



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CLEVELAND PARK • MASSACHUSETTS AVENUE HEIGHTS •
WOODLAND-NORMANSTONE • WOODLEY PARK

Single Member District Commissioners
01-Hayden Gise; 02-Adam Prinzo; 03-Janell Pagats
04-Roric McCorristin; 05-Sauleh Siddiqui; 06-Tammy Gordon
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ANC3C Resolution 2023-006
Regarding Limits on Restaurants and Bars in Cleveland Park’s Business District

WHEREAS Advisory Neighborhood Commission 3C (ANC 3C or Commission) represents Cleveland Park (CP), including its commercial district on Connecticut Avenue between Macomb and Porter streets (CPBD);

WHEREAS the economic vitality of ANC 3C’s commercial districts has been a recent priority within the community;

WHEREAS a rule (the cap) limiting eating and drinking establishments in the CPBD went into place in 1989;

WHEREAS the cap was adopted to prevent restaurants and bars from “acquir[ing] a critical mass, and pric[ing] out a number of neighborhood retail uses, so that the diversity and function of the neighborhood shopping cluster is lost;” [[Zoning Commission Case 86-26 Exhibit 75](#)].

WHEREAS the cap also aimed to discourage persons living outside the neighborhood from patronizing the CPBD, thereby protecting on-street parking for residents; [[Zoning Commission Case 02-06 Exhibit 48](#)]

WHEREAS the cap is now contained in the D.C. zoning regulations designating the Cleveland Park Business District as a Neighborhood Mixed-Use (NC) zone (NC-3, Group B). [[Jon Stover & Associates, Commercial Market Analysis & Enhancement Strategy for Cleveland Park \(October 2016\) \(Stover Report\) at 18 \(map of NC-3 District\)](#)]

WHEREAS the zoning regulations currently provide that, in certain mixed use zones, including the Cleveland Park zone (NC-3), “eating and drinking establishments and fast food establishments where permitted” “shall occupy no more than twenty-five percent (25%) of the linear street frontage, as measured along the lots in the designated use area;” [[11 DCMR 1101.3\(b\)\(1\)](#)]

WHEREAS economic developments not previously anticipated have created significant challenges for retail establishments in Cleveland Park;

WHEREAS these challenges include increased competition from other DC neighborhoods that have experienced dramatic growth and are becoming “city-wide destinations,” including Mount Pleasant, 14th Street, Shaw, H Street and others; [[Stover Report](#), p.5, 25, 6]

WHEREAS Cleveland Park has experienced comparatively slower growth than these competing neighborhoods; [[Stover Report](#) 4, 14]

WHEREAS the rise of e-commerce has also adversely affected local retail stores, especially those selling general merchandise, apparel, furnishings and other commodities; [[Stover Report 5, 55, 63](#)]

WHEREAS changing conditions for retail establishments in the CPBD have led to vacancies, some of long duration;

WHEREAS the Uptown Theater, which opened in 1936 and served as the centerpiece of the Cleveland Park Business District, closed its doors in March 2020, and remains vacant;

WHEREAS a commercial market analysis of Cleveland Park completed in 2016 (CP Market Analysis), the main findings and strategies of which have been adopted into the DC Comprehensive Plan noted a declining customer base, with two-thirds of neighborhood business owners polled reporting a decline in customer traffic, and business owners struggling to compete; [[Stover Report 56, 60, 63](#); [DC Comprehensive Plan 2311.2](#)]

WHEREAS the CP Market Analysis further noted that “[l]imited neighborhood population growth indicates that most new customers will come from outside the neighborhood;” [[Stover Report at 5](#)]

WHEREAS the CP Market Analysis concluded that the neighborhood lacked “the conditions that [General Merchandise, Apparel, Furnishings and Other] retailers look for,” and concluded that it was “unsuitab[le]” for “this type of retail;” [[Stover Report at 39](#)]

WHEREAS the CP Market Analysis noted that Cleveland Park possessed “optimal conditions for food and beverage establishments,” and that it possessed “opportunities to capture more” of these businesses; [[Stover Report at 39-40, 45-46, 56](#)].

WHEREAS the CP Market Analysis’s recommended strategies for revitalizing the CPBD included “draw[ing] more residents from other DC and MD neighborhoods.” [[Stover Report 55, 67](#); [DC Comprehensive Plan 2311.2](#)].

WHEREAS the CP Market Analysis emphasized that food and beverage establishments can “help transition communities into destination neighborhoods,” and “substantially improve the vitality of businesses and the vibrancy of the corridor;” [[Stover Report 56](#)].

WHEREAS the CP Market Analysis concluded that “[o]f all three types of retail, restaurants, bars, and cafes are most likely to draw additional customers.” Stover 57.

WHEREAS many of Cleveland Park’s restaurants have recently participated in the Streeteries Program, which has permitted them to use outdoor space for table seating;

WHEREAS the presence of these visible eating areas has contributed to the vibrancy of the neighborhood;

WHEREAS additional restaurants and bars, which are especially suitable retail for the CPBD, could provide viable substitutes for other retail business lost to adverse economic conditions;

WHEREAS revitalizing the CPBD will require attracting additional customers from outside the neighborhood;

WHEREAS restaurants and bars tend to be more successful than other retail businesses at attracting such customers;

WHEREAS the cap, which prioritizes other forms of retail, discourages new restaurants and bars from locating in the CPBD by incorrectly suggesting that they are disfavored and will encounter neighborhood opposition;

WHEREAS the cap may soon require restaurants and bars seeking to locate in the Cleveland Park Business District to undergo expensive and time-consuming special exception proceedings as the linear footage of the existing establishments is near 25%;

WHEREAS the cap is now incompatible with the sound management of the CPBD, which currently requires increasing the number of customers supporting local businesses and avoiding unnecessary retail vacancies;

BE IT THEREFORE RESOLVED that ANC 3C requests that the Office of Planning support and the District Zoning Commission amend 11 DCMR 1101.3(b), by adding NC-3 to the list of excepted NC zones not subject to the subject to the 25% cap on eating and drinking establishments with the following edit:

1101.3 The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:

...

(b) Except in the **NC-3**, NC-6 and NC-9 through NC-17 zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:

(1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC zone, as measured along the lots in the designated use area in the particular district; and

(2) Except for fast food establishments, eating and drinking establishments may occupy the full ground floor requirements of Subtitle H § 1101.3; provided, that they shall remain subject to the linear street frontage requirement of Subtitle H § 1101.3(b)(1);

BE IT THEREFORE FURTHER RESOLVED that the Chair, Commissioner for 3C05, and the Commissioner for 3C06 are authorized to initiate and support a text amendment to the Zoning Regulations on behalf of ANC 3C to make this change and to represent the Commission on this matter.

FURTHER RESOLVED that, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

Attested by



Janell Pagats
Chair, on March 20, 2023

This resolution was approved by voice vote on March 20, 2023, at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 8 commissioners) was present.