

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



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.¹ Accordingly, the Commission considered OP’s request to dismiss the application.

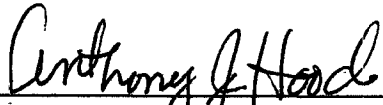
On March 10, 2008, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **DISMISSED** the proposed rulemaking at its public meeting by a vote of

¹ 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.

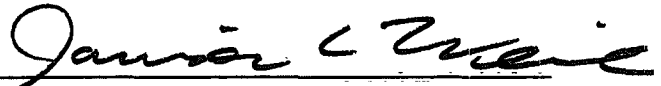
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4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr. and Peter G. May to dismiss; Michael G. Turnbull, not present, not voting).

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.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-33

As Secretary to the Commission, I hereby certify that on **MAY 12 2011** copies of this Z.C. Order No. 07-33 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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| 1. <i>D.C. Register</i> | 5. Gottlieb Simon
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1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. ANC 1C
P.O. Box 21009
Washington, DC 20009 | 6. Councilmember Jim Graham |
| 3. Commissioner Wilson Reynolds
ANC/SMD 1C07
2370 Champlain St. NW #23
Washington, DC 20009 | 7. DDOT (Karina Ricks) |
| 4. Commissioner Katherine Boettrich
1C08
<u>1C08@anc.dc.gov</u> | 8. Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, DC 20024 |
| | 9. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning