

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 11-16

As Secretary to the Commission, I hereby certify that on JUL 20 2011 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:

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|--|---|
| 1. D.C. Register (via e-mail) | 6. DDOT (Martin Parker) |
| 2. All ANC Chairpersons (see attached list) | 7. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
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| 3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 8. Office of the Attorney General (Alan Bergstein) |
| 4. All Councilmembers (see attached list) | 9. MLK Library (30 Copies) |
| 5. Office of Planning (Harriet Tregoning) | |

ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia
CASE NO. 11-16
EXHIBIT NO. 5

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

TIME AND PLACE: **Monday, October 3, 2011, @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 11-16 (Office of Planning – Text Amendment to § 721.3)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 12, 2011, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning requesting an amendment to § 721.3 (k) of the Zoning Regulations (11 DCMR) to exempt firearms retail sales establishments located in District law enforcement or licensing agencies from complying with the radius limitations of that provision. This would permit a retail sales establishment use at a District law enforcement agency located within 300 feet of a Residence (R) or Special Purpose (SP) Zone District; or a church or other place of worship, a public or private school, a public library, or a playground

At a special public meeting on July 14, 2011, the Zoning Commission set down this case for a public hearing. The Commission also took action to adopt the amendment on an emergency basis and authorized the issuance of a notice of proposed rulemaking. As a preliminary matter, the Commission waived the requirement of 11 DCMR § 3005.3 that the proposed agenda for each meeting be posted in the office of the Commission and available to the public at least four days prior to a meeting. The circumstances that justified the emergency adoption of the rule, as explained in the Notice of Emergency and Proposed Rulemaking published elsewhere in this volume, also justified the attenuated notice. The agenda was posted a day prior to the hearing, and was also published on the Office of Zoning website and distributed to an email list of persons who have indicated an interest in receiving notices of this kind. The Commission also authorized the immediate advertisement of this hearing by waiving the 20-day period between receipt of a supplement filing and publication, as stated in § 3013.1.

The proposed amendments to the Zoning Regulations are as follows:

Title 11 of the District of Columbia Municipal Regulations, ZONING, Chapter 7, COMMERCIAL DISTRICTS, § 721, USES AS A MATTER OF RIGHT (C-2), § 721.3, is amended by inserting the phrase “, other than an establishment located at a District law enforcement or licensing agency,” after the phrase “provided that no portion of the establishment”, so that the subsection reads as follows:

721.3 In addition to the uses permitted in C-1 Districts by § 701.4, the following retail establishments shall be permitted in a C-2 District as a matter of right:

(k) Firearms retail sales establishments, provided that no portion of the establishment, other than an establishment located at a District law enforcement or licensing agency, shall be located within three hundred feet (300 ft.) of:

- (1) A residence (R) or Special Purpose (SP) District; or
- (2) A church or other place of worship, public or private school, public library, or playground.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; 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 § 3021. 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-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, KONRAD W. SCHLATER, GREG M. SELFRIDGE, PETER G. MAY, AND MICHAEL G. TURNBULL — ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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