

Minutes of the November 2003 Meeting of the Cleveland Park Citizens Association

Meeting Date: Saturday, November 1, 2003
Location: Cleveland Park Library
3310 Connecticut Avenue, NW; Washington, DC

Cleveland Park Citizens Association (CPCA) President George Idelson called the meeting to order at approximately 10:25 a.m.

I. Approval of October 2003 Minutes

As the first order of business, minutes of the October 4, 2003 CPCCA meeting were distributed to all in attendance. A motion to approve was moved, seconded and unanimously approved without correction.

II. Moment of Reflection for Walter Washington

Funeral services for the District's first elected Mayor Walter Washington, who passed away earlier in the week, were occurring at the same time as the meeting less than one mile away at Washington's National Cathedral. CPCA secretary Don Fishman made a brief presentation regarding Mayor Washington's tenure as Washington's first elected mayor and Mayor Washington's leadership during both the riots of 1968 and during the city's transition to home rule in the mid 1970's.

III. Overlay Text Amendment Resolution

The next order of business was a presentation by ANC 3C chairperson Nancy MacWood regarding a CPCA initiated proposal to the Zoning Commission for a text amendment to the Commercial Overlay governing the retail strip on Connecticut Avenue between Macomb and Porter Streets. Ms. MacWood noted that the overlay limits eating and drinking establishments to 25 percent of the frontage on the two-block strip. The rule, however, contains ambiguous language and has not been enforced since it was written in 1989. The purpose of the Overlay is to ensure a balance in the kinds of businesses and services available to residents. Eating and drinking establishments not only add traffic, parking, noise, trash and other forms of impact on the neighborhood, but tend to price out other kinds of businesses.

Mr. Peter Espenschied then moved a CPCA resolution that would simplify the language in the Overlay by limiting the 25 percent cap to businesses that are licensed as restaurants or taverns. Ambiguous language such as carryouts and delis would no longer be included. No interpretation would be necessary. The amendment would require that a baseline measurement be taken by the DC Consumer Regulatory Agency, be kept up to date and made readily accessible to the public. The motion was seconded and a discussion followed. The question was then called, voted upon, and passed without objection. (See Resolution below.) The resolution had previously been approved by the ANC3C.

IV. New ABC Regulations

William Glew, President of the Dupont Circle Citizens Association, spoke about proposed amendments to the city's alcoholic beverage control (ABC) regulations being considered by the City Council. The proposed amendments would greatly limit the rights of ANC's, civic associations, and residents to influence ABC licensing decisions affecting their neighborhoods. Mr. Glew invited CPCA to join other citizens association in "The Neighborhood Alliance for Balanced Growth," so as to present a united front against the proposed amendments limiting voluntary agreements over hours of operations, etc. and

blurring the distinction between restaurants and bars. Mr. Glew noted that the DC Council had amended ABC regulations as recently as 2001.

Mr. Espenschied moved that CPCA join the Neighborhood Alliance for Balanced Growth and that President Idelson be authorized to testify on CPCA's behalf at the upcoming Council hearing when the amendment was to be considered. The motion was seconded and approved without objection.

V. Issue Updates

The next order of business was a brief update by Ms. MacWood on several neighborhood issues. She noted that the DC Council's Committee on Economic Development held a public hearing in the previous week on an application for tax-free municipal revenue bonds by the National Cathedral. The bonds were intended to refinance construction of the completed National Cathedral School athletic facility. The Committee later approved the bonds despite opposition testimony from the ANC3C and CPCA. Ward 3 Councilmember Kathy Patterson, while not a member of the committee, supported the bond. Full Council approval was considered likely.

Ms. MacWood also briefed the association on an upcoming Board of Zoning Adjustment hearing regarding the National Child Research Center (NCRC) school expansion.

VI. Adjournment and Cleveland Park Library 50th Anniversary Celebration

Members were invited to remain for the opening ceremony of the Cleveland Park Library 50th anniversary celebration, including remarks by comedian Mark Russell, to take place in the meeting room immediately following adjournment CPCA's meeting. The meeting adjourned at approximately 11:30 a.m.

Respectfully submitted,
Donald A. Fishman and George Idelson

Cleveland Park Citizens Association
November 1, 2003

I. Resolution on the Neighborhood Commercial Overlay District

(Proposed test 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.)

WHEREAS the purposes of the Neighborhood Commercial Overlay District were to encourage and facilitate the presence of neighborhood commercial services and small retail businesses, by limiting the total frontage occupied by eating and drinking establishments, which generally pay higher rents and are therefore more attractive to landlords, and further to limit the amount of parking congestion, street and sidewalk trash, sanitation problems and noise which often accompany these establishments; and

WHEREAS the language of the Zoning Regulations as adopted contains ambiguities which have inhibited administration of the Overlay, and

WHEREAS the inclusion of delicatessens and carry-outs in the language of the Overlay is inconsistent with its basic purposes as stated above, now therefore be it

RESOLVED that the Cleveland Park Citizens Association supports adoption of the following proposal to be transmitted to the Zoning Commission, and authorizes its president and his designees to work with appropriate officials, including those of Advisory Neighborhood Commission 3-C, to seek its adoption or the adoption of substantially similar language:

(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. 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 cause the total eating and drinking establishment frontage to exceed 25% of the total frontage within the Overlay District.”