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**Federation of Citizens Associations
of the District of Columbia**

ORGANIZED MARCH 5, 1910 • INCORPORATED JUNE 3, 1940

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August 27, 2005

Secretary
Zoning Commission
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: No. 02-06, Neighborhood Commercial Overlay

To the Members of the Commission:

On June 9, 2005, the Executive Board of the Federation of Citizens Associations, authorized to act on behalf of the Federation and its 45 member associations, adopted the following resolution unanimously:

Federation of Citizens Associations of the District of Columbia
Resolution Regarding Zoning Commission Case 02-06

Whereas the Cleveland Park and Woodley Park communities have long been concerned about protecting their neighborhood commercial districts and, at their request, the Zoning Commission initiated a case that resulted in adoption of chapter 13 of Title 11 of the D.C. Municipal Regulations, which created the neighborhood commercial overlay district and applied it to the Woodley Park and Cleveland Park commercial districts along Connecticut Avenue N.W. and to the Cleveland Park commercial district at Macomb Street and Wisconsin Avenue N.W.; and

Whereas the neighborhood commercial overlay districts have never been implemented and enforced, despite efforts by the Cleveland Park Citizens Association (CPCA) and Advisory Neighborhood Commission 3C, because of ambiguities in the language of the regulation; and

Whereas, in an attempt to resolve these ambiguities, the Zoning Commission held a hearing in 2002 on Case No. 02-06 (Text Amendments to Neighborhood Commercial Overlay District: Limitation For Eating Or Drinking Establishments) in 2002;

Whereas CPCA approved a resolution on November 1, 2003, proposing text amendments to eliminate the ambiguities in the regulation by defining the eating and drinking establishments which are to be limited in the amount of the street frontage that they can occupy in the covered neighborhood commercial districts as "those establishments that have a current 'Restaurant' business license and/or an 'Alcoholic Beverage' license allowing on-premises sales

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ZONING COMMISSION
District of Columbia
CASE NO. 02-06
EXHIBIT NO. 45

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(CR[restaurant], CT [tavern], Class D [restaurant]); and

Whereas the Zoning Commission published a notice in the May 27, 2005 D.C. Register of its intent to hold an additional public hearing for Case No. 02-06 on Thursday, September 8, 2005 at 6:30 p.m., and requests testimony of whether it would be preferable to designate what uses are permitted by right or special exception rather than make their status dependent upon a measurement and, in the alternative, offers a text amendment which relies on certificates of occupancy and complex grandfathering rules to apply the current measurement limitations:

Now, therefore, be it resolved that the Federation of Citizens Associations of the District of Columbia urges the Zoning Commission approve the text amendments proposed by the CPCA in its November 1, 2003 resolution, a copy of which is attached, and directs the President, or his designee, to communicate the Federation's position to the Zoning Commission.

Approved unanimously by the Board of Directors of the Federation of Citizens Associations of the District of Columbia at its regular monthly meeting on June 9, 2005.

Cleveland Park Citizens Association
November 1, 2003

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:

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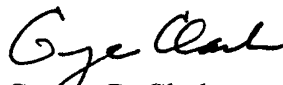
“1302.5 Eating and drinking establishments are defined as those establishments that have a current “Restaurant” business license, and/or an “Alcoholic Beverage” license allowing on-premises sales (CR [restaurant], CT [tavern], Class D [restaurant]). Such establishments, to the extent of their ground-level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

Respectfully submitted,



George R. Clark
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