

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF A PUBLIC HEARING ON THE**

Request Filed by

Advisory Neighborhood Commission 2B (ANC 2B) to add Two Additional Licenses in  
the West Dupont Circle Liquor License Moratorium Zone

The Alcoholic Beverage Control Board (Board) announces a public hearing to receive testimony on the request of ANC 2B to add two (2) additional licenses in the West Dupont Circle Liquor License Moratorium Zone. ANC 2B is requesting that two additional Class "CR" licenses be permitted on a first come-first serve basis. The current moratorium is set to expire on March 23, 2011. The West Dupont Circle Moratorium Zone extends approximately six (600) hundred feet in all directions from 22<sup>nd</sup> and Florida Avenue, NW, Washington, DC. The hearing will be held on Wednesday, September 17, 2008 at 2:00 p.m. at 941 North Capitol Street, NE, Board Hearing Room, Washington, D.C. 20002.

Individuals who wish to testify should contact Cynthia Simms at 202/442-4496 or by e-mail at [cynthia.simms@dc.gov](mailto:cynthia.simms@dc.gov) by September 12, 2008. E-mail contacts should include the full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring nine (9) copies of their written testimony to the Board.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Peter Feather, Chairman, Alcoholic Beverage Control Board, 941 North Capitol Street, NE, Suite 7200, Washington, D.C. 20002, no later than 4:00 p.m., Monday, September 15, 2008.

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: August 8, 2008  
Petition Date: September 22, 2008  
Hearing Date: October 6, 2008

License No.: 78548  
Licensee: Hagos Luula  
Trade Name: Quality Convenience Store  
License Class: Retailer's Class B  
Address: 2922 ½ Martin Luther King Avenue, SE  
Contact Information: Nelson Moskowitz – 301.649.2698

Ward 8      ANC 8C      SMD 8C03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petitions and or requests to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

Transfer from Safekeeping

HOURS OF OPERATION

Sunday through Saturday, 7am-10pm

HOURS OF SALES OF ALCOHOLIC BEVERAGES

Sunday through Saturday, 9am-8pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: August 8, 2008  
Petition Date: September 22, 2008  
Hearing Date: October 6, 2008

License No.: 79449  
Licensee: Gevani, Inc.  
Trade Name: Dave's Tavern  
License Class: Retailer's "C" Tavern  
Address: 3423 14<sup>th</sup> Street, NW  
Contact information: Bernard C. Dietz 202.548.8000

WARD 1

ANC 1A

SMD 1A05

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

Tavern with food and recorded music with occasional live instrumental music and DJ. No dancing. Occupancy Load is 50.

HOURS OF OPERATION

Sunday through Saturday 9 am – 2 am

HOURS OF SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

Sunday 10 am – 2 am

Monday through Saturday 9 am – 2 am

HOURS OF ENTERTAINMENT

Sunday through Saturday 6 pm – 2 am

CORRECTION

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: July 25, 2008  
Petition Date: September 8, 2008  
Hearing Date: September 22, 2008

License No.: 79523  
Licensee: Kelly's Michigan Park, LLC  
Trade Name: Kelly's Michigan Park Restaurant  
License Class: Retailer's "C" Tavern  
Address: 3908-12<sup>th</sup> Street, NE.  
Phone No: 202-362-1375 - Louis N. Nichols -Contact Person

WARD 5

ANC 5A

SMD 5A06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New Tavern, serving American and Irish Cuisine with recorded music. Occupancy load is 216.

HOURS OF OPERATION, SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND SUMMER GARDEN- (SEATS - 24)

Sunday through Thursday: 11am - 2am, Friday and Saturday: 11am - 3am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: August 8, 2008  
Petition Date: September 22, 2008  
Hearing Date: October 6, 2008

License No.: 78400  
Licensee: Pueblo Viejo, Inc.  
Trade Name: Senor Pepper  
License Class: Retailer's Class "C" Restaurant  
Address: 5507 Connecticut Ave NW  
Phone: 202.244.7774

WARD3

ANC3G

SMD3G05

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

Request to change Hours of Operation and Sales

CURRENT HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION

Sunday thru Thursday 11 am – 11 pm

Friday and Saturday 11 am – 12 am

PROPOSED HOURS OF OPERATION

Sunday 8 am – 11 pm

Monday thru Thursday 11 am – 11 pm

Friday 11 am – 2 am

Saturday 8 am -2 am

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION

Sunday 10 am – 11 pm

Monday thru Thursday 11 am – 11 pm

Friday 11 am – 2 am

Saturday 8 am -2 am

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

**TIME AND PLACE:**            **Thursday, September 25, 2008, @ 6:30 PM**  
   **Office of Zoning Hearing Room**  
   **441 4<sup>th</sup> Street, N.W., Suite 220**  
   **Washington, D.C. 2001**

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

**CASE NO. 08-06-1 (Comprehensive Zoning Regulations Rewrite: Height)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

This Notice of Public Hearing announces the postponed date for one of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been or will have been reviewed by a working group and a subject matter task force as part of a process designed to augment the public hearing(s) required in the Zoning Act as part of the Commission's responsibility to consider the merits of each proposal submitted to it.

This hearing will consider general rules applicable to the measurement of height. The rules also set forth the circumstances under which parapets and roof structures may exceed otherwise applicable zoning height limitations, up to the limit allowed by the Height Act, and also set forth associated setback requirements. In addition, the rules propose definitions for "a building" and an "exterior wall." If adopted, the Commission may later move the definitions to a definition section applicable to the entire title. As to the proposed definition of "exterior wall," this definition is not binding upon the Department of Consumer and Regulatory Affairs with respect to its interpretation of the same term, which appears in the Height Act, unless it adopts a similar provision.

This hearing, like all others to follow under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

This proposal presents policy recommendations regarding the regulation of height within the zoning regulations. It does not present proposed rulemaking language. The explanations for the proposed recommendations are the Office of Planning's, and have not been considered or accepted by the Zoning Commission.

It is anticipated that a proposed action on this subject area will involve at least one public hearing and two decision meetings. At the first decision meeting, based upon the record before it, the Commission will accept, reject, modify, or add to the concepts and recommendations presented herein. At the second meeting, the Commission will review text prepared by OAG and OP that

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codifies the Commission's determinations into a legally sufficient form. If approved, that text will be published as a Notice of Proposed Rulemaking and forwarded to the National Capital Planning Commission for the review period mandated by the District Charter.

Thereafter, the Commission may wait to take final action until after all hearings under this case number are concluded.

Additional information about the height proposals, including illustration of several of the concepts, is available in a July 10, 2008 report on the website dedicated to OP's zoning review process. It is located online at <http://www.dczoningupdate.org/height.asp>. There will be another OP report in September addressing the advertised proposals and any comments received before the public hearing.

Written comments should be sent to the Office of Zoning. Commentors are encouraged to post a copy on the zoning review website, or mail / e-mail them to Stephen Cochran at the DC Office of Planning 801 N. Capitol Street, N.E., Washington, DC 20009 – [Stephen.Cochran@dc.gov](mailto:Stephen.Cochran@dc.gov).

The twelve recommendations are grouped into three topic areas:

**THE RULES APPLICABLE TO DETERMINING A BUILDING'S MAXIMUM PERMITTED HEIGHT.**

- Recommendation 1: Streets with multiple frontages
- Recommendation 2: Streets fronting on open space
- Recommendation 3: Business vs. Residence streets
- Recommendation 4: Single vs. Multiple Buildings

**THE RULES APPLICABLE TO MEASURING A BUILDING'S HEIGHT**

- Recommendation 5: Location of Bottom Measuring Point
- Recommendation 6: Elevation of Bottom Measuring Point
- Recommendation 7: Natural Grade
- Recommendation 8: Top Measuring Point

**THE RULES GOVERNING THE TYPES OF STRUCTURES PERMITTED ABOVE A ROOF**

- Recommendation 9: Structures Permitted Atop a Roof
- Recommendation 10: Height, Width and Massing of Structures Atop a Roof
- Recommendation 11: Roof Structure Setbacks
- Recommendation 12: Exterior Walls

**RECOMMENDATIONS CONCERNING THE DETERMINATION OF A BUILDING'S MAXIMUM HEIGHT.**

**Recommendation 1:** Any street abutting a building's property line may be used to determine the maximum height allowable, based on the street's width, designation, and

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**height restrictions imposed by this Chapter. There should be no requirement for the presence of an entrance to designate a building "front."**

This addresses how to determine from which street a building may draw its permitted height when the building faces multiple streets. It retains the basic principle that maximum permissible height should be related to the width of the widest street which a building faces. The existing term for making this distinction is "front," however, the term "front" is not defined in the Zoning Regulations. To avoid uncertainty, the proposal would substitute building face for front to account for larger buildings occupying multiple sides of a Square, where there may not be an obvious "front."

**Recommendation 2: When any portion of a building face abuts a property line that is directly across a street from a public open space or reservation, the building's maximum allowable height may be determined by the width of any single right of way that is not divided by the public open space or reservation and that is adjacent and parallel to any single side of the open space or reservation.**

The Zoning Regulations permit a building that "confronts a public space or reservation formed at the intersection of two or more streets, avenues or highways, the course of which is not interrupted by said public space or reservation" to draw its maximum permitted height category from the widest street, avenue or highway. The existing language is unclear and has been interpreted differently over the years. The proposed concept would clarify that a building may draw its height from any right of way that is parallel to the side of the open space or reservation on which the building has frontage. This would tie a building's maximum possible height to the width of a single right of way paralleling a side of the open space that the building confronts.

**Recommendation 3: A "Residence street" would be any block face that contains any residential property located in a low to moderate density zone district, as those zones may be described after completion of the zoning review process, OR any block face entirely made up of properties of any residential zone. "Business streets" would mean all other block faces. As with the above recommendations, any property facing more than one street could choose its frontage and rise the greater of the zones' permitted heights.**

This proposes a clarified definition of business and residence streets. The Regulations incorporate the concept that the Commission may permit business street buildings to be higher than residence street buildings, subject to limitations imposed by street widths.

In the Zoning Regulations, "business streets" are defined as "those sides and portions of any street" located in a Special Purpose, Waterfront, Mixed Use, Commercial, or Industrial District. While not officially interpreted anywhere, "sides and portions of any street" has for years been interpreted to apply separately to each and every individual property. Where a Commercial-zoned building abuts a Residential-zoned building on the same street, the former has been considered to be on a "business street" and the latter to be on a "residence street". This has allowed the Commission to rezone

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properties and permit buildings taller than 90 feet on streets wider than 70 feet, even when adjacent buildings are zoned for low or moderate density residential uses. The proposed language would extend the 90' protection to any block face with low to moderate density residential zoning (as defined in future working groups but currently R-1 through R-4 and large portions of R-5-A and R-5-B) and for blocks that are zoned entirely residentially.

**Recommendation 4:** A “building” is a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or tangible property. When separated from the ground up or from the lowest floor up by common division walls, each separate portion shall be deemed a separate building unless there is open access between each portion on at least half of the shared floors. Two or more structures that are in all other respects physically separate from each other cannot be combined to form a single building through the introduction of any type of physical connection between the structures, including a trellis, walkway, garage or tunnel, at any location.

This addresses questions of when structures constitute one building or multiple buildings. The definition would replace the concept of a “meaningful” above-ground connection that has been used by the Zoning Commission to determine whether structures are single or multiple buildings. It would help to clarify which street would determine a structure’s maximum permissible height.

#### **RECOMMENDATIONS CONCERNING THE MEASUREMENT OF A BUILDING’S HEIGHT**

**Recommendation 5:** Clarify the determination of the measuring point for building height when a building faces more than one street. Option 1: The street chosen to determine the maximum allowable height must also be used to determine the point from which building height is measured. Option 2: Any abutting street which a building faces may be used to determine the measuring point regardless of which abutting street is used to determine maximum allowable height.

The Zoning Regulations anticipate that a building on a corner lot could be higher on one of its faces than would otherwise be allowed due to the opportunity to choose between streets of potentially different widths and/or elevations for height allowances. Traditionally, the Regulations have been interpreted to allow the same for a through-block building. However, separating height determination and measuring point allows, in some cases, a building to be higher on all frontages than would be permitted if the measuring point were also on the same street used to determine maximum permissible height. The Commission’s guidance is requested on the proper determination of measuring point.

**Recommendation 6:** The height of a building shall be measured from the midpoint of the building’s property line along a public street. The elevation for this point is determined by the level of the curb approved by the District government plus a 2% gradient between the curb and the line, up to a maximum height difference of 12 inches.

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This would reconcile existing differences between the Height Act, which specifies that the measuring point is taken from the midpoint of the curb, and the Zoning Regulations, which specify that the measuring point is the property line. It would also account for sidewalk slopes required for drainage.

**Recommendation 7:** The “natural elevation” or “natural grade” of a property is the ground elevation that existed immediately prior to the issuance of the first special or building permit, including a raze permit, needed to begin the construction of the building for which a height measurement is being made. Where natural elevation is interrupted by a bridge, viaduct, embankment, ramp, abutment, tunnel or other type of artificial elevation, the height of a building will not be measured from the human-constructed elevation, but will be measured from either a street frontage not affected by the artificial elevation, or from a level determined by the Zoning Administrator to represent the logical continuation of the surrounding street grid where height is not affected by the discontinuation of the natural elevation.

This would clarify that the natural grade is the elevation existing prior to the initiation of a project covered by the Zoning Regulations to prevent the site from being artificially raised or lowered for height prior to filing for a building-related permit.

**Recommendation 8:** A building shall be measured to the top of the roof including any parapet on exterior walls, or any other continuation of the exterior walls. When a building’s measurement, inclusive of the full height of a parapet or balustrade, is below the maximum permitted height under the Height Act, a parapet or balustrade of up to 4’ may be excluded from the height measurement.

This reconciles differences between the Zoning Regulations, which permit a parapet, and the Height Act, which does not permit a parapet, when a building is at the maximum height permitted under the Act.

## STRUCTURES ATOP ROOFS

### **Recommendation 9:**

The following features may exceed the limitations on height set forth in this title, subject to the provisions of this section:

- (a) **Ornamental features** limited to spires, towers, domes, pinnacles, and minarets, that are aesthetic, primarily vertical elements of a building, even if also enclosing or screening utilitarian or amenity features;
- (b) **Utilitarian features** including, but not limited to, mechanical equipment, safety railings, stairwell access, elevator penthouses, and building

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**components or appurtenances dedicated to the environmental sustainability of the building; and**

- (c) **Amenity features such as structures accessory to communal outdoor recreation space, communal pergolas, communal enclosed recreation space, and structures limited to providing individual unit access to private, unenclosed space atop a roof.**

**No enclosed structures for human habitation shall be constructed above the limit of a building's roof height unless otherwise authorized by District law or regulation.**

This would group roof structures into three categories for regulation. Ornamental features are those listed in the Height Act and traditionally noted as features "serving as architectural embellishments" in the Zoning Regulations. Utilitarian features would include any mechanical, safety, or access functions of the building, as well as structures or equipment dedicated to the environmental sustainability of the building (such as machines that generate electricity from wind, solar panels, hot water collectors and green roofs. Amenity features would include the traditionally allowed bathrooms and access to private units, as well as adding a provision for enclosed recreation space on the roof accessible to all building tenants.

This proposal is intended to clarify the types of uses and structures are allowed on the roofs of buildings, and to indirectly assist in clarifying their setback requirements.

**Recommendation 10:**

**Space enclosed by walls on a roof shall be limited to 40% of that roof's total area, but shall not count toward overall building FAR. The enclosing walls need not be vertical or of uniform height, and multiple roof structure enclosures shall be permitted.**

**Utilitarian and amenity features may not rise more than twenty feet (20 ft) above the roof.**

**Ornamental features shall be restricted to those now permitted and may not rise more than thirty (30) feet above the roof, unless approved by the Board of Zoning Adjustment as a Special Exception.**

**Under Special Exception review, utilitarian and amenity features could be entirely enclosed within ornamental features not setback from exterior walls. The provisions of this section could be waived by Special Exception.**

The proposed language would increase the maximum penthouse height by from 18.5' to 20', and the maximum area from 37% to 40% of roof area. Roof structures with multiple enclosures, different heights and sloping walls would be permitted as a matter of right. Special exceptions would be required for ornamental features more than 30' higher than the roof. These are now

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permitted as a matter of right. Utilitarian and amenity features would not have a 1:1 setback requirement if they were located within a spire, tower, dome, pinnacle or minaret, – which have no setback requirements -- and were approved as special exceptions.

**Recommendation 11: Utilitarian and amenity features shall be set back a distance at least equal to their height above the adjacent roof from (a) any exterior wall; (b) any wall that is set back from and facing a lot line; and (c) any lot line wall built higher than the greater of the neighboring building's actual height or matter-of-right height.**

**The following shall not be subject to the requirements of this section: skylights; gooseneck exhaust ducts; and plumbing vent stacks.**

**The Board of Zoning Adjustment may approve relief as a special exception from the requirements of this section where compliance would be impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area, provided that the intent and purpose of this chapter and title shall not be affected adversely.**

The concept would permit a roof structure to be built up to the side wall of a building, unless the side wall is set back from a lot line, or is higher than the greater of an adjacent building's actual height or the height to which the adjacent building could rise as a matter-of-right. This would require fewer roof structures to need relief in order to be built up to party walls, but relief would still be required to reduce side wall setback requirements for the most potentially visible roof structures. Setbacks would not be required from interior courts, but would continue to be for street-facing walls of open courts.

**Recommendation 12: An exterior wall is any wall facing a public street, alley, or any area dedicated to the District for the public use of pedestrians or vehicles.**

This is intended to clarify which of a building's walls are exterior walls, from which setbacks are required. Under Recommendations 11 and 12, the BZA would continue to be prohibited from granting setback relief from building walls facing a public street and would continue to be able to grant relief to setback requirements from party walls and from lot line walls higher than an adjacent building's existing height (excluding roof structures) or its matter of right height – whichever is taller. Contrary to current practice, it would no longer be able to grant relief to setback requirements from alley walls or those facing public easements for pedestrians or vehicles.

**PROCEDURES**

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations,

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Title 11, Zoning. 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 210, 441 4<sup>th</sup> 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, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

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

**TIME AND PLACE:** **Monday, September 29, 2008, @ 6:30 P.M. – 2<sup>nd</sup> Case**  
**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. 08-20 (Text Amendment – DCMR Title 11 - Text Amendment to Regulate Firearms Retail Sales Establishments)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

On July 28, 2008, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) requesting amendments to the Zoning Regulations to add a definition of firearms and firearms retail sales establishment to § 199; to permit firearm retail sales establishments as a special exception use in the C-3-C, C-4, and C-5 Zone Districts, and to establish specific requirements regulating the location of firearm retail sales establishments within those zones; and to clarify that firearm retail sales use is not permitted as a principal or accessory use in other Commercial zones or in Special Purpose, Mixed Use Commercial-Residential, Industrial, or Waterfront zones.

At a properly noticed special public meeting on July 28, 2008, the Zoning Commission set down this case for a public hearing. The Commission also took action to adopt the amendments on an emergency basis and issue a notice of proposed rulemaking.

The proposed amendments to the Zoning Regulations are as follows, with addition to existing provisions shown in **bold** text:

1. *Amend Chapter 1 Definitions § 199 by adding the following definitions:*

**Firearm: a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.**

**Firearms retail sales establishment: an establishment devoted to the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.**

2. *Amend Chapter 5 Special Purpose Districts § 502.7 Accessory Uses as follows:*

502.7 Any other accessory use and accessory building customarily incidental to the uses otherwise authorized by this chapter shall be permitted in an SP District, **except that firearm retail sales shall not be permitted.**

3. *Amend Chapter 6 Mixed Use (Commercial Residential) District § 602 Prohibited Uses by adding the following:*

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- 602.1 (r) Firearms retail sales establishment or firearm retail sales as an accessory use.**
4. *Amend Chapter 7 Commercial (C) District § 702.4 C-1 Accessory Uses as follows:*
- 702.4 Other accessory uses customarily incidental and subordinate to the uses permitted in C-1 Districts shall be permitted in a C-1 District, **except that firearms retail sales shall not be permitted as an accessory use.**
5. *Amend Chapter 7 Commercial (C) District § 722.3 C-2 Accessory Uses as follows:*
- 722.3 Other accessory uses customarily incidental and subordinate to the uses permitted in C-2 Districts shall be permitted in a C-2 District, **except that firearms retail sales shall not be permitted as an accessory use.**
6. *Amend Chapter 7 Commercial (C) District § 742.5 C-3 Accessory Uses by adding the following subsection as follows:*
- 742.5 Firearm retail sales as an accessory use shall only be permitted by special exception in accordance with the provisions of § 746.**
7. *Amend Chapter 7, Commercial (C) by adding the following special exception use for the C-3-C District, in a new § 746:*
- 746 Firearms Retail Establishments (C-3-C)**
- 746.1 A firearms retail establishment or firearm retail sales as an accessory use shall be permitted in C-3-C District as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.**
- 746.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.**
- 746.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, or playground.**
- 746.4 No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.**
- 746.5 Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.**
- 746.6 Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.**
- 746.7 Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Chief of Police, Metropolitan Police Department for review and comment regarding security measures, and to the Director, Office of**

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**Planning for review and comment regarding potential neighborhood impacts.**

8. *Amend Chapter 7 Commercial (C) District § 752.5 C-4 Accessory Uses by adding the following subsection as follows:*

**752.5 Firearm retail sales as an accessory use shall only be permitted by special exception in accordance with the provisions of § 757.**

9. *Amend Chapter 7 Commercial (C) District by adding the following special exception use for the C-4 District, in a new § 757:*

**757 Firearms Retail Establishments (C-4)**

**757.1 A firearms retail establishment shall be permitted in C-4 District as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.**

**757.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.**

**757.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, or playground.**

**757.4 No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.**

**757.5 Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.**

**757.6 Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.**

**757.7 Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Chief of Police, Metropolitan Police Department for review and comment regarding security measures, and to the Director, Office of Planning for review and comment regarding potential neighborhood impacts.**

10. *Amend Chapter 7 Commercial (C) District § 761.7 C-5 Accessory Uses by adding the following subsection as follows:*

**761.7 Firearm retail sales as an accessory use shall only be permitted by special exception in accordance with the provisions of § 769.**

11. *Amend Chapter 7 Commercial (C) District by adding the following special exception use for the C-5 District, in a new § 769:*

**769 Firearms Retail Establishments (C-5)**

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- 769.1 A firearms retail establishment shall be permitted in C-5 District as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 769.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.
- 769.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, or playground.
- 769.4 No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.
- 769.5 Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.
- 769.6 Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.
- 769.7 Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Chief of Police, Metropolitan Police Department for review and comment regarding security measures, and to the Director, Office of Planning for review and comment regarding potential neighborhood impacts.
12. *Amend Chapter 8 Industrial Districts by amending § 801.2 Uses as a Matter of Right in CM as follows:*
- 801.2 Any commercial use permitted in the C-4 District under § 751, except establishments whose principal use is the administration of massages, sexually-oriented business establishments, **firearm retail sales establishment**, and international organizations, shall be permitted as a matter of right in a C-M District. For purposes of this subsection, a community-based residential facility shall not be considered a commercial use.
13. *Amend Chapter 8 Industrial Districts § 801.8 Accessory Uses as follows:*
- 801.8 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by §§ 801 through 803 shall be permitted as a matter of right in a C-M District, including mechanical amusement machines subject to § 2501, **except that firearm retail sales shall not be permitted as an accessory use.**
14. *Amend Chapter 8 Industrial Districts by amending § 821.4 Uses as a Matter of Right in M as follows:*
- 821.4 Accessory uses and accessory buildings customarily incidental to the uses in this section, including mechanical amusement machines subject to § 2501, shall be permitted, **except that firearm retail sales shall not be permitted as an accessory use.**

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15. *Amend Chapter 8 Industrial Districts by amending § 823.1 Prohibited Uses as follows:*

**823.1 (o) Firearm Retail Sales Establishment.**

16. *Amend Chapter 9 Waterfront Districts by amending § 901.2 Uses as a Matter of Right in W as follows:*

901.2 Accessory use (including parking), building, or structure customarily incidental and subordinate to the principal uses permitted in § 901.1 shall be permitted in a Waterfront District as a matter of right, **except that firearm retail sales shall not be permitted as an accessory use.**

17. *Amend Chapter 9 Waterfront Districts by amending § 902.1 Prohibited Uses as follows:*

**902.1 (r) Firearm Retail Sales Establishment.**

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 § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. 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, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR, MICHAEL G. TURNBULL, AND PETER G. MAY, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**