

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



MEMORANDUM

**To:** Office of Documents and Administrative Issuance  
**From:** Sharon S. Schellin *SS*  
Secretary to the Zoning Commission  
**Date:** January 16, 2008  
**Re:** Publication for the Office of Zoning

2008 JAN 16 AM 9:27

Office of  
Documents and  
Administrative  
Issuances

Please publish the following in the *D.C. Register* on *Feb. 1<sup>st</sup>* ~~January 25~~, 2008:

1. Z.C. Notice of Proposed Rulemaking (Case No. 07-28).

Attachment

ZONING COMMISSION  
District of Columbia

CASE NO. 07-28  
EXHIBIT NO. 11

441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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ZONING COMMISSION  
District of Columbia  
CASE NO. 07-28  
EXHIBIT NO. 11

## RULEMAKING TRANSMITTAL FORM

2008 JAN 16

AM 9:27

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES

☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

**DATE AND TIME RECEIVED**

Office of Documents use only

**AGENCY:** OFFICE OF ZONING

**AGENCY REPRESENTATIVE:** SHARON SCHELLIN

**ADDRESS:** 441 4<sup>th</sup> Street, N.W., Suite 210 South

**TELEPHONE:** 727-0340

**TITLE AND DESCRIPTION OF RULES:** Z.C. Case No 07-28: (Text Amendment - 11 DCMR) Text Amendments to amend §§ 701.4(aa), 701.4(q) and 721.3(s)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) §§ 701.4(q), 701.4(aa), and 721.3(s).

**FINAL RULES ONLY:** Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR DATE:

**COMPLETE CITATION** to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

**LEGAL CERTIFICATION:** I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

**DATE:** JANUARY 15, 2008

**SIGNED:** *Ala Byrta for*

**PHONE:** (202) 442-9777

<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> CONDITIONAL	<b>NAME:</b> PETER J. NICKLES	<b>TITLE:</b> INTERIM ATTORNEY GENERAL
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**PROMULGATOR:** Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia

**Title:**

**COMPLETE CITATION** to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

**SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES**

**DATE OF APPROVAL OF VOTE:**

*12/13/07*

**APPROVAL OF ATTEST:**

*Sharon J. Schellin*  
Secretary to the Zoning

**TITLE:** Commission

**PHONE:** (202) 727-0340

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**THIS NOTICE  
PUBLISHED AT:**

**VOL:**

**DCR:**

**DATE:**

2008 JAN 16 AM 9:27

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 07-28**

**(Text Amendment – 11 DCMR)**

**Text Amendments to amend §§ 701.4(q), 701.4(aa), and 721.3(s)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 701.4(q), 701.4(aa), and 721.3(s) of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments would permit as matter of right uses within the C-1 portion of Square 5912, prepared food shops with more than 18 seats and fast food establishments with no drive-throughs. The text amendments would also exempt within the C-2-B portion of Square 5912, fast food restaurant with no drive-throughs from the requirements of §§ 721.3(s)(1)-(3).

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed (new text is shown **bolded** and underlined):

(1) Section 701.4(q) is amended to read as follows:

(q) Restaurant, but not including a fast food establishment, or a food delivery service. **A fast food establishment with no drive-through shall be permitted in Square 5912 as a matter of right.**

(2) Section 701.4(aa) is amended to read as follows:

(aa) Prepared food shop, with no more than 18 seats for patrons and no drive-through **except that no limitation on seats shall apply to a prepared food shop in Square 5912.**

(3) Section 721, Uses as a Matter of Right (C-2), § 721.3(s) is amended to read as follows:

(s) Fast food establishment or food delivery service, only in a C-2-B or C-2-C District; provided:

- (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;
- (2) If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;

- (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District; and
- (4) The use shall not include a drive-through.

**Subparagraphs (1), (2), and (3) shall not apply to a fast food establishment located in Square 5912.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.