

Government of the District of Columbia
OFFICE OF ZONING



**Z.C. CASE NO.: 02-06 (Text Amendments to Neighborhood Commercial Overlay
District: Limitation for Eating or Drinking Establishments)**

As Secretary to the Zoning Commission, I hereby certify that on MAY 14 2002 copies of this Z.C. Notice of Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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|---|--|
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Attn: Gottlieb Simon
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| 2. The Washington Times (Sharon Sanchez) | |
| 3. Zoning Administrator
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Washington, D.C. 20002 | 10. Nancy J. MacWood, Chair
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2 nd Dist. Police Station
2737 Devonshire Place, N.W.
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| 4. Andrew Altman
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921 Pennsylvania Avenue, S.E.
Washington, D.C. 20003 |
| 5. Kenneth G. Laden
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Policy & Planning
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Washington, D.C. 20009 | 12. Councilmember Kathleen Patterson –
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Suite 107
Washington, D.C. 20004 |
| 6. 30 copies to MLK Library (Sheryl Thorpe) | 13. Councilmember Sharon Ambrose –
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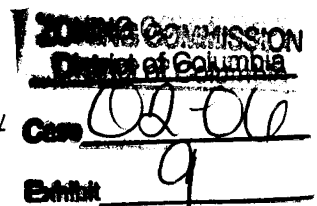
ATTESTED BY:

Alberto P. Bastida, AICP
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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, July 18, 2002, @ 6:30 P.M.**
 Office of Zoning (Hearing Room)
 441 4th Street, N.W., - Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

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

**THIS CASE IS OF INTEREST TO ADVISORY NEIGHBORHOOD COMMISSIONS
(ANC) 3C AND 6B**

The Zoning Commission of the District of Columbia hereby gives notice of its intent to hold a public hearing at the above-stated date, time, and place concerning Zoning Commission Case No. 02-06.

This amendment responds to application processing concerns brought to Zoning Commission's attention by the Zoning Administrator and the Department of Consumer and Regulatory Affairs. It is intended to provide uniform procedures for determining linear street frontage usage by eating and drinking establishments in the Neighborhood Commercial (NC) Overlay Districts.

The proposed language to amend section 1302.5 of the Zoning Regulations is as follows:

- 1302.5 Restaurants, fast food restaurants, delicatessens, carry-outs, and similar eating or drinking establishments, **occupying all or part of the ground floor level of a building**, shall be subject to the following limitations:
- (a) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC Overlay District, as measured along the lots that face designated roadways in the particular district;
 - (b) The linear square footage of each designated roadway shall be based upon the certified and recorded plats in the Office of the Surveyor, measured to the Zone District Boundary line of each commercial zone district within the overlay;

- (c) The total linear frontage for eating or drinking establishments shall be based on the existing records of Certificates of Occupancy for such uses by address verified through field observations;
- (d) If an eating or drinking establishment occupies all or part of the ground floor level of a corner lot facing two or more designated roadways, linear street frontage for each designated roadway shall be included for purposes of determining compliance with § 1302.5(a); or
- (e) An eating or drinking establishment that occupies the same premises as a gas station, grocery store, billiard parlor, or other non-eating or drinking establishment shall be subject to the applicable street frontage limitation within a particular NC Overlay District, if the eating or drinking establishment use is reflected upon, or is required to be reflected upon, the Certificate of Occupancy and the eating or drinking use occupies all or part of the ground floor level.
- (f) In the event that a property ceases to be used as an eating or drinking establishment, its linear square footage shall no longer be included in the measurement of such uses once three (3) years has passed since the use was discontinued; or a certification of occupancy is issued for a different use, which ever occurs first;
- (g) Whenever the linear street frontage devoted to existing eating or drinking establishment use equals or exceeds the applicable percentage limitation, no new certificates of occupancy may be issued for:

 - (1) A new eating or drinking establishment occupying all or part of the ground floor level of a building, except those uses intending to occupy the same space vacated by an eating or drinking establishment, if the space has remained vacant for a period of three years or less; or
 - (2) The expansion of an existing eating or drinking establishment occupying the ground floor level of a building.
- (h) Whenever existing linear street frontage devoted to eating or drinking establishment use is less than the applicable percentage, no Certificate of Occupancy shall be issued for an eating or drinking establishment use with linear street frontage in excess of the unused portion of the applicable percentage limitation for the NC Overlay District; and
- (i) Except for a fast food restaurant, such uses may be applied to fulfill the requirements of § 1302.4; provided, that when such uses are so applied,

they shall remain subject to the provisions of paragraph (a)-(h) of this subsection.

The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary to the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, JAMES H. HANNAHAM, AND PETER G. MAY----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.