

STATEMENT
COUNCILMEMBER JAMES E. NATHANSON
ZONING COMMISSION CASE NO. 86-26
JULY 7, 1988

ZONING COMMISSION
District of Columbia

Case 86-26

7 JUL 1988

Exhibit 522

GOOD EVENING CHAIR BENNETT AND MEMBERS OF THE ZONING COMMISSION.
I AM JAMES E. NATHANSON, COUNCILMEMBER FROM WARD 3. I AM HERE TONIGHT
TO EXPRESS MY VIEWS ONCE AGAIN ON CASE NO. 86-26 CONCERNING THE
REZONING OF PORTIONS OF CONNECTICUT AVENUE AND THE APPLICATION OF
OVERLAY ZONES IN THE WOODLEY PARK AND CLEVELAND PARK AREAS.

I APPLAUD THE COMMISSION FOR ITS RECENT DECISIONS AFFECTING ZONING
THROUGHOUT THE CITY, BUT PARTICULARLY IN WARD 3. THESE REZONINGS
ALLOW FOR SIGNIFICANT IMPROVEMENT AND DEVELOPMENT OF PROPERTY WHILE
PREVENTING INAPPROPRIATE AND OVERLY INTENSIVE USE.

IN ITS REFERENCES TO BOTH CLEVELAND PARK AND WOODLEY PARK, THE
INTENT OF THE COMPREHENSIVE PLAN 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.

I WILL NOW TURN TO THE SPECIFIC POINTS RAISED IN THE ADVERTISED
HEARING NOTICE. FIRST, I STRONGLY SUPPORT THE REZONING OF LOTS 72,
73, AND 74 IN SQUARE 2068 FROM C-2-A TO R-2. THIS REZONING MAKES
PERFECT SENSE IN LIGHT OF THE FACT THAT THE EXISTING STRUCTURES--THREE
ROW HOUSES--ARE RESIDENTIAL, R-2-TYPE BUILDINGS. CURRENT USE OF THESE

STRUCTURES IS LIGHT COMMERCIAL (I.E. A TAKE-OUT RESTAURANT, SMALL OFFICE SPACE). ALLOWING EVEN CONTINUED LIGHT COMMERCIAL USE WILL RESULT IN FURTHER DETERIORATION OF THE QUALITY OF RESIDENTIAL LIFE, A DETERIORATION ALREADY BEGUN WITH THE CURRENT TAKE-OUT AND DELIVERY RESTAURANT, WITH ITS INCURSIVE ODORS AND INTRUSIVE TRAFFIC. A REZONING TO RESIDENTIAL USE WOULD RETURN THESE UNITS TO THE MUCH NEEDED HOUSING STOCK AS WELL AS PRESERVE QUALITY RESIDENTIAL LIVING. FROM A POLICY PERSPECTIVE, THERE IS NO QUESTION THAT THESE LOTS SHOULD BE REZONED FOR RESIDENTIAL USE.

SECOND, I SUPPORT THE INCLUSION OF THE PORTION OF SQUARE 2082, WHICH IS CURRENTLY ZONED C-2-A, IN THE CLEVELAND PARK COMMERCIAL OVERLAY ZONE. THIS REQUIRES THAT THE AREA BE REZONED AS C-2-A/CP.

THIRD, I SUPPORT THE ESTABLISHMENT OF A MATTER-OF-RIGHT HEIGHT LIMIT IN THE WP/C-2-A ZONE OF FORTY FEET (40'). THE COMMISSION HAS ALREADY ESTABLISHED A SIMILAR LIMITATION IN THE CP/C-2-A ZONE, AND THE INFRASTRUCTURE OF THE CONNECTICUT AVENUE-WOODLEY PARK AREA CANNOT SUPPORT USE-INTENSITY MUCH GREATER THAN ALREADY EXISTS.

FOURTH, THE ISSUE OF THE APPLICABLE MATTER-OF-RIGHT FLOOR AREA RATIO ("FAR") IS PUZZLING AS CURRENTLY ADVERTISED. A TOTAL FAR OF 3.0 FOR THE WOODLEY PARK OVERLAY ZONE VERSUS A TOTAL FAR FOR THE CLEVELAND PARK OVERLAY ZONE OF 2.0 WHEN BOTH AREAS HAVE A HEIGHT LIMITATION OF FORTY FEET (40') IS NON-SENSICAL. AS STATED IN THE ADVERTISEMENT, IN A C-2-A ZONE, THE MATTER-OF-RIGHT FAR IS 2.5 WITH A HEIGHT LIMITATION

OF FIFTY FEET (50').

A 3.0 FAR IS CLEARLY OUT OF LINE WITH THE STATED PURPOSE OF THE OVERLAY ZONE CONCEPT: IT IS GREATER THAN THE FAR OF THE UNDERLYING C-2-A ZONE. A 3.0 FAR WOULD RESULT IN OVERLY INTENSE USAGE WHICH WOULD OVERWHELM THE SURROUNDING NEIGHBORHOOD STREETS AND THEIR ATTENDANT INFRASTRUCTURE. ALTHOUGH THE WP OVERLAY ZONE MAY BE DIVIDED INTO THREE PARTS (ONE PART IS ZONED C-2-B AND TWO PARTS ARE ZONED C-2-A), THESE OVERLAY ZONES SHOULD HAVE A CONSISTENT SCOPE FOR PLANNING AND ZONING.

C-2-A STANDARDS SHOULD BE USED CONSISTENTLY WITHOUT ALLOWANCES FOR THE "SEEPING-IN" OF LARGER SCALE DEVELOPMENT. FOR THIS REASON, CONSISTENCY WITH THE COMPREHENSIVE PLAN, AND TO INSURE APPROPRIATE USE, I WOULD EVEN SUPPORT REZONING THE C-2-B AREA TO C-2-A AND WOULD HOPE THAT THE COMMISSION WOULD TAKE THE NECESSARY STEPS TO ACCOMPLISH THIS. I STRONGLY URGE ADOPTION OF THE L.O FAR FOR NONRESIDENTIAL USES. THIS WILL HELP PREVENT MAJOR OFFICE BUILDING PREOJECTS IN AREAS WHICH ARE DESIGNATED IN THE COMPREHENSIVE PLAN AS LOCAL NEIGHBORHOOD CENTERS.

FIFTH, I AM OPPOSED TO THE INCLUSION OF PLANNED UNIT DEVELOPMENTS ("PUD") IN THE WP AND CP OVERLAY ZONES. AS I HAVE STATED PREVIOUSLY, THE PUD CONCEPT HAS BEEN USED AS A GIMMICK TO BREAK THE ZONING LIMITATIONS THAT HAVE BEEN PLACED ON A PARTICULAR PROPERTY.

HISTORICALLY, DEVELOPERS HAVE ACHIEVED GREAT SUCCESS IN CHANGING THE MANDATES OF APPLICABLE ZONING DESIGNATIONS BY USE OF THE PUD PROCESS.

THE PURPOSE OF AN OVERLAY ZONE IS TO REFINE SPECIFICALLY THE APPLICABLE PROVISIONS FOR A PARTICULAR AREA--THESE PROVISIONS SHOULD NOT BE BROKEN EASILY. IF THE COMMISSION WILL NOT ELIMINATE THE APPLICABILITY OF THE PUD CONCEPT IN THESE OVERLAY ZONES, THERE MUST BE STRICT LIMITATIONS ON ITS USAGE. A PUD SHOULD NOT BE USED TO INCREASE THE HEIGHT, FAR, OR INTENSITY OF USAGE IN AN APPLICABLE STRUCTURE: A PUD, IF AT ALL, SHOULD BE USED ONLY TO CHANGE THE BUILDING'S FOOTPRINT, AESTHETICS, OR THE LIKE.

FINALLY, ALTHOUGH THE MAJORITY OF THE ADVERTISED "SPECIFIED RETAIL AND SERVICE USES" ARE ACCEPTABLE, THE WP AND CP OVERLAY ZONES ARE INCAPABLE OF ACCOMMODATING ANY TYPE OF THEATER (LL DCMR 72L.6(B)). TO EXPRESS THE MATTER SIMPLY, THERE IS INSUFFICIENT PARKING AVAILABLE. CLEVELAND PARK CURRENTLY HAS A LARGE, WELL-ATTENDED MOVIE THEATER WHICH SHOULD BE GRANDFATHERED-IN UNDER THE CP OVERLAY ZONE, DESPITE THE FACT THAT IT USES A LARGE AMOUNT OF THE NEIGHBORHOOD AS ITS PARKING LOT. ADDITIONAL THEATERS SHOULD ONLY BE ALLOWED IN THE WP AND CP OVERLAY ZONES IF SUFFICIENT ON-SITE UNDERGROUND PARKING IS PROVIDED.

THANK YOU.