STATEMENT BEFORE ZONING COMMISSION ON CASE 86-26
COUNCILMEMBER JAMES E. NATHANSON
JANUARY 25, 1988

Good afternoon Chairman Williams and members of the Zoning
Commission. I am James E. Nathanson, Councilmember from Ward 3. I am
here to stress the importance of the process that you are undertaking
to rezone sections of Connecticut Avenue and thereby achieve
consistency between the Comprehensive Plan and zoning on all of that
very special avenue in Ward 3.

Today, I will address my remarks only to the Cleveland Park and
Woodley Park areas. My initial remarks are applicable to both. I
will first discuss the Comprehensive Plan and then specifically the
two overlay zones at issue.

In both areas the Comprehensive Plan's intent is very clear--even
in the Plan's "soft-edged" maps. The Comprehensive Plan calls for
Cleveland Park and Woodley Park to be low density and local
neighborhood centers. The light pink and open circle symbols which so
designate these areas clearly state government policy--of both the
Executive and Legislative Branches.

You will undoubtedly hear testimony that, because a subway stop
exists in both of these areas, economic considerations mandate
significantly different structures with significantly different

purposes than the policy of this goverment requires. These subway stops were in place in 1981, well before 1985 when this government articulated a policy for these areas. It is clear that, just as private covenants should not dictate public policy, neither should the existence of a subway stop--regardless of expense--dictate public policy. In Atlanta, where a new subway system is nearing completion, it is policy that a stop in a primarily residential, historic area will not be the cause of intense commercial development. We must not allow the tail (i.e. the subway stop) to wag the dog (i.e. public policy and its implementation).

The issue whether or not intensive office space is a sine qua non for every subway stop is one for the D.C. Council and the Mayor to decide and is not an appropriate issue to be addressed by this body. It is a policy issue, rather than a zoning issue and one on which the Council and Mayor have set policy--a policy you are charged with implementing.

I want to stop to comment about the policy challenges of reconciling historic district designation and zoning classification. Although Cleveland Park and several other areas have been officially

designated as historic districts and the Woodley Park designation is in process, the Zoning Commission and the Historic Preservation Board have yet to devise a scheme to coordinate historic designation and zoning classification decision-making. These two processes cannot reasonably be applied in isolation and I hope that the Zoning Commission would consider this lack of coordinated policy, if not in this proceeding, certainly in the near future.

I will now make a few comments about specific aspects of the proposals before you. First, large scale office buildings are totally inappropriate in these areas. They would drastically alter the character of the neighborhood and the Comprehensive Plan supports such a ban.

Second, you have the task of matching current zoning language with the new definitions of the Comprehensive Plan. In a perfect world the zoning language would have been reworked by now to reflect Comprehensive Plan policy descriptions. Such is not the case. That is why the projected overlay zone, a relatively new concept for the District, is appropriately applied to Cleveland and Woodley Parks. It allows you to reflect more easily and accurately the policy directives prescribed in the Comprehensive Plan.

Third, it is extremely important to limit the application of the Planned Unit Development (PUD) concept and the allowance of variances in overlay zones. I have often described the PUD process as "a mechanism to break the zoning laws". This government takes exhaustive time and effort to promulgate planning and zoning policies, only to become enmeshed in highly contentious challenges aimed at undermining these policies. It is crucial, if we are to maintain the integrity of the character of these areas at issue, that when and if the PUD concept remains applicable to overlay zones, it must be structured with limitations that fit the special characteristics of each overlay zone. The Office of Planning, I was pleased to observe, made reference to this possible need in its presentation, and you will undoubtedly hear more about this from community representatives.

With respect to variances, the regulations must state clearly that the burden of proof will be with the petitioner seeking to alter in any way the overlay zone's limitations proscribed to implement Comprehensive Plan policy.

Fourth, I support the requested zoning change in Square 2204, Lots 137, 138 (2610-12 Woodley Place) to R-4. I oppose any rezoning above

R-4 for the apartment building across the street, my reason being that this would amount to inappropriate spot zoning.

Finally, the Cleveland Park Library has not been included in the overlay zone discussion for Cleveland Park. Although the Commission has agreed to discuss it in the near future, I must stress the need to place appropriate limitations on the lot to put it in conformity with the Comprehensive Plan and the surrounding overlay zone in the event of any change in its status.

The short-term challenge for this Commission is to resolve the nature of changes, if any, that might take place on the Connecticut Avenue corridor, one of the District's "special streets".

The long-term challenge for the Commission is two-fold: to reconcile zoning classification with the descriptive policy language of the Comprehensive Plan and with historic district designation. The quicker the long-term challenge can be met, the easier it will be for policy makers, the Office of Planning, community representatives, the real estate development community, and the Zoning Commission to resolve land use issues.

Thank you.