

Revision of:

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

(Proposed text 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.)

(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, augmented by any additional frontage of premises for which valid work permits, issued under the restrictions described in subparagraph (d) of this subsection, are currently outstanding. 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 result in a total eating and drinking establishment frontage that exceeds 25% of the total frontage within the Overlay District. Once any such work permit has been issued to an applicant in good faith, and the permitted work has been completed, the government shall not later refuse to issue that applicant a Certificate of Occupancy on grounds that the resulting frontage would exceed 25%.”

9/13/05

ZONING COMMISSION

CASE No. 02-06

EXHIBIT No. 49

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District of Columbia

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