

OFFICE OF THE ZONING ADMINISTRATOR
District of Columbia Government
Department of Consumer and Regulatory Affairs
941 N. Capitol Street NE
Washington, DC 20002

March 20, 2005

Ms. Carol Mitten, Chair
Zoning Commission of the District of Columbia
Office of Zoning Suite 200S
441 4th Street NW
Washington, DC

Re: Case No. 02-06 text amendments for Neighborhood Commercial Overlay District

Dear Chair Mitten:

I provide the following comments on the proposed text amendment and offer to make myself available for discussion with the Zoning Commission on this matter at the Commission's convenience.

I understand the purpose of the proposed text amendment is to help administer the limitations on eating and drinking establishments in Neighborhood Commercial Overlay Districts (NCOD).

As the District Official responsible for interpreting, administering and enforcing the Zoning Regulations of the District of Columbia, I provide the following comments with regard to the interpretation, administration and enforcement of the NCOD regulations.

The proposed amendment to section 1302.5 articulating the retail establishments to be considered as eating or drinking establishments uses non zoning regulation language that would not appear on a building permit or certificate of occupancy. I caution the use of language outside the control and interpretation of the zoning administrator. I understand the desire for more certainty than in the past, but I would advise that use of non zoning regulations terms brings with it an inherent potential for confusion.

I believe that better administration by the Office of the Zoning Administrator can reduce the uncertainty of the use of current zoning regulation definitions for eating establishments rather than adding a new layer of definitions, some of which are dependent upon a basic business license which is itself depended upon the use defined in

ZONING COMMISSION
CASE No. 02-06
EXHIBIT No. 02-06
District of Columbia
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EXHIBIT NO. 57

a certificate of occupancy using the zoning regulation terms (see requirement in 11 DCMR Sec. 3203.8(a))

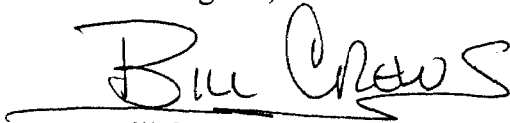
In addition the Office of the Zoning Administrator and the Office of Planning are in preliminary discussions to develop proposed text amendments clarifying definitions of restaurants, fast food. Further action in this regard will also improve administration of the NCOD regulations.

Except for the above concern on which definitions to use, I support the comments submitted by the Cleveland Park Citizens Association especially as they relate to the clarification between the reference to 'designated use area' in Sec. 1307.3 and 'designated roadways' in Sec. 1302.5(a). Currently I am interpreting these to mean one and the same. To consider them different would negate the purpose of the NCOD.

In order for me to administer and enforce the zoning regulations, I have begun to maintain a data base of the frontages devoted to eating establishments in the NCOD. My office has completed a measurement of the Woodley Park NCOD. I plan to conduct similar measurements in the other NCOD in the near future. I am enclosing a copy of this report so you might understand how this provision is being administered.

I appreciate this opportunity to provide these comments and am available for further discussion at your request.

Best regards,

A handwritten signature in black ink, appearing to read "Bill Crews", with a horizontal line drawn underneath the signature.

Bill Crews
Zoning Administrator for the District of Columbia.

VIA FACSIMILE 202.727.6072
Attachment of 3 pages

Woodley Park Overlay Report

March 5, 2006

Zoning Regulations:

11 DCMR Sec. 1307.1 establishes the Woodley Park Neighborhood Commercial Overlay District consisting of the lots zoned C-2-A in Squares 2202 and 2203 and those lots zoned C 2 B in Square 2204.

11 DCMR Sec 1307.3 establishes for the purposes of Sec 1302, the designated use area shall include any lot within the overlay district that fronts on Connecticut Ave., Calvert St., or 24th St. (Sec 199.1 definition of 'Lot, through' indicates lots may front on more than one street)

11 DCMR Sec. 1302.5(a) limits restaurants, fast food restaurants, delicatessens, carry-outs, and similar eating or drinking establishments to occupying no more than 25% of the linear street frontage as measured along the lots that face designated roadways in the district.

11 DCMR Sec. 1307.4 designates Connecticut Ave. as the 'designated roadway' for the purposes of Sec 1303.2 (prohibits driveways and curb cuts.)

Zoning Administrator's Interpretation:

Sec. 1307.3 reference to 'for the purposes of Sec. 1302, the designated use area...' applies to the limitation on eating establishments in Sec 1302.5.

The reference to just Connecticut Ave. as a designated roadway is limited to the restrictions of Sec. 1303.2 (driveways)

Therefore the reference to 'designated use area' in Sec. 1307.3 must be interpreted as the same as the 'designated roadways' in Sec. 1302.5(a)

To read the sections in any other way would be to negate the purposes of the overlay district. The zoning regulations are to be interpreted in the most restrictive manner (11 DCMR Sec. 101).

Results:

The total linear street frontage, as measured along the front of the lots on the 3 streets (Connecticut, Calvert and 24th) is 2157.9 feet according to the official plats of the Office of the DC Surveyor. The total frontage devoted to eating establishments, as measured on February 22, 2006 by inspectors of the Office of the Zoning Administrator, is 681.72 feet. (Table attached)

Currently 31.6% of the frontage is eating establishments. Therefore the building permit issued for 2643 Connecticut Ave. NW for a Subway eating establishment was issued in error and should be revoked. No additional eating establishments shall be allowed until enough existing establishments close and the percentage drops below 25% or that are allowed by Board of Zoning Adjustment grants a special exception under 11DCMR Sec. 1304.

Woodley Park Overlay Measurements

Address	Use	Square	Lot	Frontage	Eating Fnt	Comments
2661 Conn.	Stanford U.	2204	150	80.52		
2655 Conn. (Old Thai Town)	Stanford U - Gallery	2204	834	27.22		
2653 Conn.	Petites Restaurant	2204	833	26.11	26.83	
2651 Conn.	Trattoria Italiana	2204	149	25	20.42	Not counted (NC) entrance to upper floors
2649 Conn.	Café Paradiso	2204	148	25	25	
2647 Conn.	Manhattan Market	2204	162	60		
2645 Conn.	Allan Woods Flowers	2204	162			
2643 Conn. (old All Wrapped Up)	Vacant (Subway)	2204	162			
2641 Conn.	Lebanese Taverna	2204	161	138	19.75	
2639 Conn.	Unity Woods Ypqa	2204	161			
2637 Conn.	Custom Cleaners	2204	161			
2635 Conn.	Sake Club	2204	161		19.75	
2633 Conn.	Café International	2204	161		19.75	
2631 Conn.	Bank of America	2204	161			
2629 Conn.	Bombe Chest	2204	133	25		
2627 Conn.	Antiques Anonymous	2204	131	27		
2625 Conn.	Pilates	2204	130	27	7.17	Entrance to Violet Gardens Chinese Rest.
2623 Conn.	Little India	2204	132	23	23	Awning goes entire length of lot.
2621 Conn.	Taste of India	2204	152	37.5	18.5	
2619 Conn.	Woodley Café	2204	152		19	
2607 Conn.	Skinner & Gamett	2204	151	37.5		addresses # skip 2609-2617 Conn.
2605 Conn.	Tono Sushi	2204	147	25	25	
2603 Conn.	Rajaqi Indian Tandoor	2204	146	25	20	NC entrance to upper floors
2601 Conn.	Long & Foster R.E.	2204	835	50.41		
2301 Calvert		2204	826	35		
2305 Calvert		2204	139	25		
2307 Calvert		2204	140	25		
2309 Calvert	Afghan Grill entrance	2204	144	25	5	NC entrance to other floors
2311 Calvert	Papa Joe Pizza	2204	145	25	16.67	NC entrance to upper floors
2313 Calvert	rug store	2204	835	87.5		need to check frontage measurement
2315 Calvert	Liquor store	2204	835			
2519 Conn.	Office building	2202	116	391		both Conn & Calvert; includes lot 109
2600 Conn.	Chipotle Mexican	2203	824	41.29	93.96	both Conn & Calvert frontage of Chipotle
2600 Conn.	Edies Café	2203	824	86.22	19	Faces Calvert St. this is the Calvert St Frontage
2602 Conn.	Salon & Bilriff	2203	102	23.74		
2604 Conn.	Mr. Chen/B&R Ice Cre.	2203	826	48.5	15.17	

Woodley Park Overlay Measurements

Address	Use	Square	Lot	Frontage	Eating Fnt	Comments
2606 Conn.	Jan Dara Restaurant	2203			24.33	
2608 Conn.	Lex Cajun Grill	2203			18	
2610 Conn.	Cleaners	2203	95	50		
2612 Conn.	Cleaners	2203				
2614 Conn.	Medaterra	2203	104	25	25	
2616 Conn.	CVS	2203	105	25		
2618 Conn.	McDonalds	2203	106	27	28.42	
2620 Conn.	M&T Bank	2203	116	54		
2622 Conn.	Metro entrance	2203	117	62.81		
2317 Calvert	New Height Rest.	2203	825	81.11	16.5	
2333 Calvert	Open City Diner	2203	825		61.17	Frontage on Calvert
2333 Calvert	Open City Diner	2203	825	42.56	36.83	Frontage on 24th St.
2607 24th	Murphy's Pub	2203	826	47	36	NC entrance to upper floors
26xx 24th	Rear of Lot 95	2203	95	50		
26xx 24th	Rear of Medaterra	2203	104	25	25	Counted because is frontage on 24th
26xx 24th	Rear of Lot 105	2203	105	25	13.17	McDonalds trash enclosure (in public space)
26xx 24th	Rear of Lot 106	2203	106	10.97	3.33	Rear entrance to McDonalds
26xx 24th	Rear of Lot 116	2203	116	59.31		
26xx 24th	Rear of Lot 117	2203	117	100.63		includes curve around to Conn. (Metro entrance)
				2157.9	681.72	
						31.6% of Frontage is Eating Establishments

Package No. _____

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
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WASHINGTON, D.C. 20001
(202) 442-4300

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3/27/06
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REQUESTED BY:

Bill Crews
(Name)

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(Phone)

DELIVERY

OTHER

SPECIFY _____

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441 4th Street, N.W.
(ADDRESS)

2005
(RM. NO)

Carol Mitten
(CONTACT PERSON)

727-6311
(PHONE)

PICK-UP:

(ADDRESS)

(RM NO)

(CONTACT PERSON)

(PHONE)

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(Time)

(Signature)

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From Capitol Hill
America's Neighborhood

02-06

Zoning Regulations:

11 DCMR Sec. 1307.1 estab
consisting of the lots zoned C
2204.

11 DCMR Sec 1307.3 estab
include any lot within the ov
(Sec 199.1 definition of 'Lot

11 DCMR Sec. 1302.5(a) lin
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11 DCMR Sec. 1307.4 desig
Sec 1303.2 (prohibits drivew

Zoning Administrator's In

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Fax Transmittal Form

To:

CAROL MITCHELL
CHIEF
DC ZONING COMMISSION
FAX:
202. 727. 6072

From:

Bill Crews

637 Constitution Ave. N
Washington, DC 20002

Phone: 202-474151

FAX: 202.547.4151

Date sent: 03.20.06

Time sent: 4:30 PM

Number of pages includin

- ☒ Urgent
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☐ Please Comment
☐ Please Reply

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the receiver or an agent for the receiver, please contact the sender above ar
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District of Columbia

Case 02-06
577 FAX