

To the Zoning Commission:

I was a member of the Zoning Review Task Force and am Zoning and Development Chair of the Woodley Park Community Association (though these are my own comments).

1. The proposed text on Neighborhood Mixed Use Zones perpetuates a glitch in existing Neighborhood Commercial Overlay District regulations. According to former Zoning Administrator Crews, reading this glitch literally "would be to negate the purposes of the overlay district."

For Woodley Park, both the current (§ 1307.4) and proposed (Subtitle H, § 600.6) rules make Connecticut Ave the only designated roadway in the Woodley Park NMUZ. The rules then tie the eating and drinking establishment limitation to the "designated roadways" — the 25% linear street frontage limitation is "measured along the lots that face designated roadways in the particular district." (§ 1302.5 and Subtitle H, § 1101.3(b)(1).)

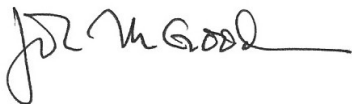
The problem is that the geographic NMUZ area also includes two blocks of Calvert St and one of 24th St. Of course, you can't measure Connecticut Ave street frontage for businesses that are on Calvert or 24th Streets.

In 2006, Zoning Administrator Crews did a survey of Woodley Park businesses to determine compliance with the 25% limitation. At the time he noted that you had to read the reference to designated roadways in § 1302.5 to mean the "designated use area." Reading it any other way, he noted, "would be to negate the purposes of the overlay district." That report is attached.

The simple fix, I think is to change § 1101.3(b)(1) to read, "These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular N zone, as measured along the lots ~~that face designated roadways~~ *in the designated use area* in the particular district."

2. The proposed Subtitle H also creates a problem that is not present in the existing rules. Today, the Woodley Park NCOD is a single zone, and the percentage use limitations apply to the zone as a whole. The proposed rules, however, divide the area into two zones, NC-4 and NC-5, and would appear to impose separate 25% caps in each. This would be unfortunate because, although the street frontage for whole NCOD is now 31% eating and drinking, NC-4 is 46% and NC-5 is 21%. Separate limitations would allow more restaurants in NC-5, even though the whole NCOD is already over the 25% limit.

This can be fixed by adding a new section 609.1: "For the purposes of Subtitle H § 1101.3, the designated use areas of NC-4 and NC-5 shall be treated as a single designated use area."



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<http://dcoz.dc.gov/ZRR/ZRR.shtm>

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

MARCH 5, 2006

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	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 Ypga	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 & Garnett	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	

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