staff to review maps that they had prepared, with a great investment of staff time, to demonstrate how the facts on the ground in Georgetown meshed with OP zoning proposals.

The meeting, however, resulted in shared concerns that the proposed zoning changes for moderate/low density neighborhoods didn't accomplish what we in Georgetown sought and OP understood. In fact, we believe the proposed changes could affect the historic integrity of Georgetown, the only National Historic Landmark neighborhood in the District, worthy of the highest level of protection the nation affords. Thus we take this opportunity to offer additional comments on the proposed zoning changes.

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ZONING COMMISSION
District of Columbia

CASE NO.

08-06-08

EXHIBIT NO.

28

[Washington DC #412983 v1]

ZONING COMMISSION
District of Columbia
CASE NO.08-06-8
EXHIBIT NO.28

During our meeting with OP, we were made aware that the process for coming up with customized zones could take years to come up with customized zones for Georgetown and for all the other neighborhoods that may want to have them. In the interim, Georgetown - and the other zones - would be governed by the general regulations, which strongly favor increased density and mixed uses in residential neighborhoods. CAG opposes the provisions in the proposed general base-plan that would permit an increase in lot occupancy limitsⁱ; construction on substandard lotsⁱⁱ, and more commercial and institutional uses in residential Georgetown,ⁱⁱⁱ among others - all as a matter of right without any hearing or review process. We had sought an overlay to prevent just such uses. Taken as a whole, the proposed changes would permit the historic character of Georgetown to be fundamentally changed, perhaps in time destroyed.

The OP contention that a customized zone for Georgetown could address the deficiencies in the general base-plan for Georgetown ignores two important points. First, there will be a significant delay between adoption of the general base-plan and the creation of any customized zone regulations for Georgetown during which development would only be subject to the zoning regulations in the general base-plan. Second, it is not at all clear that the customized zone for Georgetown would be able to revoke some of the matter-of-right development provisions in the base-plan. It is also unclear whether the procedural hearing protections for citizens' interests that will be removed by the general plan can be reinstated in a customized zone.

Applying such a general set of regulations to Georgetown would also be in direct conflict with D.C. and Federal Law, specifically the Historic Landmark and Historic District Protection Act (D.C. Code § 6-1101, et seq.) and the Old Georgetown Act, (D.C. Code § 6-12017. The D.C. Statute provides that "the protection, enhancement, and perpetuation of properties of historical, cultural, and esthetic merit are in the interests of the health, prosperity and welfare of the people of the District of Columbia." Under the Old Georgetown Act, Georgetown is designated a federal landmark district in which all changes in existing structures and any new structures must be reviewed by the Commission of Fine Arts, with the advice of the Old Georgetown Board. The interrelationship and hierarchy of zoning regulations and preservation standards (whether Federal or local) has not been clarified, and the potential for undermining critical preservation standards by permitting over-dense, oversized, and under-reviewed development is clear. This would be particularly destructive to Georgetown and its National Historic Landmark status.

OP has agreed, when meeting with CAG, that Georgetown has already attained the levels of density and mixed use that the general plan is attempting to permit elsewhere. If the proposed zoning regulations are put into effect here without the protection of a customized zone for Georgetown that preserves its historic character, we believe the historic integrity of Georgetown could be diminished or lost. The cost to the City of such a change in Georgetown could be very large. People find Georgetown a desirable place to live and visit as tourists precisely because it is a well-preserved historic district. If the general plan of increased density and matter of right commercial and institutional uses in residential neighborhoods is substituted for historic preservation as an objective in Georgetown, the tax revenue that Georgetown now creates for the District could be sharply diminished.

We look forward to working with OP to create zoning that includes the protections necessary to maintain Georgetown's unique historic characteristics. We have told OP that the current plan to develop new general regulations permitting increased density, in-fill development, and commercial and institutional uses as a matter of right in residential neighborhoods, removing existing protections and denying the desired overlay is a recipe for degradation of the quality of life in Georgetown and other historic districts in the District of Columbia.

We ask the ZC to advise the Office of Planning to exempt Georgetown and all historic districts from any new general zoning regulations until customized zones - or overlays - have been created that protect their historic character.

Respectfully submitted,

Jennifer Altemus, President
Denise Cunningham, Immediate Past
President
Richard Hinds, Legal Advisor

ⁱ Zoning Commission for the District of Columbia, Notice of Public Hearing, Case No. 08-06-8, Recommendation #6, p. 7.

ⁱⁱ Zoning Commission for the District of Columbia, Notice of Public Hearing, Case No. 08-06-8, Recommendation #9, p. 8, #10, p. 9.

ⁱⁱⁱ Zoning Commission for the District of Columbia, Notice of Public Hearing, Case No. 08-06-8, Recommendation #11, p. 9.



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of GEORGETOWN**

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Date May 21, 2009

To Zoning Commission

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From Denise Cunningham, Jennifer Altemus

Pages: 3 (excluding cover)

Notes: