

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



November 17, 2009

**Via E-Mail & U.S. Mail:**

Marcel Acosta  
Executive Director  
National Capital Planning Commission  
401 9th Street, N.W., Suite 500  
Washington, D.C. 20004

**Re: Notice of Proposed Rulemaking: Z.C. Case No. 09-11 (Office of Planning – Text Amendment re: Retail & Service Uses in SP Zone Districts)**

Dear Mr. Acosta:

Please find attached a copy of the proposed rulemaking for the above-referenced case.

The above proposed rulemaking will be published in the *D.C. Register* on November 20, 2009, for a 30-day comment period. The comment period will end on December 20, 2009. Accordingly, this case will be considered for final action at the Zoning Commission's public meeting scheduled for January 11, 2010.

The proposed decision of the Commission to approve the above-mentioned cases are referred to the National Capital Planning Commission (NCPD) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,

A handwritten signature in cursive script that reads "S. S. Schellin".

Sharon S. Schellin  
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)  
Carlton Hart (via e-mail)

ZONING COMMISSION  
District of Columbia

CASE NO. 09-11  
EXHIBIT NO. 11

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF PROPOSED RULEMAKING**  
**Z.C. Case No. 09-11**  
**(Text Amendment – 11 DCMR)**  
**Text Amendments to Permit Retail and Service Uses by Special Exception in**  
**Special Purpose-2 (SP-2) Districts**

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 §§ 518, 2101.1, and 3104.1 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments permit by special exception certain retail and service uses on or below the ground floors of SP-2 zoned properties located south of M Street, N.W. and N.E.

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 proposed amendments to the Zoning Regulations (Title 11, DCMR) are as follows:

1. CHAPTER 5, SPECIAL PURPOSE DISTRICTS is amended by adding a new § 518 to read as follows:

518 RETAIL AND SERVICE USES (SP-2)

518.1 The uses identified in § 518.4 shall be permitted in certain properties in an SP-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

518.2 The properties are those located south of M Street N.W. and N.E.

518.3 The uses shall be located on or below the ground floor of the building.

518.4 The uses shall be those permitted in §§ 701.1 through 701.5 of this Title;

518.5 The uses shall not include a drive-through.

518.6 The uses shall be located and designed such that they are not likely to become objectionable to neighboring properties because of noise, traffic or other objectionable conditions.

518.7 The Board of Zoning Adjustment may impose requirements pertaining to screening, signage, or other requirements it deems necessary to protect adjacent or nearby property.

2. CHAPTER 21, OFF-STREET PARKING REQUIREMENTS, § 2101.1 (Table) is amended by adding minimum parking space requirement for the SP-2 Zone District to those appearing

under the use “retail or service establishment except gasoline service station and repair garage.” The schedule will read as follows:

| <b><u>USES</u></b>                                                                | <b><u>NUMBER OF PARKING SPACES REQUIRED</u></b>                                                                                     |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Retail or service establishment except gasoline service station and repair garage |                                                                                                                                     |
| C-1, C-2-A, C-3-A,<br>C-M-1, M                                                    | In excess of 3,000 ft. <sup>2</sup> ,<br>1 for each additional 300 ft. <sup>2</sup><br>of gross floor area and<br>cellar floor area |
| W, CR, C-2-B, C-2-C,<br>C-3-B, C-3-C, C-M-2, C-M-3                                | In excess of 3,000 ft. <sup>2</sup> ,<br>1 for each additional<br>750 ft. <sup>2</sup> of gross floor area                          |
| C-4                                                                               | In excess of 30,000 ft. <sup>2</sup> ,<br>1 for each additional<br>3,000 ft. <sup>2</sup> of gross floor area                       |
| C-5 (PAD)                                                                         | No requirement                                                                                                                      |
| SP-2 (If property is located south of<br>M Street N.W. and N.E.)                  | In excess of 2,000 ft. <sup>2</sup> ,<br>1 for each additional<br>1,800 ft. <sup>2</sup> of gross floor area                        |

3. Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by adding the following to the chart appended to § 3104.1:

| <b><u>TYPE OF SPECIAL EXCEPTION</u></b>                                                                    | <b><u>ZONE DISTRICT</u></b> | <b><u>SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED</u></b> |
|------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------|
| Retail and Service Uses on or below the ground floor of properties located south of M Street N.W. and N.E. | SP-2 District               | §§ 518.2 - 518.7                                             |

**Z.C. NOTICE OF PROPOSED RULEMAKING**  
**Z.C. CASE NO. 09-11**  
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All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than 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.