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September 9, 2015

Zoning Commission of the District of Columbia
441 4th Street NW, Suite 200-S
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OFFICERS

Chair
Kirsten Oldenburg
Vice-Chair
Brian Flahaven
Secretary
Daniel Chao
Treasurer
Diane Hoskins
Parliamentarian
Denise Krepp

VIA: Interactive Zoning Information System Filing

RE: ZC Case No. 08-06A and B Zoning Regulations Review Rulemaking
New NC-6 Zone

Advisory Neighborhood Commission (ANC) 6B, at a properly noticed meeting with a quorum present, on September 8, 2015, voted 9-0-0 to once again ask the Zoning Commission to make a technical correction in the text pertaining to the new NC-6 "Eighth Street Southeast Neighborhood Mixed Use Zone." and its limitations on eating & drinking establishments. NC-6 is a special zone that exists solely within ANC 6B.

COMMISSIONERS

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In testimony before the Zoning Commission on November 13, 2013, ANC 6B supported the conversion of the Eighth Street Overlay District to an NC-6 Zone provided that the terms of this special zone include the same limitation on eating establishments as in the current district, namely that food and drinking establishment use be limited to 50% by lot frontage linear foot and fast food be further limited to half of the 50% of linear feet for eating establishments.

As we testified, the Zoning Regulation Review text appears to create a conflict between the general NC policy and the specific NC-6 policy. Subtitle H Section 1101.3(b)(1) limits eating and drinking establishments, and fast food establishments to 25% of the linear street frontage in certain NC overlays zones, including NC-6. Yet, Subtitle H Section 1101.4(d) limits fast food in the NC-6 zone to half of a 50% overall limit. But there is no 50% limit elsewhere in the statute.

Thus, one section limits in NC-6 all eating and drinking establishments to 25% while the other implies a limit in NC-6 of 50% for eating/drinking establishments and 25% for fast food (consistent with current regulations). As a result, it is unclear whether non-fast food eating/drinking establishments are limited to 50% (current regulations) or a new stricter limit of 25%.

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ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.940

To keep the existing limitations, ANC 6B requested in November 2013 and repeats that request today that the text of Subtitle H should exempt the NC-6 zone from 1101.3(b)(1) or that section be amended to read (see *italics*):

"These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular N zone (*fifty percent (50%) in the NC-6 zone*), as measured along the lots that face designated roadways in the particular district; and"

In addition to requesting this technical correction, ANC 6B urges the Zoning Commission to implement the long-delayed and oft reviewed ZRR and ensure no further delays in the approval process. The Commission hopes not to have to spend time reviewing a second proposed rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirsten Oldenburg', written in a cursive style.

Kirsten Oldenburg
Chair

cc: The Honorable Charles Allen, Ward 6 Councilmember
Ms Sara Benjamin Bardin, Director, District Office of Zoning