

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

OFFICE OF THE SECRETARY
ODAI
2008 AUG 27 P 2: 27

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin³
Secretary to the Zoning Commission
Date: August 27, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on September 5, 2008:

1. Z.C. Notice of Public Hearing (Case No. 08-06-5).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 08-06-5
EXHIBIT NO. 1

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ZONING COMMISSION
District of Columbia
CASE NO. 08-06-5
EXHIBIT NO. 1

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 23, 2008, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 2001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-5 (Comprehensive Zoning Regulations Rewrite: Commercial Zones: Mapping and Use Principles)

THIS CASE IS OF INTEREST TO ALL ANCS

This Notice of Public Hearing announces the fifth of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for changes to how commercial districts are mapped and how uses are regulated within such districts. It proposes the creation of corridor-specific commercial zones, the consolidation of use classifications, and the regulation of ground floor uses through uniform design standards.

This hearing, like all others to follow under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

It is not expected that the Commission will take proposed action with respect to these recommendations, but that it will make determinations at a public meeting that will serve as guidance for drafting revisions to the zoning regulations pertaining to arts uses and other relevant subject matters.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Recommendations

- **ESTABLISHMENT OF COMMERCIAL ZONE DISTRICTS AND THE USES PERMITTED THEREIN.**

- 1. Replace existing commercial zone districts and overlays with standalone districts in which the uses and area restrictions are tailored to the needs of specific and contiguous geographic areas.**

Reason: The existing system of underlying zoning and overlay is overly confusing and convoluted. Corridor-specific zones could allow for zoning regulations that reflect and enhance the character of unique areas without the complication of overlays. The new zones could reflect the specific building form and retail use needs of the area.

- 2. Consolidate the current retail, service, and miscellaneous use list contained in Chapter 7 into approximately five categories, with conditions for each use (such as hours of operation, radius requirements, and the amount of gross floor area occupied) established for each district.**

Reason: Long lists of uses are unwieldy, complicated, and continually out of date. Separating uses by general type and impact offers a simpler and more relevant way to regulate building uses and their impacts.

- 3. Uses will either be permitted or prohibited within each zone. A property owner wishing to establish a use that exceeds the maximum gross floor area would need to obtain special exception approval. A waiver of any other condition would require an area variance.**

- 4. Where appropriate, limit the percentage of FAR within a portion of a district that may be devoted to retail or other preferred uses.**

Reason: Establishing such a limit would help promote vibrant commercial areas by creating opportunities for small scale retail and other uses based on local commercial area needs.

• GROUND FLOOR USES – REQUIREMENTS AND RESTRICTIONS

- 5. Where appropriate, require buildings within a particular area of a district to devote a percentage of their ground floor to retail or other preferred uses.**

Reason: The success of a retail district is directly related and use of space at street level. Often there is a need to promote or encourage retail or similar uses on the ground floor above office or service uses.

- 6. Where appropriate, limit the types of uses that may occupy a ground floor of buildings within a particular area of a district.**

Reason: Uses that may be appropriate or desirable in the zone district may have negative impacts on the retail function of an area when located on the ground floor.

• **GROUND FLOOR USES – DESIGN STANDARDS**

7. Establish design standards addressing:

- a. Minimum clear ceiling height;**
- b. Active retail/window space;**
- c. Minimum distance between building access points; and**
- d. The limitation of office or residential lobby entrances relative to overall retail frontages.**

8. Require new large ground floor retail sites to be built so that they can be structurally adaptable to smaller tenants.

Reason: This recommendation would ensure a long term supply of adaptable retail space for small or start-up retail regardless of current retail demands. It would also support good urban design in maintaining an active and fine-grained street front.

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.