

STATEMENT OF ROGER A. CLARK

Before the D.C. Zoning Commission
Case No. 86-26

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Exhibit... 536..

July 7, 1988

I am Secretary of the Cafritz Foundation, which is the principal owner of the former shopping center located at the Cleveland Park Metro station.

As a charitable organization committed to the betterment of this City, the Foundation is deeply troubled by the shifting demands for confiscatory action in this proceeding.

Three months ago, in response to the demands of the citizens, we reduced drastically the scale of our development to an overall density of 2.5 F.A.R. We requested input from the citizens but their demands materially increased and they refused to consider anything more than 2.0 F.A.R. overall.

Last February, the Cleveland Park Historical Society proposed 2.0 F.A.R. as a matter-of-right but a PUD guideline of 2.5 F.A.R. arguing that the latter would give the Commission "enough flexibility to approve good urban design as well as reasonable growth." Post Hearing Comments p. 6. The ANC resolution of March 28 -- which openly defends, and indeed advocates, zoning by plebescite -- rejects such flexibility because of the effort required of citizens and the OP to sift through and reject unmeritorious proposals. See Resolution paras. 2 & 6.

The constantly shifting positions of the OP are even more disturbing. In January, the OP unequivocally stated that the appropriateness of the 2.5 F.A.R. density allowed as a matter-of-right under C-2-A zoning at this particular location was beyond argument:

In this particular location the C-2-A District is oriented to a Metrorail system and also has automobile access from two principal arterial streets -- Connecticut Avenue and Porter Street. In this context, it is difficult to argue that C-2-A is overzoning in terms of development density. (Emphasis added).

In March, OP shifted its position and advocated reduction of the matter-of-right zoning to 2.0 overall. OP, nonetheless, advocated a PUD guideline of 2.5 F.A.R overall stating that it

would "reinforce the objectives of the overlay zone." OP's Report of March 31 reiterated its recommendation for a PUD guideline of 2.5 stating:

A floor area ratio of 2.5 would seem suitable as the guideline density. This would keep the relationship between bulk and building height the same as at present. The limited FAR recognized the usually low existing FAR in the area and the fact that this is a designated historic district in which only limited land assembly and redevelopment are likely to occur. Projects of exceptional merit would be able to exceed these guidelines.

On the eve of this hearing, OP without explanation or rationale, has now joined the ANC in advocating a PUD guideline of 2.0 overall which provides no flexibility to promote good urban design.

There is simply no sound planning basis for such shifting arbitrary demands.

--2.5 F.A.R. overall is wholly consistent with the Comprehensive Plan. Your own notice of this hearing correctly states that "[T]he C-2-A District permits matter-of-right low density development, including office, retail, and all kinds of residential uses...." A substantial majority of the 32 areas in the City with similar Land Use Map classifications (the combination of low density commercial and local neighborhood center) are zoned C-2-A. It makes no sense at all to downzone severely the only two such areas that are located at Metro stations.

--2.5 F.A.R. is the minimum economic development that is appropriate directly over the expensive, severely underutilized Cleveland Park Metro station. If you allow anything less, it clearly will send the wrong signal to the City's partners in Metro and to businesses the City badly needs to attract and retain.

It would be equally unwarranted and confiscatory to reduce the 2.0 F.A.R. non-residential component of the current PUD guideline. The ANC Resolution (para. 1) states that "the major goal of the overlays is to protect these neighborhood shopping districts from buildings of incompatible heights and massing." The Comprehensive Plan similarly does not require reducing

commercial density in favor of residential; indeed the Plan does not even mention residential density at a Local Neighborhood Commercial Center.

Indeed, we strongly urge that the Commission retain its present flexibility to approve, in very limited situations, an all commercial 2.5 F.A.R. PUD. OP, in its March 31 Report, states that the first specific purpose of the updated PUD regulations is "to encourage high quality developments which provide superior public benefits...." This site directly over the Metro station, cries out for a first class development of the highest architectural quality.

For us to do so, and still realize a minimal economic return from the property, we need the slight additional 0.5 commercial density. The limited office space available in an all commercial building of this overall size would not create traffic problems particularly since it is directly over the Metro station. Moreover the parking spaces that would be available at night would help meet the parking needs of patrons of the Uptown Theater. Finally, we can live with a reduction of the PUD height guideline from 65 feet to 50 feet but not to 40 feet.

Cafritz purchased this property over 25 years ago and held it during construction of the Metro station. Our current proposal for a 2.5 F.A.R. building will produce far less of an economic return than we reasonably anticipated based on the densities that have been approved in the past for PUDs on land zoned C-2-A. We should not be asked to make an even greater financial sacrifice without at least a hearing on the merits of our proposal.

Please have faith in your ability to weigh the public interest and don't deprive yourself of the discretion to at least consider our very reasonable present proposal on its merits.

Thank you.