

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Zoning**



**Z.C. CASE NO.: 09-11**

**AUG 27 2009**

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |                                                                                                                 |                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 1. <i>D.C. Register</i>                                                                                         | 9. Commissioner Eric Malinen<br>2A05<br>2440 Virginia Avenue NW #D-1207<br>Washington, DC 20037   |
| 2. Armando Irizarry, Chair<br>ANC 2A<br>West End Branch Library<br>1101 24th Street, NW<br>Washington, DC 20037 | 10. Commissioner Florence Harmon<br>2A06<br>1099 22nd Street NW #1011<br>Washington, DC 20037     |
| 3. Mike Silverstein, Chair<br>ANC 2B<br>9 Dupont Circle, NW<br>Washington, DC 20036                             | 11. Commissioner Victor G. Wexler<br>2B05<br>1520 16th Street NW #504<br>Washington, DC 20036     |
| 4. Charles Reed, Chair<br>ANC 2F<br>5 Thomas Circle, NW<br>Washington, DC 20005                                 | 12. Commissioner Brian C Vargas<br>2F03<br>1224 13th Street NW #001<br>Washington, DC 20005       |
| 5. David Garrison, Chair<br>ANC 6B<br>921 Pennsylvania Avenue, SE<br>Washington, DC 20003                       | 13. Commissioner David Garrison<br>6B01<br>8 4th Street SE<br>Washington, DC 20003                |
| 6. Karen Wirt, Chair<br>ANC 6C<br>P.O. Box 77876<br>Washington, DC 20013                                        | 14. Commissioner Keith Silver<br>6C01<br>901 New Jersey Avenue NW #410<br>Washington, DC 20001    |
| 7. Commissioner David M. Lehrman<br>2A01<br>2020 F Street NW #431<br>Washington, DC 20006                       | 15. Commissioner Ryan Velasco<br>6C07<br>308 East Capitol Street NE<br>Washington, DC 20003       |
| 8. Commissioner Armando Irizarry<br>2A04<br>2475 Virginia Ave NW #911<br>Washington, DC 20037                   | 16. Commissioner Charley Docter<br>6C09<br>801 Pennsylvania Ave. NW #1101<br>Washington, DC 20004 |

ZONING COMMISSION  
District of Columbia

CASE NO. **09-11**

EXHIBIT NO. **3**

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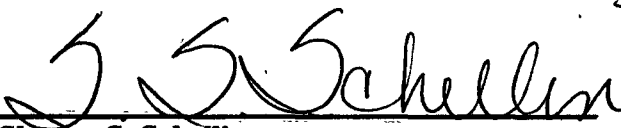
ZONING COMMISSION  
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CASE NO.09-11

EXHIBIT NO.3

- |     |                                                                                   |     |                                                                                                  |
|-----|-----------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------|
| 17. | Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004 | 24. | Office of Planning (Harriet Tregoning)                                                           |
| 18. | Councilmember Jack Evans                                                          | 25. | DDOT (Karina Ricks)                                                                              |
| 19. | Councilmember Tommy Wells                                                         | 26. | General Counsel - DCRA<br>941 North Capitol Street, N.E.<br>Suite 9400<br>Washington, D.C. 20002 |
| 20. | Councilmember Michael Brown                                                       | 27. | Office of the Attorney General (Alan<br>Bergstein)                                               |
| 21. | Councilmember David Catania                                                       | 28. | MLK Library (30 Copies)                                                                          |
| 22. | Councilmember Phil Mendelson                                                      |     |                                                                                                  |
| 23. | Councilmember Kwame Brown                                                         |     |                                                                                                  |

ATTESTED BY:

  
Sharon S. Schellin

Secretary to the Zoning Commission  
Office of Zoning

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

**TIME AND PLACE:**            **Thursday, October 29, 2009, @ 6:30 p.m.**  
                                 **Office of Zoning Hearing Room**  
                                 **441 4<sup>th</sup> Street, N.W. Suite 220-S**  
                                 **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 09-11 (Text Amendment to Permit Retail and Service Uses by Special Exception in Special Purpose-2 (SP-2) Districts)**

**THIS CASE IS OF INTEREST TO ANCs 2A, 2B, 2F, 6B, & 6C**

The Office of Planning ("OP"), in a report dated July 17, 2009, petitioned the Zoning Commission for a text amendment to permit by special exception certain retail or service uses on or below the ground floors of SP-2 District properties located south of M Street N.W. and N.E. The permitted retail or service uses would be restricted to those allowed in 11 DCMR §§ 701.1 through 701.5. A minimum parking space requirement for the proposed special exception use would be added to § 2101.1.

At its regular public meeting held July 29, 2009, the Zoning Commission setdown this case for a public hearing. The OP report served as the pre-hearing submittal for the case.

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 Section 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 the following minimum parking space requirement to those appearing under the use “retail or service establishment except gasoline service station and repair garage.” The new schedule is depicted in boldface type:

| <u>USES</u>                                                                       | <u>NUMBER OF PARKING SPACES REQUIRED</u>                                                                                            |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                                                      |
| <b>SP-2 (If property is located south of<br/>M Street N.W. and N.E.)</b>          | <b>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</b>                  |

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:

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

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. Pursuant to that section, 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 Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY -- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**