

C-R3-110103 Resolution on the Neighborhood Commercial Overlay District

(Proposed test modifications for the Neighborhood commercial Overlay District provisions of the Zoning Regulations, for the purposes of making the scope of the Overlay clear and unambiguous, simplifying its administration, and making its status transparent to the public and to potential permit applicants.)

WHEREAS the purposes of the Neighborhood Commercial Overlay District were to encourage and facilitate the presence of neighborhood commercial services and small retail businesses, by limiting the total frontage occupied by eating and drinking establishments, which generally pay higher rents and are therefore more attractive to landlords, and further to limit the amount of parking congestion, street and sidewalk trash, sanitation problems and noise which often accompany these establishments; and

WHEREAS the language of the Zoning Regulations as adopted contains ambiguities which have inhibited administration of the Overlay, and

WHEREAS the inclusion of delicatessens and carry-outs in the language of the Overlay is inconsistent with its basic purposes as stated above, now therefore be it

RESOLVED that the Cleveland Park Citizens Association supports adoption of the following proposal to be transmitted to the Zoning Commission, and authorizes its president and his designees to work with appropriate officials, including those of Advisory Neighborhood Commission 3-C, to seek its adoption or the adoption of substantially similar language:

(The following changes apply to Section 1302.5 (11 DCMR 1302.5).

Delete the first sentence of Sec. 1302.5, and replace with the following:

“1302.5 Eating and drinking establishments are defined as those establishments that have a current “Restaurant” business license, and/or an “Alcoholic Beverage” license allowing on-premises sales (CR [restaurant], CT [tavern], Class D [restaurant]). Such establishments, to the extent of their ground-level street frontage, shall be subject to the following limitations:”

After subparagraphs (a) and (b), add the following new subparagraphs:

(c) The Zoning Administrator shall maintain a current record of (1) the total amount of street frontage attributable to eating and drinking establishments, and (2) the percentage that amount is of the total frontage within the Overlay District. This record shall be based exclusively on the current outstanding restaurant and alcohol licenses, as described above. This record shall be made accessible to anyone upon request during normal business hours.

(d) No work permits (construction, electrical, plumbing, etc.) shall be issued for any property within the Overlay District if the intended use is a new eating or drinking establishment, or an expansion of the frontage of an existing such establishment, until and unless the Zoning Administrator finds that the addition of this establishment’s frontage will not cause the total eating and drinking establishment frontage to exceed 25% of the total frontage within the Overlay District.”