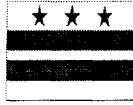


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

**Building and Land Regulation Administration
Office of the Zoning Administrator**



July 18, 2002

Jerrily Kress
Director
Office of Zoning
441 4th Street, N.W.
Washington, D.C. 2002

Case No. 02-06 (Text Amendments to
Neighborhood Commercial Overlay District:
Limitation For Eating or Drinking
Establishments)

Dear Ms. Kress,

I am writing with respect to the proposed text amendments to Title 11 DCMR Section 1302, the Neighborhood Commercial Overlay District Regulations governing eating and drinking establishments.

As you know, the Department of Consumer and Regulatory Affairs (DCRA) published its Standard Operating Procedures for implementing the Chapter 13 requirements on May 17, 2002. The Zoning Administrator is in agreement with the Zoning Commission's decision to clarify the regulations and has reviewed the proposed text amendment published in the DC Register. The Zoning Administrator has also reviewed the report by the Office of Planning.

DCRA has the following comments with respect to the proposed text amendments:

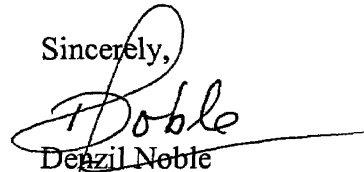
- 1) In §§1302.5 (b) and (f), the text should read "linear street frontage" not "linear square footage";
- 2) DCRA does not object to the elimination of §1302.5(e) as proposed by the Office of Planning, as we agree that all principal uses can be properly counted without amending the regulations, and that uses which are truly accessory need not be reflected on the Certificate of Occupancy;

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- 3) DCRA strongly supports inclusion of both sides of a corner lot as provided in §1302.5(d);
- 4) DCRA strongly supports a three (3) year limitation on vacancies, but believes the language proposed by the Office of Planning for §1302.5(f) and (g) is clearer in this regard than the language of the proposed text amendment (§1305.2(f) and §1302.5(g)(1)) published in the DC Register;
- 5) The language of §1302.5(g)(2) limiting expansion of an existing restaurant is consistent with the purposes of the overlay district to limit pedestrian and vehicular traffic and encourage the retention of a variety of retail, entertainment and personal service establishments.

We will be happy to answer any questions and to provide any further information that the Zoning Commission may need, upon request.

Sincerely,


Denzil Noble
Acting Zoning Administrator