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## D.C. Municipal Regulations and D.C. Register

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1109697	Submitted to ODAI	Notices, Opinions	Zoning Commission Order No. 977 (Case No. 91-02: Order of Dismissal - Map Amendment @ Squares 1729-1731, 1770, and 1778)	5/13/2011 Vol 58/15	5/10/2011 08:17:12
1109600	Submitted to ODAI	Notices, Opinions	Zoning Commission Order No. 07-33 (Order of Dismissal: Text Amendment to Regulate Off-Premises Alcoholic Beverage Sales in the Reed-Cooke Overlay)	5/13/2011 Vol 58/15	5/10/2011 08:13:28
1088454	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order 18138-A - Motion for Reconsideration of Order No. 18138 of St. Paul's Episcopal	5/13/2011 Vol 58/15	5/6/2011 09:54:06

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ZONING COMMISSION  
District of Columbia

07-33

EXHIBIT NO. 21

ZONING COMMISSION  
District of Columbia  
CASE NO.07-33  
EXHIBIT NO.21

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**Z.C. ORDER NO. 07-33**  
**Z.C. Case No. 07-33**  
**ORDER OF DISMISSAL**  
**(Text Amendments – 11 DCMR)**  
**Text Amendment to Regulate Off-Premises**  
**Alcoholic Beverage Sales in the Reed-Cooke Overlay**  
**March 10, 2008**

**Background**

The Office of Planning (OP) petitioned the Zoning Commission for the District of Columbia (the “Commission”) for an amendment to the Zoning Regulations to recognize off-premises alcoholic beverages sales within the Reed-Cooke Overlay District as an accessory use to a grocery store or similar use, and allow that accessory use as a matter-of-right. OP’s position was that the proposed amendment was merely a clarification of existing regulations.

OP filed a setdown report on November 30, 2007, and the Commission set down the case for public hearing at its meeting on December 10, 2007. At OP’s request, the Commission postponed the hearing on the proposed amendments until March 13, 2008.

**Dismissal**

On or about March 7, 2008, OP filed a memorandum with the Commission requesting that the proposed text amendment be dismissed. OP stated that the text amendment was no longer necessary in light of a decision issued by the Board of Zoning Adjustment (“BZA”). In Appeal Nos. 17675 and 17677, the BZA upheld the Zoning Administrator’s decision that off-premises alcoholic beverage sales is a permissible accessory use to a larger grocery store use. Because of the BZA’s decision clarifying this point, OP posited that the text amendment was no longer necessary.<sup>1</sup> Accordingly, the Commission considered OP’s request to dismiss the application.

On March 10, 2008, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **DISMISSED** the proposed rulemaking at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr. and Peter G. May to dismiss; Michael G. Turnbull, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is, on May 13, 2011.

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<sup>1</sup> Later that same year, the Office of Planning petitioned the Commission to prohibit all accessory uses in the Overlay if the principal use was also prohibited. The Commission ultimately adopted that rule, which now appears at 11 DCMR § 1401.2.