

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

Memorandum

TO: Zoning Commission
FROM: 
Ellen McCarthy, Director
Office of Planning
DATE: September 20, 2005
SUBJECT: ZC # 02-06 – Text Amendment to the Neighborhood Commercial Overlay
District - Supplemental

The Office of Planning recommends continued use of the NC Overlay with the 25% street front limitation on matter-of-right eating and drinking establishment uses, and also supports clarifications proposed by the Cleveland Park Citizens Association (CPCA).

OP recommends a few minor adjustments to the clarifications but believes they simplify the administration and maintain the stated intent and purpose of the NC Overlay.

All Matter-of-Right

OP does not believe that allowing eating and drinking establishments as a full matter-of-right use is consistent with the stated purpose of the NC Overlay as expressed in §1300.1:

1300.1 The Neighborhood Commercial (NC) Overlay District is established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services.

As was discussed in the previous 2002 hearing, restaurants can pay a higher rent and are a very attractive use that can easily displace other tenants.

All Special Exception

While this option is preferable to all matter-of-right and is straightforward with regards to administration, OP is concerned about the increased burden on the ANCs and the BZA. The CPCA also raised the concern of an applicant's time limitation to get the necessary special exception and permits.

Advertised Text and Other Proposals

OP supports the clarifying language proposed by the CPCA and ANC regarding delis and other accessory uses and recommends the deletion of the subsection 1302.5 (e). OP agrees with CPCA and the ANC that including accessory uses could result in more confusion than clarification.


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OP recommends the definition of Eating and Drinking Establishments proposed by CPCA be added 1302.5 with the noted change:

1302.5 *Eating or drinking establishments - defined as those establishments that **REQUIRE A** ~~have a current~~ "Restaurant" business license and /or an "Alcohol Beverage" license allowing on-premise sales (CR[restaurant], CT [tavern], Class D [restaurant]). Such establishment, to the extent of their ground level street frontage shall be subject to the following limitations.*

OAG has advised that defining the use as *having* a current license could be read as requiring the license to be issued before the building permit and necessary certificate of occupancy. Overall OP agrees that the use of licenses as a means of understanding the use status of a business would alleviate the confusion over when a certificate of occupancy ceases to be valid.

Ken Jarobe of ANC 6B contacted the Office of Planning to discuss the ANC's concern about any alterations to special exception provisions. In brief he noted that the 8th Street Overlay allows for 50% of the linear frontage to be eating and drinking establishments. He expressed his concern that should any modifications be proposed that would affect that provision or how it is determined they would request an additional hearing.