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ZONING SECRETARIAT,
DISTRICT OF COLUMBIA

5001 Loughboro Road, N.W.
Washington, D.C. 20016
(202) 362-7020
January 14, 1988

Executive Director
Office of the Zoning Secretariat
Room 11, District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: Case #86-26

To Whom It May Concern:

In response to your notice of a Public Hearing in regard to the above case number, I am writing on behalf of myself and my sister, Frances S. Onacewicz, owners of a building at 2601 Connecticut Avenue known as Lot 825 in Square 2204, to emphatically oppose the concept of the Woodley Park (WP) Overlay District of which our property would be a part.

Without trying to address myself to all of the involved and confusing changes and restrictions that would be imposed upon our prerogatives under the present C-2-B zoning which we now enjoy, one thing is very clear, that the value of our property is going to be drastically reduced by said "Overlay" restrictions. For example:

1. Land Value: Developers pay a square foot price for land based on the total Gross Floor Area (density) they can build on said land. When the present height under C-2-B zoning is reduced from 65 feet to 50 or 55 feet (which is it?), you are going to reduce the number of floors from 6 to 5 or maybe 4 floors. It will be very inefficient, if not impossible to put up a new building with a gross floor area of 3.5, which is allowed under the present C-2-B zoning and presumably will still be allowed under the "WP Overlay" proposal. Hence, developers are not going to pay as much per square foot for land under the "Overlay" plan. Consequently, our land will be reduced in value and the much needed new construction of mixed residential and commercial use, now permitted under C-2-B, will be thwarted. I predict there will be no new mixed use buildings erected in this square if this plan is adopted.

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2. Prospective Use of Existing Properties: Most of the buildings on the east side of Connecticut Avenue and on Calvert Street in Square 2204 are quite old, ranging from 75 to 80 years or more. Most are three or four stories high and have no elevators. In most of them, the plumbing and electrical wiring are antiquated. It will cost a great deal to renovate them. The Overlay plan contemplates just that, and it is for the most part an erroneous assumption, perpetuating decay and obsolescence. What is most likely to happen is that these buildings will become more dilapidated and values will gradually decline. Also, there is practically no parking except at meters on the street and none after 4 PM. This is not an outstanding retail area. The whole "Overlay Plan" concept is an experiment in which the planners and certain citizen groups, none of whom have any of their own money tied up in these properties, are trying to dictate to property owners what they can do with their own property even though C-2-B zoning has, up to now, given them the false impression that their properties could be bought, sold or leased under rules established by the present C-2-B zoning. In short, this plan would have the government meddling in the economics of commercially zoned real estate in many different ways.
3. For Example: Under Section 1301.5 of the "General Provisions", "Restaurants, delicatessens, carry-outs or other drinking establishments shall not occupy more than 25 percent of the linear street frontage within the (WP) Overlay District as measured along the lots facing Connecticut Avenue, Calvert and 24th Street, N.W.". This rule presumes to tell a property owner he cannot sell or lease for a restaurant use because there are, in the opinion of the planners, too many such uses already in place. This is outrageous, placing an arbitrary limit on such a use! The market place should dictate the use, not government. Furthermore, is this rule going to be applied to other sections of the city such as Georgetown?

It is very questionable whether the District of Columbia government has the right to impose such a limitation on a specific permitted commercial use in a C-2-B zone. I doubt that the Zoning Act (Act of June 20, 1938, as amended, etc.) intended to give them such power. If enacted as is now being proposed at this hearing, this rule will probably be challenged in court.

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The net result of Section 1301.5 is to thwart the free market system and to compel an owner to lease to a user who may not be able to pay as much as a restaurant such as a gift shop, shoe store, barber shop, cleaning establishment, etc. Who is going to reimburse the owner for loss of rent or property value if he cannot make his own decision about what the highest and best use of his property should be?

In the sale of income-producing property, the net cash flow dictates the sales price. My property could be severely devalued by these restrictions. I could go on and on about the unfairness of this proposed zoning change, but I think I have made my point. I respectfully submit that the "Overlay" concept, as proposed, is badly flawed and should be dropped. The social benefits are dubious at best, and the economic consequences are clearly detrimental to property owners and in the long run will be to the city as well.

If there is any merit to this "Overlay Plan", it is more than offset by the meddling and tinkering that the planners and certain civil groups are trying to impose on the private economy by making business decisions with other people's property which should not be a function of the government.

Respectfully yours,

Elizabeth S. Kiernan

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