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564071	Submitted to ODAI	Proposed Rulemaking	Zoning Commission Notice of Proposed Rulemaking: Case No. 10-18 (Text Amendment to Chapter 17, Sections 1703 & 1711, to Allow Additional Flexibility for Fast Food Establishments & Prepared Food Shops within Square 375)	10/22/2010 Vol 57/43	10/18/2010 15:17:06
563507	Submitted to ODAI	Notices, Opinions	"Board of Zoning Adjustment - Order - 18032 - John Graham and Lorn Kerr - ANC 6C"	10/22/2010 Vol 57/43	10/18/2010 11:31:36
563480	Submitted to ODAI	Public Hearing	Board of Zoning Adjustment Public Hearing Notice for December 14, 2010	10/22/2010 Vol 57/43	10/18/2010 11:25:54

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ZONING COMMISSION
District of Columbia

CASE NO. 10-18

EXHIBIT 13

ZONING COMMISSION
District of Columbia
CASE NO.10-18
EXHIBIT NO.13

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 10-18

(Text Amendment to Chapter 17, §§ 1703 & 1711, to Allow Additional Flexibility for Fast Food Establishments & Prepared Food Shops within Square 375)

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; D.C. Official Code § 6-641.01 (2008 Repl.), hereby gives notice of its intent to amend Sections 1703 and 1711 of the Zoning Regulations (Title 11 DCMR). The proposed amendment would allow additional flexibility for fast food establishments and prepared food shops within Lot 127 of Square 375.

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 following rulemaking action is proposed:

Title 11 DCMR, Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY, is amended as follows.

Section 1703, DOWNTOWN SHOPPING DISTRICT (RETAIL CORE), § 1703.3, is amended by inserting at the end of paragraph (b) the phrase “, except that on Lot 127 in Square 375, fast food establishments and prepared food shops shall not be subject to the 20% limit”, so that the entire subsection reads as follows:

1703.3 Each new or altered building that faces or abuts a public street shall devote all of the ground floor leasable space to the retail and service uses listed in § 1710 or the arts and arts-related uses listed in § 1711; provided:

- (a) The gross floor area devoted to the retail, service, arts and arts-related uses listed in §§ 1710 and 1711 shall be no less than 0.5 FAR on the ground floor;
- (b) Not more than twenty percent (20%) of the required gross floor area on the ground floor shall be occupied by banks, loan offices, other financial institutions, travel agencies, or other transportation ticket offices, prepared food shops, fast food establishments, printing or fast copy services, newsstands, dry cleaners, or any combination thereof, except that on Lot 127 in Square 375, fast food establishments and prepared food shops shall not be subject to the 20% limit;
- (c) This ground floor use requirement shall not apply to a building that is devoted entirely to hotel or apartment house use or to a church or other place of worship; and
- (d) In the applicable sector of the Downtown Arts District, that is, Squares 254, 290, 321, 347, 377, 376, and 375 (south of G Place), uses that are

listed in § 1711 shall comprise not less than fifty percent (50%) of the gross floor area required to be devoted to preferred uses.

Section 1711, ARTS USES AND ARTS-RELATED USES, § 1711.1, is amended by adding a new paragraph (y), so that the entire subsection reads as follows:

1711.1 For the purpose of this chapter, the following uses are preferred arts uses and arts-related retail and support uses:

- (a) Art Center;
- (b) Art Exhibition Area;
- (c) Art Gallery;
- (d) Art School, including school of dance, photography, filmmaking, music, writing, painting, sculpturing, or printmaking;
- (e) Artist Live-Work Space;
- (f) Artist Studio;
- (g) Artists' Supply Store;
- (h) Arts Organizations, Administrative Offices of;
- (i) Arts Services, including set design, and restoration of art works;
- (j) Assembly Hall, Auditorium, Public Hall, or Other Performing Arts Space, including rehearsal/pre-production space or concert hall;
- (k) Book Store;
- (l) Cabaret;
- (m) Dance Hall, Discotheque, or Ballroom;
- (n) Dinner Theater;
- (o) Drinking Place, including bar, nightclub, or cocktail lounge;
- (p) Legitimate Theater;

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- (q) Movie Theater;
- (r) Museum;
- (s) Performing Arts Ticket Office or Booking Agency;
- (t) Photographic Studio;
- (u) Picture Framing Shop;
- (v) Record Store, Musical Instruments Store;
- (w) Restaurant; and
- (x) Television and Radio Broadcast Studio.
- (y) Fast food establishments (excluding drive-through) and prepared food shops, only within Lot 127 of Square 375.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon S. Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.