

ANC 6B

Capitol Hill / Southeast

703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

September 22, 2010

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Zoning Commission
Office of Zoning
C/o Sharon Schellin
441 4th Street, NW - Suite 220
Washington, DC 20001

**Re: ZC Case # 08-06, Comprehensive Zoning Regulation Review:
Chapters B-2 & B-4**

Dear Chairman and Board Members:

At a regularly called and properly noticed meeting on September 21, 2010, with a quorum present, ANC 6B voted unanimously (10-0) to request the Zoning Commission include a mechanism to provide flexibility in redoing the use categories and their status as permitted uses to meet local needs.

On the issue of measurement of height, ANC 6B previously communicated to the Zoning Commission its concerns over the point of measurement with respect to the determination of what constitutes a "cellar" or a "story." While that issue may not be as relevant in this case, the Commission reiterates its recommendations made in January 2008 that any measurement of building height be taken from the front façade of the building not including any porches or other projections from the building façade. The Commission is also concerned that the current proposal is somewhat ambiguous on the issue of the point of measurement. The words "building" "building face" and "façade" are all used in the same section to apparently mean the same thing without any definition. The Commission therefore also reiterates its request for the Zoning Commission to clarify the use of these three terms.

On the categorization of uses, the Office of Planning is proposing a number of categories. The ultimate purpose for these categories will be to outline which uses will be permitted as matter of right, permitted by condition, permitted by special exception, not permitted, or permitted as accessory use only in certain zoning areas (such as residential, commercial, mixed use). This new categorization is intended to streamline where the regulations government uses are permitted.

ZONING COMMISSION
District of Columbia

CASE NO. 08-06
EXHIBIT NO. 33

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While many of these categories are very specific (such as "education", "fire arm sales" or "food and alcohol services"), others are more general (such as "retail" and "service"). The Commission notes that there is an overlap between uses that might be considered retail versus services. For example, both retail and services are characterized as having moderate to frequent customer contact. The Commission is specifically concerned that certain services might be prohibited or discouraged in areas where they would be of benefit (i.e. in encouraging as an active street front in a retail area through a high level of foot traffic). An example would be the service provided by a dry cleaner.

The proposed regulations provide some guidance to the Zoning Administrator in classifying uses. However, this guidance may be of limited value when confronting the issue of services versus retail. Therefore, the Commission requests that the Zoning Commission include a mechanism to provide flexibility in redoing the use categories and their status as permitted uses to meet local needs. This could be either through a special exception process or streamlined process of appealing any decisions by the Zoning Administrator as categorization of a use.

We hope the Zoning Commission can accommodate us in these regards.

Please notify the Commission if you have any questions or comments.

Sincerely,

David F. Garrison
Chair, ANC 6B

CC: Jennifer Steingasser
Office of Planning