



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

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D.C. OFFICE OF ZONING

May 28, 2010

Mr. Anthony J. Hood, Chairman
 Zoning Commission
 Office of Zoning
 441 4th Street NW, Suite 200/216 South
 Washington, DC 20001

Re: Zoning Case No. 10-07, Text Amendment to Allow Additional Flexibility for Eating and Drinking Establishments within the Arts Overlay District

Dear Chairman Hood,

My name is Ramon Estrada and I am the Commissioner for SMD 2B09 bordering 14th and U Streets on the Southwest corner. I have served as its Commissioner for four terms, or eight years, and I have served as Chairman of the Dupont Circle ANC for two terms. My SMD is affected by any changes in the Arts Overlay District regulations including the proposed text amendment. Moreover, I attended the Logan Circle Arts Overlay Review Committee meetings during the Summer of 2009.

I am writing this letter to you and the Zoning Commission to discuss and comment on Case No. 10-07, Text Amendment to Allow Additional Flexibility for Eating and Drinking Establishments within the ARTS Overlay District.

First, contrary to some reports in the media and Setdown Report from OP, ANC 2B did NOT support the recommendations in the Logan Circle Arts Overlay Committee Report. We endorsed the review of the regulations by the group and its efforts to revisit the purpose and goals of the arts district. I have attached our letter of September 13, 2009 which lists our motion. During the discussion at our ANC meeting we objected to a number of recommendations, including the percentage outlined for eating and drinking establishments. Now we have a specific proposal from OP to consider raising the percentage from 25% to 50%.

Second, our Zoning and Historic Preservation Committee considered the proposed text amendment at a special meeting held on May 9 and made a recommendation to the full ANC at its meeting on May 12, 2010. The motion that was adopted by a vote of 6-2, with eight of nine Commissioners attending, is reproduced here for your review:

Whereas the goals for the Uptown Arts Overlay District include the promotion of arts uses and encouragement of the development and preservation of arts-related businesses and organizations,

Whereas the OP staff has made a proposal to the ZC to increase the number of eating and drinking establishments to a maximum of 50% without studying the impact on arts-related activities and determining a reasonable number for eating and drinking establishments,

Whereas the Logan Circle Arts Overlay Committee report recommended that the definition of arts uses be modified to remove bars and restaurants,

ZONING COMMISSION
District of Columbia

CASE NO. 10-07

EXHIBIT NO. 8

Whereas, new residential developments in the 14th and U neighborhood are increasing the residential density, the ZC needs to establish and enforce a limit to protect the area from over concentration of eating and drinking establishments and the attendant nuisances that impact residents such as late night noise, rats, and blockages of their alleys,

Therefore, be it resolved that ANC2B urges the OP to withdraw its proposal and recommends that the ZC return the proposal to OP and that the ZC direct the OP staff to study the impacts on arts-related businesses, as originally conceived and modified in the regulations governing the Arts Overlay District, and to reformulate the proposal.

The Zoning Committee did not want to support the block by block method because we felt that we could not direct development in this manner effectively. Business owners and entrepreneurs would like to locate their operations without this kind of steering. If the Logan Circle ANC wants more eating and drinking establishments in their part of the Arts District, then perhaps we can designate their blocks south of 14th and S for future eating and drinking establishments, even though they have experienced several recent closings such as Café Salsa and Mar de Plata. We have observed that there just isn't enough foot traffic to support these new businesses and that is why so many of the new eating and drinking establishments have decided to locate near 14th and U where there is foot traffic.

Our Zoning Committee is fine with keeping the 30% cap on eating and drinking establishments throughout the Arts District, but let's not change it again. For those of us who have lived in the 14th and U neighborhood for many years, we have been patiently waiting for the percentage of eating and drinking establishments to reach 25%. We were looking forward to enforcement of the regulation by the Zoning Administrator, as we have 95 eating and drinking establishments, all within walking distance. How many more do we need? Our residential blocks have been impacted by parking issues, rat infestation, late night noise and traffic that comes with so many eating and drinking establishments.

We want more diversity and balance in our neighborhood businesses, including a variety of retail and service operations to serve our increased residential density, as well as more arts-related organizations, activities and businesses. We welcome two new businesses--Room and Board Furnishings at the corner of 14th and T and Georgetown Valct at the corner of 13th and U Streets--as examples of what we are looking to attract to our neighborhood as it continues to develop and thrive.

Respectfully submitted,



Ramon Estrada, MBA
Commissioner ANC 2B09
Zoning and Historic Preservation Committee
Chairman Emeritus, ANC 2B



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B**

September 13, 2009

Ms. Harriet Tregoning
Director, DC Office of Planning
Frank D. Reeves Municipal Center
2000 14th Street, NW 4th Floor
Washington, DC 20009

Re: DC Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Ms. Tregoning:

At its regular meeting on September 9, 2009, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the above-referenced matter. With nine of the nine Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a unanimous vote (9-0):

ANC 2B supports and encourages the report of the Logan Circle ANC Committee on the Uptown Arts Overlay and hopes it moves forward, however we have questions and concerns about several specific recommendations.

I will be the Commission's representative on this matter and can be reached at (202) 833-4440 or by e-mail at mike.silverstein@dupontcircleanc.net.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Silverstein".

Mike Silverstein
Chairman

cc: Mary Lou, Chairman, Board of Zoning Adjustment
Anthony Hood, Chairman, DC Zoning Commission