

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
941 NORTH CAPITOL ST., NE, 7<sup>TH</sup> FLOOR, SUITE 7200  
WASHINGTON, DC 20002  
(202) 442-4423**

**POSTING DATE: JULY 21, 2006  
PETITION DATE: SEPTEMBER 5, 2006  
HEARING DATE: SEPTEMBER 20, 2006  
LICENSE#: 75275  
LICENSEE: KUDO TIVOLI INC  
TRADE NAME: KUDO BEANS  
LICENSE CLASS: RETAILER'S "C RESTAURANT  
ADDRESS: 330714TH STREET, NW**

**WARD 1      ANC 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 A.M., 7<sup>TH</sup> FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE PETITION DATE.**

**NATURE OF OPERATION**

**NEW, RESTAURANT. THE SALE OF VARIOUS FOODS, COFFEE, TEA AND SOFT DRINKS ON THE 1<sup>ST</sup> FLOOR. 2<sup>ND</sup> FLOOR FULL SERVICE RESTAURANT AMERICAN/ASIAN CUISINES.**

**HOURS OF OPERATION**

**SUNDAY THRU WEDNESDAY 10:00AM-11:00PM  
THURSDAY THRU SATURDAY 10:00AM-1:00AM**

**SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES**

**SUNDAY THRU WEDNESDAY 10:00AM-11:00PM  
THURSDAY THRU SATURDAY 10:00AM-1:00AM**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
941 NORTH CAPITOL ST., NE, 7<sup>TH</sup> FLOOR, SUITE 7200  
WASHINGTON, DC 20002  
(202) 442-4423

POSTING DATE: JULY 21, 2006  
PETITION DATE: SEPTEMBER 5, 2006  
HEARING DATE: SEPTEMBER 20, 2006

LICENSE#: 71638  
LICENSEE: GARAGE DOOR INC.  
TRADE NAME: 5  
LICENSE CLASS: RETAILER'S "C" TAVERN  
ADDRESS: 1214 B 18<sup>TH</sup> STREET, NW

WARD 2 ANC 2B06

NOTICE IS HEREBY GIVEN THAT THIS LICENSEE IS FILING FOR A SUBSTANTIAL CHANGE TO THE LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT AND THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF THE SUBSTANTIAL CHANGE ON THE HEARING DATE AT 10:00 A.M., 7<sup>TH</sup> FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE PETITION DATE.

LICENSEE REQUESTS PERMISSION TO ADD A ROOF TOP SUMMER GARDEN ENDORSEMENT WITH SEATING FOR 50 PERSONS TO THE LICENSE.

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES  
SUNDAY THROUGH THURSDAY 5:00PM – 1:45AM  
FRIDAY AND SATURDAY 11:00AM – 2:45AM

JUL 21 2006

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
941 NORTH CAPITOL ST., NE, 7<sup>TH</sup> FLOOR, SUITE 7200  
WASHINGTON, DC 20002  
(202) 442-4423

POSTING DATE: JULY 21, 2006  
PETITION DATE: SEPTEMBER 5, 2006  
HEARING DATE: SEPTEMBER 20, 2006

LICENSE#: 10242  
LICENSEE: RES RESTAURANT, INC.  
TRADE NAME: PRIMI PIATTI  
LICENSE CLASS: RETAILER'S "C" RESTAURANT  
ADDRESS: 2013 I STREET, NW

WARD 2      ANC 2A06

NOTICE IS HEREBY GIVEN THAT THIS LICENSEE IS FILING FOR A SUBSTANTIAL CHANGE TO THE LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT AND THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF THE SUBSTANTIAL CHANGE ON THE HEARING DATE AT 10:00 A.M., 7<sup>TH</sup> FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE PETITION DATE.

LICENSEE REQUESTS PERMISSION TO ADD A SIDEWALKCAFE ENDORSEMENT, WITH SEATING FOR 16 PERSONS TO THE LICENSE.

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES  
SUNDAY THROUGH SATURDAY 11:30AM – 12:00AM

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, OCTOBER 3, 2006  
SECOND FLOOR HEARING ROOM, SUITE 220-S  
441 4<sup>TH</sup> STREET, N.W.  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

**P.M.**

**WARD SIX**

17518  
ANC-6B      **Application of Bruce Schillo and Jennifer Boulanger**, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a two-story rear addition to a single-family row dwelling under section 223, not meeting the open court requirements (section 406) in the R-4 District at premises 643 South Carolina Avenue, S.E. (Square 876, Lot 824).

**WARD SIX**

17520  
ANC-6A      **Application of Sarah von derLippe and Peder Magee**, pursuant to 11 DCMR § 3104.1, for a special exception to allow the enclosure of the first floor of an existing rear second floor addition to a single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), the rear yard requirements (section 404), and the nonconforming structure provisions (subsection 2001.3), in the R-4 District at premises 1104 East Capitol Street, N.E. (Square 988, Lot 54).

**WARD SIX**

17531  
ANC-6C      **Application of D.C. Office of Aging**, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to and use of a former public school building (the former Hayes Elementary School) to house the headquarter offices of the D.C. Office of Aging under section 222, and a special exception to allow a senior wellness center

under section 205, in the R-4 District at premises 1005 5<sup>th</sup> Street,  
N.E. (Square 830, Lot 816).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board

through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER, VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.**

PHN 10/3/06 rsn

JUL 21 2006

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

**TIME AND PLACE:** Monday, September 18, 2006, @ 6:30 P.M.  
Office of Zoning Hearing Room  
441 4<sup>th</sup> Street, N.W., - Suite 220  
Washington, D.C. 20001

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

**CASE NO. 04-14 (Second-Stage PUD and Map Amendment for 100 Potomac Avenue, SE, for Florida Rock Properties)**

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

On May 21, 2004, the Office of Zoning received an application from Florida Rock Properties, Inc. (the "Applicant") requesting approval of a second-stage Planned Unit Development ("PUD") and a Zoning Map Amendment under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003, as amended). The Zoning Commission approved the first-stage PUD and related Zoning Map Amendment application in Zoning Commission No. 850, effective July 3, 1998, and extended the first-stage approval until May 24, 2004 in Z.C. Order No. 910-B, effective May 23, 2003.

The property that is the subject of the application is located at 100 Potomac Avenue, SE, and consists of Lots 800, 801, and 802 in Square 707, Lot 809 in Square 708, Lots 807 and 808 in Square 708E, and Lot 806 in Square 708S. The Zoning Commission approved C-3-C zoning for the property under the first-stage PUD order and extension thereof. The property is currently being used for concrete mixing and batching operations as well as for open storage of gravel and other stone aggregates.

The Applicant proposes to construct a mixed use project containing office, residential, hotel and ground level retail uses, totaling approximately 1,084,464 square feet of gross floor area. The project would be developed as three separate buildings but would visually appear as four buildings as the western most building is separated into two towers above the thirty-two foot elevation. The building height of the portion of the project nearest the Frederick Douglass Bridge would not exceed 112 feet, with the building heights of the project tapering down to ninety-two feet at the intersection of First Street and Potomac Avenue, SE. The FAR of the project would not exceed 4.3, and the overall lot occupancy would not exceed 58%. A building setback from the Anacostia River of no less than seventy-five feet in depth has been established for the full length of the property along the Anacostia River.

As part of the PUD, the Applicant is seeking to proceed under the PUD-related C-3-C zoning approved by the Zoning Commission in the first-stage PUD order. The C-3-C District is designed to accommodate important sub-centers supplementary to the Central Business District. The C-3-C District permits medium-high density development, including office, retail, housing

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 04-14  
PAGE NO. 2

and mixed-use development which is compact in area. The C-3-C District permits a maximum height of ninety feet and a maximum FAR of 6.5. A PUD in the C-3-C District is permitted to have a maximum height of 130 feet and a maximum FAR of 8.0.

The owner and development of the project is Florida Rock Properties, Inc.; the architect is Davis Buckley, Architects and Planners; and the land use counsel is Holland & Knight LLP.

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 will be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit 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 are 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 and address;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 04-14  
PAGE NO. 3

- (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 of 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:
  - (1) The property owned or occupied by such person, or in which the person has an interest, that will be affected by the action requested of the Commission;
  - (2) The legal interest such person has in such 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 DCMR § 3012.5 no later**

JUL 21 2006

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 04-14  
PAGE NO. 4

than seven (7) days before the date of the hearing. The report shall 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 |
| 2. | Parties in opposition            | 15 minutes |
| 3. | Organizations                    | 5 minutes  |
| 4. | Individuals                      | 3 minutes  |

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

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, MICHAEL G. TURNBULL, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, OFFICE OF ZONING, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION**

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

**TIME AND PLACE:**

**Monday, November 6, 2006, @ 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. 05-02 (Text Amendment - Residential Recreation Space)**

**THIS CASE IS OF INTEREST TO ALL ANC'S.**

On March 4, 2005, the Office of Planning ("OP") petitioned for set down of a text amendment to amend the provisions of the Zoning Regulations pertaining to residential recreation space requirements in the C (Commercial), CR (Mixed Use Commercial Residential) and SP (Special Purpose) zone districts. At its meeting of March 14, 2005, the Zoning Commission set down the case, Case No. 05-02, for public hearing.

The Zoning Commission held a public hearing on OP's petition on June 27, 2005, pursuant to the Notice of Public Hearing published on April 8, 2005, at 52 *D.C. Register* 3600. At the hearing, OP recommended reducing the amount of recreation space required in those zones where it is currently required, creating a special exception process for relief from residential recreation space requirements, and several other minor amendments to alleviate some of the difficulties encountered when trying to comply with the residential recreation space provisions. There was little testimony in support of reducing the amount of recreation space required or creating a special exception process to allow relief from the requirements. Instead, the testimony was overwhelmingly in favor of doing away with the residential recreation requirements altogether.

On September 15, 2005, Z.C. Case No. 05-02 was before the Zoning Commission for proposed action. The Commission decided to change course and re-advertise the case to repeal all residential recreation space provisions. In November, 2005, the Office of Planning requested that, before re-advertisement, it be permitted to prepare an additional set-down report examining the reallocation of some of the now-required residential recreation space toward the affordable housing component of the inclusionary zoning provisions currently being considered by the Commission.

On March 3, 2006, OP filed a new set-down report linking the elimination of the residential recreation space requirements with the provision of affordable housing, while retaining many of the regulatory changes recommended in the original set-down report. In its March 3, 2006 report, OP continued to recommend permitting incidental and accessory roof-top enclosed areas for recreation space, and not just for swimming pools, as the regulation now states. OP also continued to recommend reduction of the minimum dimension for roof-top recreation space from 25 feet to 8 feet, as well as several technical wording changes to improve the clarity and

## Z.C. NOTICE OF PUBLIC HEARING

Z.C. CASE NO. 05-02

PAGE 2

consistency of the regulations. Concerning the linkage between residential recreation space and affordable housing, OP recommends generally that the residential recreation space requirement be eliminated for properties mapped within the Inclusionary Zoning Overlay and that, for properties not within this Overlay, the replacement of recreation space with housing be permitted provided that 25% of this housing be affordable housing.

On March 13, 2006, at a public meeting, the Commission decided not to withdraw its earlier decision to hold a hearing on whether recreation space requirements should be entirely repealed. Instead, the Commission decided to re-advertise this case in the alternative and to undertake a two stage decision making approach. Therefore, a public hearing will be held to hear testimony as to whether the residential recreation requirements should be repealed in their entirety and, if not, whether OP's alternative recommendation should be adopted. At the time the Commission considers proposed action on this case, it will first consider the repeal proposal. If it takes proposed action to repeal the provisions, the OP alternative will be held in abeyance. If the Commission decides not to repeal the provisions, the Commission will then go on to consider the alternative proposed.

The text amendment language for both alternatives is set forth below.

- I. The first alternative proposed text amendment is set forth below.

Title 11 DCMR (Zoning) is proposed to be amended as follows, with existing language in standard print and new language bolded and underlined:

A. **CHAPTER 1, THE ZONING REGULATIONS** – Delete the definition of “Residential recreation space.” from § 199.1, DEFINITIONS.

B. **CHAPTER 4, RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS<sup>1</sup>**

411 ROOF STRUCTURES (R)

411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat. 452, as amended; D.C. Official Code, §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409, 1994 Repl. & 1999 Supp.)), penthouses for storage and toilets incidental and accessory to roof swimming pools or recreation space shall be subject to conditions and variable floor area ratio credit specified in this section.

<sup>1</sup> Although the first alternative proposed text amendment would repeal all the required residential recreation space provisions, this minor text amendment, which was advertised as Part A in the original Notice of Public Hearing, remains for the Zoning Commission's deliberation. This is because this particular text amendment refers to all generic recreation space, and not only to the “required” residential recreation space which will be eliminated if the Commission adopts this first alternative. It is really an ancillary or associated text amendment, which would continue to have meaning even if the other residential recreation space provisions are repealed.

JUL 21 2006

- C. CHAPTER 5, SPECIAL PURPOSE DISTRICTS (SP) – Delete section 533, Residential Recreation Space (SP), including all subsections 533.1 through 533.11.
- D. CHAPTER 6, MIXED USE COMMERCIAL RESIDENTIAL DISTRICTS (CR) – Delete § 635, Residential Recreation Space (CR), including all subsections 635.1 through 635.4.
- E. CHAPTER 7, COMMERCIAL DISTRICTS (C) – Delete § 773, Residential Recreation Space (C), including all subsections 773.1 through 773.10.
- F. CHAPTER 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT (DD)
  - a. Delete § 1706.4(f).
  - b. Delete § 1706.5(f).
- G. CHAPTER 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT (SEFC) – Delete § 1803.12.

II. The second alternative proposed text amendment is set forth below.

Title 11 DCMR (Zoning) is proposed to be amended as follows, with existing language in standard print, new language bolded and underlined, and deleted language shown in ~~strikethrough~~ lettering:

**B. CHAPTER 4 RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS**

411 ROOF STRUCTURES (R)

411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1910 (36 Stat. 452, as amended; D.C. Code, 2001 Ed. §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), penthouses for storage and toilets incidental and accessory to roof swimming pools or recreation space shall be subject to conditions and variable floor area ratio credit specified in this section.

**C. CHAPTER 5 SPECIAL PURPOSE (SP)**

533 RESIDENTIAL RECREATION SPACE (SP)

533.1 When all or a portion of a building in an SP District is devoted to a residential use other than a one-family dwelling, flat, or hotel, residential recreation space shall be provided.

JUL 21 2006

- 533.2 The recreation space shall be safe, secure, and equipped or landscaped for the active or passive recreation use of the residents.
- 533.3 The recreation space shall be provided as specified in §§ 533.4 through 533.11.
- 533.4 An area equal to not less than ten percent (10%) of the gross floor area devoted to residential use shall be provided as residential recreation space.
- 533.5 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or ~~other~~ structure.
- 533.6 The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony, or portion of it, adjoins an individual residential unit and is accessible only from that unit.
- 533.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.
- 533.8 ~~If a~~ Any portion of a roof ~~is~~ to be used for residential recreation space, ~~the roof area~~ shall have no dimension less than ~~twenty-five~~ eight (8) feet ~~(25 ft.)~~.
- 533.9 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.
- 533.10 Residential recreation space shall be physically accessible to all residents of the building served by that space.
- 533.11 The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths.

**533.12 Notwithstanding §533.1, residential recreation space need not be provided within any area mapped within an Inclusionary Zoning Overlay District.**

**533.13 Notwithstanding §533.1, residential recreation space need not be provided within any area not mapped within an Inclusionary Zoning Overlay District, provided that not less than twenty-five percent (25%) of the gross floor area otherwise required to be devoted to residential recreation space shall be provided as affordable housing in conformance to the regulations of the Inclusionary Zoning Overlay District, DCMR 11 Chapter 26.**

JUL 21 2006

D. CHAPTER 6 MIXED USE COMMERCIAL RESIDENTIAL (CR)

635 RESIDENTIAL RECREATION SPACE (CR)

635.1 ~~Private residential recreation space shall be that space suitably equipped and devoted to active or passive recreation for the residents of a particular residential building or structure.~~ When all or a portion of a building in a CR District is devoted to a residential use, including dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities, residential recreation space shall be provided.

635.2 Private residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure. ~~;~~ provided, that seventy percent (70%) of the total of this space shall be open to the sky.

635.3 An area equal to not less than fifteen percent (15%) of the gross floor area devoted to residential ~~purposes~~ use shall be provided as private residential recreation space, in accordance with the provisions of § 635.2 and §§ 635.4 through 635.8.

635.4 ~~For the purposes of this section, the phrase "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities. No less than~~ seventy percent (70%) of the total of this space residential recreation space shall be open to the sky outdoors.<sup>2</sup>

635.5 The private residential recreation space shall be safe, secure, and equipped or landscaped for the active or passive recreation use of the residents.

635.6 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.

635.7 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.

635.8 The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths.

635.9 Notwithstanding § 635.1, residential recreation space need not be provided within any area mapped within an Inclusionary Zoning Overlay District.

<sup>2</sup> The term "open to the sky" in this zone could be defined as more restrictive than the term "outdoors" used in other regulations.

**635.10 Notwithstanding §635.1, residential recreation space need not be provided within any area not mapped within an Inclusionary Zoning Overlay District, provided that not less than twenty-five percent (25%) of the gross floor area otherwise required to be devoted to residential recreation space shall be provided as affordable housing in conformance to the regulations of the Inclusionary Zoning Overlay District, DCMR 11 Chapter 26.**

E. CHAPTER 7 COMMERCIAL (C)

773 RESIDENTIAL RECREATION SPACE (C)

773.1 When all or a portion of a building in a C-1, C-2, C-3, C-4, or C-5 (PAD) District is devoted to a residential use other than a one-family dwelling, flat, or hotel, recreation space shall be provided. ~~that is safe, secure, and suitably equipped or landscaped for the active or passive recreation use of the residents.~~

773.2 The residential recreation space required in § 773.1 shall be provided **in accordance with the provisions of §§ 773.4 through 773.11**

773.3 An area equal to not less than the following percentage of the gross floor area devoted to residential use shall be provided as residential recreation space:

ZONE DISTRICT	MAXIMUM PERCENTAGE OF GROSS FLOOR AREA
C-1, C-2-A	20%
C-2-B, C-2-C, C-3-A	15%
C-3-B, C-3-C	10%
C-4, C-5 (PAD)	5%

773.4 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or ~~other~~ structure.

773.5 The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony or a portion of it adjoins an individual residential unit and is accessible only from that unit.

773.6 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.

773.7 ~~If~~ Any portion of a roof ~~is~~ to be used for residential recreation space, ~~the roof area~~ shall have no dimension less than ~~twenty-five~~ **eight (8)** feet ~~(25 ft.)~~.

773.8 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.

773.9 Residential recreation space shall be physically accessible to all residents of the building served by that space.

773.10 The floor area devoted to residential recreation space shall not be counted in determining the number of off-street parking spaces or loading berths.

**773.11 The recreation space shall be safe, secure, and equipped or landscaped for the active or passive recreation use of the residents.**

**773.12 Notwithstanding § 773.1, residential recreation space need not be provided within any area mapped within an Inclusionary Zoning Overlay District.**

**773.13 Notwithstanding §773.1, residential recreation space need not be provided within any area not mapped within an Inclusionary Zoning Overlay District, provided that not less than twenty-five percent (25%) of the gross floor area otherwise required to be devoted to residential recreation space shall be provided as affordable housing in conformance to the regulations of the Inclusionary Zoning Overlay District, DCMR 11 Chapter 26.**

G. CHAPTER 18 SOUTHEAST FEDERAL CENTER OVERLAY (SEFC)

1803 SEFC/CR DISTRICT

1803.12 Notwithstanding § ~~635.3~~ **635.1**, within the SEFC/CR District, an area equal to a minimum of five percent (5%) of the gross floor area devoted to residential purposes shall be provided as private residential recreation space. This requirement may be met anywhere within the square wherein the residential building is located.

The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3020, 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 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 INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.**

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

**TIME AND PLACE:**                      **Thursday, October 12, 2006, @ 6:30 PM**  
**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. 05-42 (Sibley Memorial Hospital – Consolidated Planned Unit Development & Related Zoning Map Amendment)**

**THIS CASE IS OF INTEREST TO ANC 3D**

On December 22, 2005, the Office of Zoning received an application from Sibley Memorial Hospital (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 April 10, 2006, and the case was set down for hearing on April 20, 2006. The Applicant provided its pre-hearing statement on June 9, 2006.

The property that is the subject of this application is known as Square N-1448, Lot 26 (the "Subject Property"), and includes Sibley Memorial Hospital's campus. The Subject Property is generally bounded by Loughboro Road on the south, MacArthur Boulevard on the west, Little Falls Road on the north, and Dalecarlia Parkway on the east.

The Subject Property is currently located in the R-5-A Zone District. The Zoning Map Amendment application requests a rezoning of a portion of the Subject Property to the SP-2 District to accommodate the height, density, and use of the proposed development plan. The rest of the property will remain in the R-5-A Zone District.

The proposed PUD seeks consolidated review and approval of the construction of a new medical office building ("MOB") and new five-level, 750-space parking garage.

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 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

JUL 21 2006

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:
  - (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;

**DISTRICT OF COLUMBIA REGISTER**

**Z.C. NOTICE OF PUBLIC HEARING**

**Z.C. CASE NO. 05-42**

**PAGE 3**

**JUL 21 2006**

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

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, MICHAEL G. TURNBULL, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

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

**TIME AND PLACE:**            **Thursday, November 16, 2006, 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. 06-25 – Map and Text Amendment - DCMR Title 11 Chapter 16 Capitol Gateway Overlay (CG) District**

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

On May 19, 2006, the Office of Zoning received a petition from the District of Columbia Office of Planning (the "Petitioner") for a map and text amendment to the zoning regulations. The Zoning Commission set down the case for public hearing at its special public meeting of May 25, 2006. The Office of Planning set down report also served as the pre-hearing statement for this case.

The map amendment would extend the boundaries of the Capitol Gateway Overlay District to include Lot 48 within Square 649; those portions of Squares 651 and 653 zoned C-2-C; and Square 655, adjacent to South Capitol Street SW. Other than mapping the area within the CG Overlay, no changes to the base zones are recommended.

The intent is to ensure the provision of a more consistent streetscape treatment along South Capitol Street, in accordance with planning initiatives for the creation of a more appropriately monumental character for South Capitol Street. The east side of South Capitol is currently within the CG Overlay, and subject to similar regulations and requirements.

The text amendment would:

- Require a setback of 15 foot setback from South Capitol Street for any new development within Squares 653 and 655.
- Require that a minimum of 60% of the façade be constructed to the 15' setback line or to the property line where the setback is not required;

JUL 21 2006

- Restrict driveway access from South Capitol Street;
- Establish a Zoning Commission review and approval process and design guidelines for any new development on property which abuts South Capitol Street.
- Restrict the use of Combined Lot transfer of density to or from property within these Squares. Combined Lot transfer of density FROM lots within Square 655 is being considered. Use of the Combined Lot provisions for the purpose of transferring USE would be permitted.

Title 11 DCMR (Zoning), Chapter 16 CAPITOL GATEWAY OVERLAY DISTRICT is proposed to be amended as follows:

- A. Section 1600, PREAMBLE, subsection 1600.1 is amended to add the following Squares and portions of Squares to which the CG Overlay would apply:

“Square 649, Lot 48; Square 651, Lots 147 and 148; Square 653 lots 14, 15, 52-54, 60-66, 68-72, 74, 75, 810, 811, 823, 824, 827 and 828; and all of Square 655”

- B. Section 1602, COMBINED LOT DEVELOPMENT, subsection 1602.1 (d) is amended restrict these squares from Combined Lot Development, as follows:

“(d) The combined lot provisions may not be used to transfer density to or from any property within the CG/C-3-C, CG/C-2-C, CG/W-1, CG/W-2, or CG/W-3 Districts. The combined lot provisions may be used to transfer density from, but not to, the CG/R-5-E District.”

- C. Section 1605, BUILDINGS, STRUCTURES, AND USES ON SOUTH CAPITOL STREET is amended to read as follows:

“1605.1 The following provisions apply to new buildings, structures, or uses with frontage on South Capitol Street within the CG Overlay.

1605.2 Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, with the exception of buildings within Squares 649 and 651.

1605.3 For each new building or structure located on South Capitol Street, provided that a minimum of 60% of the street-wall shall be constructed on the setback line, with the exception of buildings within Squares 649 and 651 where a minimum of 60% of the street-wall shall be constructed to the South Capitol Street property line.

JUL 21 2006

- 1605.4 Any portion of a building or structure that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step back from the building line along South Capitol Street, with the exception of buildings within Squares 649.
- 1605.5 No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after *[effective date of this section].*"

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 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.**

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, MICHAEL G. TURNBULL, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

JUL 21 2006

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

**TIME AND PLACE:** Thursday, September 7, 2006, @ 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. 88-34A (Children's National Medical Center)**

**THIS CASE IS OF INTEREST TO ANC 5C**

On May 23, 2006, the Office of Zoning received an application from Children's National Medical Center. The Applicant is requesting approval of a modification to planned unit development (PUD) and a related zoning map amendment from C-2-A to C-2-B for a portion of the subject property. The Office of Planning provided its report on May 31, 2006, and the case was set down for hearing on June 12, 2006. The Applicant provided its prehearing statement as part of its application on June 29, 2006.

The property that is the subject of this application consists of Assessment & Taxation Lot 801, being a portion of Record Lot 2 in Square 3129. Record Lot 2 is bounded by Michigan Avenue, Irving Street and 1<sup>st</sup> Street, NE. The subject property is currently zoned SP-2 and is subject to the PUD approved in Zoning Commission Case No. 70-3 (Order No. 14), as modified by Zoning Commission Case No. 88-34M/70-3 (Order No. 619).

The Applicant is seeking a modification to the approved PUD to permit the construction of additional on-site facilities. The height of the addition would be 127.5 feet, which is that previously approved for the PUD. With the Addition, the total FAR for the subject property would increase to 3.8. The project will continue to provide 1,930 parking spaces which currently exist on-site.

The SP-2 District permits mixed residential and commercial development, including hospital use, as a matter-of-right. A PUD in the SP-2 District is permitted to have a maximum FAR of 4.5 for commercial uses and a maximum height of 90 feet. Under the Zoning Regulations in effect at the time the PUD was approved, a PUD in the SP District was permitted to have a maximum FAR of 6.0 and a maximum height of 130 feet.

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

DISTRICT OF COLUMBIA REGISTER

JUL 21 2006

Z.C. PUBLIC HEARING NOTICE

Z.C. CASE NO. 88-34A

PAGE 2

**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 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 are 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.**

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:

JUL 21 2006

Z.C. PUBLIC HEARING NOTICE

Z.C. CASE NO. 88-34A

PAGE 3

- (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                            |

JUL 21 2006

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 88-34A  
PAGE 4

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 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.**