

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

**TIME AND PLACE:**                    **Monday, September 17, 2007, 6:30 P.M.**  
   **Office of Zoning Hearing Room**  
   **441 4<sup>th</sup> Street, N.W., Suite 220-South**  
   **Washington, D.C. 20001**

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

**CASE NO. 02-38A (Applications for a Modification to a First-Stage PUD, a Second-Stage PUD, and a Zoning Map Amendment)**

**THIS CASE IS OF INTEREST TO ANC 6D**

The Zoning Commission for the District of Columbia hereby gives notice that it will resume the public hearing on the above-referenced application on the date and time stated above. The hearing will be limited to the parties' cross examination of Applicant's witness Shalom Baranes concerning his rebuttal testimony. No surrebuttal or other testimony will be permitted and no requests for party status will be accepted.

A description of the Application was given in the original Notice of Public Hearing for this case, which was published in the April 20, 2007 edition of the *D.C. Register* at 54 DCR 3496, which is incorporated by reference,

At its Executive Session held July 12, 2007, the Zoning Commission, pursuant to 11 DCMR § 3000.8, waived the requirements of 11 DCMR § 3015.4 for further posting of notice on the subject property.

This resumed public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS 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:**            **Thursday, September 20, 2007, @ 6:30 P.M.    (2<sup>nd</sup> Case)**  
   **Office of Zoning Hearing Room**  
   **441 4<sup>th</sup> Street, N.W., Suite 220-South**  
   **Washington, D.C. 20001**

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

**Case No. 07-07 (Broadcast Center Partners, LLC – Consolidated Planned Unit Development & Related Zoning Map Amendment)**

**THIS CASE IS OF INTEREST TO ANC 1B**

On March 15, 2007, the Office of Zoning received an application from Broadcast Center Partners, LLC (the “**Applicant**”). The Applicant is requesting consolidated approval of a planned unit development (“**PUD**”) and related amendment to the Zoning Map of the District of Columbia. The Office of Planning provided its report on March 30, 2007 and the case was set down for hearing on April 9, 2007. The Applicant provided its pre-hearing statement on July 5, 2007.

The property that is the subject of this application consists of 51,062 square feet of land area in Square 441 (Lots 21, 66, 97, 814, 815, and 854) (the “**Subject Property**”). The Subject Property is located on 7<sup>th</sup> Street, N.W. between S and T Streets, N.W. in the Shaw Neighborhood in Ward 1, within the jurisdiction of Advisory Neighborhood Commission 1B.

The Subject Property is currently located in the ARTS/C-2-B Zone District. The Zoning Map Amendment application requests a PUD-related rezoning of the Subject Property to the ARTS/C-2-C District.

The Applicant proposes to develop a new mixed-use residential, office and retail building containing 319,917 gross square feet above-grade with two levels of underground parking. In total, the project will provide 192,511 gross square feet of residential space; 24,323 gross square feet of retail/arts space; and 103,083 gross square feet of office space.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit

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the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:

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- (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
- (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
- (3) The distance between the person's property and the property that is the subject of the application before the Commission;
- (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

**Time limits.**

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

- |    |                                  |   |
|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively                   |
| 2. | Parties in opposition            | 15 minutes each (60 minutes collectively) |
| 3. | Organizations                    | 5 minutes each                            |
| 4. | Individuals                      | 3 minutes each                            |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. **FOR FURTHER**

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**INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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one from Kenyon Street to Park Road on the south and the other from Shepherd Street to Varnum Street on the north. The boundaries of the overlay extend out to the east and west only as far as the existing commercial zone districts. These underlying commercial zone districts will not change and no residential zone districts are included.

The Corridor Plan describes the area to be encompassed within the overlay as one that contains a high proportion of commercial vacancies. The reasons for these vacancies are varied, and include outdated commercial spaces and insufficient population base to support them. Therefore, one of the goals of this overlay is to increase the population density along the corridor, especially within a quarter mile of the Metrorail Station. Another goal is the redevelopment of vacant and underused properties to encourage the consolidation of small lots into larger properties.

(1) Design Requirements

The design requirements recommended for the overlay are intended to improve the pedestrian experience on the street. Generally, they are designed to provide more openness between the pedestrians and buildings, direct access into individual businesses, minimization of solid walls, and vehicular access across sidewalks.

(2) Special Exception Provisions

Two special exception uses are set forth in the overlay text. The first is fast food restaurants. Fast food restaurants are currently special exception uses within the C-2-A, but permitted as a matter-of-right within the C-3-A Zone District, subject to more additional criteria. A drive-through is permitted within the C-3-A Zone District, but not the C-2-A. As one of the goals of the overlay is to enhance the pedestrian environment, the addition of a drive-through is not desirable within the entire overlay, whether the underlying zone is C-2-A or C-3-A.

The second special exception proposed for the overlay district would be applicable to the development of any property consisting of 12,000 square feet or more. Lots consisting of 12,000 square feet constitute the larger properties within the corridor. As the larger properties, these are the most likely to result in larger buildings, and would have the greatest impact on how the corridor is perceived, viewed, and used. Larger lots, especially within parts of the overlay developed with shallow lots directly abutting residential uses to the rear, have a greater potential to affect those residential uses. Special exception review can help to ameliorate any adverse impacts. Therefore, these larger lots of 12,000 square feet or more, which could also result from the consolidation of smaller lots, should have the additional review from the Office of Planning and the public that is provided through the special exception process. A special exception would also be required for building expansions of 50 percent or more on lots of 12,000 square feet or more.

(3) Planned Unit Development (PUD) Provisions

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Due to the many smaller lots within the proposed overlay district and the many advantages that can be afforded the District and the community through the PUD process, including public review of development proposals, the Office of Planning recommends that the minimum lot size for a PUD be reduced to 10,000 square feet. This will still encourage some lot consolidation, which increases the design options available to the builder, but not be overly burdensome in a densely developed area of relatively small lot sizes. It is also recommended that any additional floor area acquired through the PUD process be dedicated to residential use. This is to further increase the residential presence within the corridor, necessary for the survival and expansion of the commercial establishments.

**PROPOSED TEXT AMENDMENT**

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Add new §§1327 through 1331 to Chapter 13, "Neighborhood Commercial Overlay District."

**1327 GEORGIA AVENUE COMMERCIAL OVERLAY DISTRICT**

1327.1 The Georgia Avenue Commercial (GA) Overlay District applies to all properties zoned C-2-A and/or C-3-A along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue and Kenyon Street to the south side of the intersection of Georgia Avenue and Varnum Street. It therefore applies to those lots zoned either C-2-A or C-3-A in Squares 2892, 2893, 2894, 2895, 2897, 2898, 2900, 2905, 2906, 2909, 2910, 2915, 3024w, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3038, 3039, 3040, 3041, and 3042.

1327.2 In addition to the purposes in § 1300, the purposes of the GA Overlay District are to:

- (a) Implement the objectives of the Georgia Avenue – Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia on July 7, 2006 (PR16-0758);
- (b) Implement the goals of the Great Streets Framework Plan for 7<sup>th</sup> Street – Georgia Avenue, published by the District Department of Transportation and dated 2006;
- (c) Encourage additional residential uses along the Georgia Avenue corridor;
- (d) Encourage improved commercial uses;
- (e) Provide uniform building design standards;
- (f) Set guidelines for development review through PUD and special exception proceedings; and

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- (g) Establish vertically-mixed uses (ground floor commercial and residential above) within a quarter mile of the Georgia Avenue – Petworth Metrorail Station along Georgia Avenue, from Park Road to Shepherd Street.

**1328 DESIGN REQUIREMENTS (GA)**

- 1328.1 The design requirements of §§ 1328.2 through 1328.14 shall apply to any lot in the GA Overlay District for which a building permit was applied after December 11, 2006.
- 1328.2 Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall at the street level shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to all property lines abutting public streets.
- 1328.3 In the C-2-A Zone District, seventy percent (70%) lot occupancy shall be permitted for mixed use buildings that include residential use.
- 1328.4 On-grade parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.
- 1328.5 Off-street parking, loading, and vehicular access shall be provided from existing alleys whenever possible.
- 1328.6 Each building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty percent (50%) of the surface area of the street wall at the ground level to entrances to commercial uses or to the building, and to display windows having clear or clear/low emissivity glass, but not including decorative or architectural accents in that fifty percent (50%).
- 1328.7 Security grilles shall have no less than seventy percent (70%) transparency.
- 1328.8 Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk.
- 1328.9 Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.
- 1328.10 The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

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- 1328.11 Buildings subject to § 1328.10 shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter-of-right in the underlying zone.
- 1328.12 Off-street surface parking shall be permitted in rear yards only. No surface parking shall be permitted in side yards or in front of buildings.

**1329 USE PROVISIONS (GA)**

- 1329.1 The uses that are permitted within the underlying zone districts within the GA Overlay District shall be permitted in the same manner in the combined district, except as otherwise provided in §§ 1329.2 and 1329.3.
- 1329.2 The following uses shall be permitted by special exception within the GA Overlay District, pursuant to §§ 3104 and 1304.
- (a) Notwithstanding § 741.3(c), pertaining to C-3 zone districts, fast food restaurants, subject to the additional criteria contained in § 733.
  - (b) Construction of a building on a lot that has twelve thousand square feet (12,000 ft.<sup>2</sup>) or more in land area.
  - (c) Enlargement, by fifty percent (50%) or more, of the gross floor area of a building located on a lot that has twelve thousand square feet (12,000 ft.<sup>2</sup>) or more of land area.
- 1329.3 The following uses are prohibited within the GA Overlay District:
- (a) Automobile and truck sales;
  - (b) Automobile laundry;
  - (c) Boat or marine sales;
  - (d) Gasoline service station;
  - (e) Liquor store or other similar establishment which primarily sells alcoholic drinks for off-premises consumption;
  - (f) Pawn shop;
  - (g) Repair garage;
  - (h) Storage facilities; and

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- (i) Any use that includes a drive-through.

1329.4 Public schools and public charter schools are exempt from the provisions of the GA Overlay District.

**1330 SPECIAL EXCEPTION REQUIREMENTS (GA)**

1330.1 The uses listed in § 1329.2 and exceptions from the design requirements of the Georgia Avenue Commercial Overlay District, as set forth in § 1328, shall be permitted as a special exception if approved by the Board of Zoning Adjustment after public hearing, based on § 3104 and § 1304 and subject to the criteria below.

- (a) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located;
- (b) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;
- (c) Parking and traffic conditions associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences; and
- (d) Noise associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences.

1330.2 The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such factors as it deems necessary to protect neighboring property and to achieve the purposes of the Georgia Avenue Overlay District.

**1331 PLANNED UNIT DEVELOPMENT PROVISIONS (GA)**

1331.1 A planned unit development (PUD) in the GA Overlay District shall be subject to the following provisions in addition to those of Chapter 24 of this Title:

- (a) The additional height and floor area above that permitted as a matter-of-right in the underlying zone shall be for residential use only.
- (b) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be a total of ten thousand square feet (10,000 ft.<sup>2</sup>).

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### **PROCEDURES**

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, 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.**

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