

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

HEARING DATE: APRIL 6, 2005

FEBRUARY 4, 2005 NOTICE IS HEREBY GIVEN THAT THE FOLLOWING PERSONS HAVE APPLIED FOR A LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT, THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH LICENSE ON APRIL 6, 2005 AT 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E.

**LICENSE NO. 72014, MATE LLC T/A MATE, RETAILERS CLASS "C"
RESTAURANT, 3101 K STREET, NW**

WARD 2 ANC 2E06

NATURE OF OPERATION

TRANSFER TO NEW LOCATION, FROM SAFEKEEPING. UP-SCALE LATIN-SUSHI LOUNGE. RECORDED BACKGROUND MUSIC, 3-PIECE JAZZ AND LATIN COMBO.

SALE AND SERVICE OF ALCOHOLIC BEVERAGES

SUNDAY 11:00 AM TO 12:00 AM

MONDAY THROUGH THURSDAY 11:00 AM TO 2:00 AM

FRIDAY AND SATURDAY 11:00 AM TO 3:00 AM

**PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
MARCH 22, 2005**

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

HEARING DATE: APRIL 6, 2005

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LICENSE NO. 72135, P AND Q LLC, T/A VIRIDIAN, RETAILERS CLASS "C"
RESTAURANT , 1515 14TH STREET, NW

WARD 2 ANC 2F01

NATURE OF OPERATION

NEW RESTAURANT, DJ, NO DANCE FLOOR, NO NUDDITY. SUMMER GARDEN.

SALE AND SERVICE OF ALCOHOLIC BEVERAGES

SUNDAY THROUGH THURSDAY 11:30AM TO 12:00AM
FRIDAY AND SATURDAY 11:30 AM TO 3:00 AM

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
MARCH 22, 2005

EXECUTIVE OFFICE OF THE MAYOR

NOTICE OF PUBLIC HEARING

Education Budget Hearing for District of Columbia Public Schools

Tuesday, February 15, 2005

4:00 PM

One Judiciary Square
441 4th Street, NW
First Floor Auditorium

The Executive Office of the Mayor will conduct a public hearing on the proposed FY 2006 Education Budget as required by DC Law 7-68 "for the purpose of soliciting views of the public on levels of funding sought for the Public Schools." These comments will be considered in the crafting of the Mayor's final education budget for District of Columbia Public Schools (DCPS) and public charter schools.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number, and name of organization represented (if applicable) to Adrienne Gillette at (202) 724-7696 no later than 5:00 PM, Wednesday, February 9, 2005.

All oral presentations must be limited to three (3) minutes. Witnesses must provide at least three (3) copies of their testimony in advance of the hearing, no later than Friday, February 11, 2005. Statements should be sent to the attention of Michelle Walker, Senior Education Advisor, Executive Office of the Mayor, 1350 Pennsylvania Avenue, Suite 527, Washington, DC 20004 or via fax at (202) 724-8977. For those who do not wish to testify, written statements will be accepted for the record no later than Friday, February 18, 2005.

The DCPS FY 2006 Proposed Operating Budget is currently available on the DCPS website at www.K12.dc.us. You may also contact the DCPS Office of Communications and Public Information at (202) 442-5635 for a copy of the budget.

For information regarding the requested FY 2006 budget for public charter schools you may contact the District of Columbia Board of Education at (202) 442-4289 and the District of Columbia Public Charter School Board at (202) 328-2660.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 04-06: The Watergate Complex
2500, 2600, 2650 and 2700 Virginia Avenue and 600 and 700
New Hampshire Avenue, NW (ANC 2-A)
Square 8, Lots 806, 807, 808, 809, 811 and 812

The hearing will take place at **10:00 a.m. on Thursday, February 24, 2005**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10 DCMR 26). A copy of the rules can be obtained from the Historic Preservation Office at 801 North Capitol Street, NE, Room 3000, Washington, DC 20002, or by phone at (202) 442-8800.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects:
Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects

affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to expand the boundaries of the Dupont Circle Historic District for the purpose of designating the proposed larger area to the D.C. Inventory of Historic Sites. The Board will also consider the designation for recommendation to the National Register of Historic Places for possible listing.

Case No. 05-02: Expansion of the Dupont Circle Historic District, NW

The proposed expansion areas include the following addresses:

1401, 1413, 1414, 1415, 1417, 1425, 1509, 1511, 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1527, 1529, 1531, 1533, 1609, 1611, 1613, 1615, 1617, 1619, 1621, 1623, 1625 and 1627

17th Street, NW;

1200 18th Street, NW;

1225 19th Street, NW;

1318, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1413, 1414, 1415, 1505, 1507, 1509, 1511 and 1523 22nd Street, NW;

1775 and 2225 N Street, NW;

2109-2125, 2131 and 2147 O Street, NW;

1616, 1623, 1624, 1626, 1633, 1635, 1641, 1718, 1750, 2116, 2118, 2120, 2121, 2122, 2124, 2126, 2128, 2130, 2145, 2147, 2149, 2153, 2155, 2157, 2159, 2161 and 2200 P Street, NW;

1600, 1604, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1621, 1622, 1624, 1625 and 1633 Q Street, NW;

1225 and 1250 Connecticut Avenue, NW;

1601, 1603, 1605, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1628, 1629 and 1630 Corcoran Street, NW;

1617, 1619, 1621, 1623, 1625, 1627, 1629, 1630, 1631, 1633 and 2122 Massachusetts Avenue, NW;

1308, 1310, 1316, 1330 and 1816 New Hampshire Avenue, NW;

1615, 1700 and 1741 Rhode Island Avenue, NW; and

2123 Twining Court, NW

also designated as the following lots:

Square 48, Lots 805 and 806;

Square 49, Lots 4, 31, 32, 33, 37, 38, 39, 40 and 44;

Square 67, Lots 34, 35, 36, 46, 47, 48, 56, 58, 62, 809, 810, 830, 835 and 836;

Square 68, Lots 76, 86, 88, 95, 801, 807, 818, and 2014-2028;

Square 97, Lots 816, 2045 and 2341-2365;

Square 139, Lots 810, 816, 817;

Square 152, Lot 186;

Square 157, Lots 865, 867 and 2001;

Square 158, Lot 76;

Square 159, Lots 82, 87 and 855;
Square 179, Lots 19, 20, 21, 24, 25, 26, 64, 65, 66, 67, 71, 72, 73, 73A, 74, 75, 78, 78A, 79, 80, 92, 93, 94, 95, 109, 110, 111, 112A, 112B, 113, 800, 806, 807 and 808;
Square 180, Lots 12, 13, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 88, 89, 810, 813, 814, 814A and 815; and
Square 181, Lots 147, 148, 149, 161, 167, 168, 169, 170, 801, 809, 850, 869 and 871;
Square 181S, Lot 7; and
Square 182N, Lot 1615.

(Note that the addresses and Square/Lot designations may not account fully for the division of properties into condominium or apartment units).

The hearing will take place at **10:00 a.m. on Thursday, February 24, 2004**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10 DCMR 26). A copy of the rules can be obtained from the Historic Preservation Office at 801 North Capitol Street, NE, Room 3000, Washington, DC 20002, or by phone at (202) 442-8800.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

(1) Housing Sub-district

The Housing sub-district will provide for moderate and medium density residential development with supporting ground floor retail and service uses. The district will be subdivided into two different densities, a low scale area consistent with the current fabric (C-2-A) and higher-scale building envelope with a large residential component (C-2-B). The purpose of the Housing sub-district is to increase the residential density along a portion of the commercial corridor that will help support the retail core of the corridor. In areas where little of the physical fabric that made the corridor a special place is left, new, higher density residential development will be encouraged. Where the essential fabric remains, rehabilitation or modification of the existing structures to accommodate additional residential units will be encouraged.

(2) Retail Sub-district

The Retail sub-district will provide for low- to medium-density mixed use development with required ground floor retail with residential or office uses on upper levels. The zone would maintain the low scale building envelope of the C-2-A zone and moderate-scale where C-2-B zoning exists. The zone will be mapped on an approximately 1500-foot length of the corridor the maximum practical length for a walkable retail shopping area. This is also the maximum amount of retail area that would be a viable in the H Street, NE market area.

(3) Arts Sub-district

The Arts sub-district will provide for low-density arts, entertainment and destination retail uses. The zone would maintain the low scale building envelope of the C-2-A zone, but provide bonus density for arts and entertainment related uses. In addition to providing cultural services to the community this sub-district will encourage a vibrant nightlife that will enhance the vitality of the corridor.

(4) Design Standards and Guidelines

REVIVAL recommends that design controls be put in place to regulate new development that meet the urban design goals of the plan and provide an urban fabric that will perform well in the market place. The controls proposed are divided into two main categories, standards, which control the form, massing and other elements of the building envelope and guidelines, which control the materials, appearance and aesthetics of the design. These types of controls have proven successful in the revitalization of other commercial corridors. The proposed overlay will be used to implement the design standards and guidelines of the plan.

(5) Special Exception and PUD Provisions

To permit flexibility from the design standards the proposed text establishes special exception relief as long as there are no adverse impacts and the relief is consistent with the intent and purposes of the H Street Overlay. Planned Unit Development (PUD) in the Overlay District should further the goals and purposes of the H Street NE Strategic Development Plan.

Additional height and floor area granted by a PUD shall be used for housing or the preferred uses in the applicable sub-district.

(6) Map Amendments

The lots on the south side of the 200 block, north and south sides of the 300 block and the north side of the 600 block are proposed to be rezoned from C-2-A to C-2-B. These areas have little remaining fabric to preserve and the rezoning will encourage the development of more housing along the corridor.

PROPOSED TEXT AMENDMENT

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

Add a new §§1320 through 1326 to Chapter 13, "Neighborhood Commercial Overlay District."

1320 H STREET NORTHEAST NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT (HS)

1320.1 The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street NE from 2nd Street to 15th Street NE and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B. The Overlay is divided into three sub-districts affecting the following squares:

- (a) H Street Northeast Overlay Housing Sub-district (HS-H) encompasses properties fronting on H Street NE in squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets NE;
- (b) H Street Northeast Overlay Retail Sub-district (HS-R) encompasses properties fronting on H Street NE in squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets NE; and
- (c) H Street Northeast Overlay Arts Sub-district (HS-A) encompasses properties fronting on H Street NE in squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets NE.

1320.2 In addition to the purposes in § 1300, the purposes of the HS Overlay District are to:

- (a) Implement the policies and goals of the Comprehensive Plan and the H Street NE Strategic Development Plan as adopted by the Council of the District of Columbia on February 17, 2004 (R15-460);
- (b) Encourage residential uses along the H Street NE corridor, particularly provision of affordable units and reuse of upper floors;
- (c) Encourage the clustering of uses into unique destination districts along the corridor specifically a housing district from 2nd Street to 7th Street NE; a neighborhood retail shopping district from 7th Street to 12th Street NE; and an arts and entertainment district from 12th Street to 15th Street NE;
- (d) Establish design guidelines for new and rehabilitated buildings; and
- (e) Encourage the reuse of existing buildings along the corridor.

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1320.3 For purposes of § 1302, the designated use area shall include any lot within the HS Overlay District that fronts on H Street NE. In addition to the ground floor uses designated by §1302.2, the following uses are also designated in each Sub-district:

- (a) HS-H Sub-district;
 - (1) Residential Uses

- (b) HS-R Sub-district;
 - (1) Candy store;
 - (2) Computer store;
 - (3) Delicatessen;
 - (4) Fabric Store;
 - (5) Health or Exercise Studio;
 - (6) Ice cream parlor;
 - (7) Plant store or nursery
 - (8) Secondhand or Consignment Store;
 - (9) Shoe Store;
 - (10) Video Rental and Sales; and
 - (11) Other similar personal/consumer service establishment or retail use.

- (c) HS-A Sub-district
 - (1) Any preferred use listed in §1323.2.

1320.4 Within the HS Overlay District, the following buildings, structures, and uses are permitted only by Special Exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in §§3104 and 1325 of this title.

- (a) Any use requiring a Special Exception in the underlying zone, except a new gas station;
- (b) Accessory parking spaces located off-site from the principal use;
- (c) Fast food restaurant or food delivery service provided:
 - (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;
 - (2) If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line; and
 - (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate and shall not face a Residence District;
- (d) Funeral, mortuary, or undertaking establishment;

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- (e) Expansion of a gasoline station existing on or before the effective date of this section; and
- (f) Parking Garage.

1320.5 The following uses are explicitly prohibited:

- (a) Automobile and Truck Sales;
- (b) Automobile laundry;
- (c) Boat or marine sales;
- (d) Gasoline Station after the effective date of this section;
- (e) Outdoor storage of any materials; and
- (f) Commercial parking lots.

1320.6 The provisions of §1302.5 shall not apply to the HS Overlay District.

1320.7 For purposes of §1303.2, the designated roadway within the HS Overlay Districts shall be H Street NE.

1320.8 Within the HS Overlay District, on a lot that has six thousand square feet (6,000 ft.²) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in §§1325 and 3104.

1321 HS OVERLAY HOUSING SUB-DISTRICT (HS-H)

1321.1 The purpose of the housing sub-district is to encourage housing.

1321.2 The floor area ratio for new construction in the HS-H Sub-district may not exceed 0.5 FAR for nonresidential uses, except as provide in §1321.3.

1321.3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR for up to a maximum non-residential FAR of 1.0 for office uses or neighborhood serving retail uses as permitted in §§701.1, 701.4.

1322 HS OVERLAY RETAIL SUB-DISTRICT (HS-R)

1322.1 The HS Overlay Retail Sub-district is intended to encourage retail uses.

1322.2 Preferred uses in the HS-R Sub-district are:

- (a) Antique Store;
- (b) Apparel and Accessories Shop;
- (c) Appliance sales or repair;
- (d) Bakery;
- (e) Bicycle Shop;
- (f) Bookstore;

- (g) Café, delicatessen, or lunch counter (excluding fast food);
- (h) Candy Store
- (i) Camera/photo sales;
- (j) Catering establishments;
- (k) Cobbler or shoe repair;
- (l) Collection center for dry cleaning;
- (m) Computer store;
- (n) Cosmetics or toiletries sale;
- (o) Department store;
- (p) Dressmaker or tailor;
- (q) Drug store;
- (r) Dry goods store;
- (s) Electronic sales;
- (t) Fabric store;
- (u) Film exchange or development;
- (v) Florist;
- (w) Gift or card shop;
- (x) Grocery store;
- (y) Gym or exercise studio;
- (z) Hardware stores;
- (aa) Hobby shop;
- (bb) Home furnishing sales;
- (cc) Ice cream parlor;
- (dd) Interior decorating shop;
- (ee) Jewelry shop;
- (ff) Office supplies or services store;
- (gg) Music or instrument sales;
- (hh) Pet shop;
- (ii) Pharmacy;
- (jj) Plant store or nursery;
- (kk) Professional services or office not on the ground floor;
- (ll) Restaurant (excluding fast food);
- (mm) Secondhand or consignment store;
- (nn) Shoe store;
- (oo) Sporting goods; and
- (pp) Video Rental and Sales.

1322.3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR over the non-residential FAR permitted in the underlying zone for non-residential preferred uses listed in §1322.2.

1323 HS OVERLAY ARTS SUB-DISTRICT (HS-A)

1323.1 The HS Overlay Arts Sub-district is intended to encourage arts and entertainment uses.

1323.2 Preferred arts and entertainment uses in the HS-A Sub-district are limited to:

- (a) Art Center;
- (b) Art Gallery;
- (c) Art or Performing Arts School;
- (d) Artist Housing;
- (e) Artist Studio;
- (f) Artists' Supply Store;
- (g) Arts Services, including set design and restoration of artworks;
- (h) Bar, nightclub, or cocktail lounge;
- (i) Book Store;
- (j) Cabaret;
- (k) Coffee shop, café, or delicatessen;
- (l) Concert hall or other performing arts space;
- (m) Library;
- (n) Movie Theater;
- (o) Museum;
- (p) Musical Instruments Store;
- (q) Performing Arts Ticket Office or Booking Agency;
- (r) Photographic Studio;
- (s) Picture Framing Shop;
- (t) Printing, lithographing, or photoengraving establishment, in each case not exceeding twenty-five hundred square feet (2,500 ft.²) of gross floor area;
- (u) Record Store;
- (v) Recording Studio;
- (w) Restaurant; and
- (x) Theater.

1323.3 The floor area ratio in the HS-A Sub-district for new construction may not exceed 1.0 FAR for nonresidential uses except as provided in §1323.4.

1323.4 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR over the non-residential FAR permitted in the underlying zone for non-residential preferred uses listed in §1323.2.

1324 H STREET NORTHEAST COMMERCIAL CORRIDOR DESIGN REQUIREMENTS

1324.1 The design requirements of §§ 1324.2 through 1324.13 shall apply to any lot in the HS Overlay District.

1324.2 New buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.

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- 1324.3 New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total FAR permitted in the underlying zone district for residential uses.
- 1324.4 In C-2-A Districts within the HS Overlay District a 70% residential lot occupancy shall be permitted.
- 1324.5 For the purposes of this section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.
- 1324.6 For the purposes of § 1324.5, “residential uses” includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.
- 1324.7 Parking structures with frontage on H Street NE shall provide not less than 65% of the ground level frontage as commercial space.
- 1324.8 Each new building on a lot that fronts on H Street shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows and to entrances to commercial uses or to the building, provided the windows shall be clear glass, or clear/low-emissivity glass, except for decorative or architectural accent. The clear or low-emissivity glass shall have a visible light transmission rating of at least seventy percent (70%) and shall have an outdoor visible light reflectance rating of no greater than seventeen percent (17%).
- 1324.9 Security grilles shall have no less than 70% transparency.
- 1324.10 Each commercial use with frontage on H Street shall have an individual public entry directly accessible from the public sidewalk. Multiple-unit buildings shall have at least one primary entrance on H Street NE directly accessible from the sidewalk.
- 1324.11 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 permitted ground floor uses and the main lobby.
- 1324.12 The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.).
- 1324.13 For new construction, buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level consistent with §1324.12 shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone for new construction.

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**1325 H STREET NORTHEAST COMMERCIAL CORRIDOR OVERLAY DISTRICT
SPECIAL EXCEPTION REQUIREMENTS**

1325.1 Exceptions from the requirements of the H Street Overlay District shall only be permitted if granted by the Board of Zoning Adjustment after public hearing, based on §3104 and the following criteria:

- (1) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;
- (2) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;
- (3) Parking and traffic conditions associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (4) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences; and
- (5) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements, as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Overlay District.

1325.2 Applicants must show that projects requiring a Special Exception shall be consistent with the design intent of the design requirements of §1324 and the design guidelines of the H Street N.E. Strategic Development Plan.

1326 PLANNED UNIT DEVELOPMENT PROVISIONS

1326.1 A Planned Unit Development (PUD) in the 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 matter-of-right shall be used only for housing or preferred uses; and
- (b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses.

1326.2 The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square feet (10,000 ft.²).

PROPOSED MAP AMENDMENT

In addition to the overlay, the Office of Planning proposes a map amendment from C-2-A to C-2-B for the south side, 200 block of H Street, NE Square 752, the north and south sides of the 300 block of H Street, NE Square 776 and Square 777, and the north side of the 600 block of H Street, NE Square 858.

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In the alternative, the Zoning Commission is advertising a map amendment for lot 860 Square 858 from R-4 to C-2-B.

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 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD MOY, SECRETARY TO THE ZONING COMMISSION.

FEB 4 2009

Section 1991. DEFINITIONS

GLASS, CLEAR AND/OR LOW-EMISSIVITY

Clear or Low-Emissivity Glass has a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).

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.

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the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, day treatment centers, senior care centers, elder care programs, and similar programs and facilities. A child/adult/elderly development center includes the following accessory uses: counseling; education, training, and health and social services for the person or persons with legal charge of individuals ~~parents or principal guardians of children~~ attending the center, including, but not limited, to any parent, spouse, sibling, child or legal guardian of such individuals.

B. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, § 205; Child\ Elderly Development Centers (R-1), is amended by:

1. Changing the Section's title to: "Child/Adult/Elderly Development Centers (R-1)";
2. Striking the term "child/elderly" wherever it appears and inserting the term "child/adult/elderly" in its place; and
3. By amending § 205.3 to read as follows:

205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off ~~children or~~ elderly persons attending the center.

C. Chapter 3, §§ 330.5 (d) and (e) and 350.4 (g); Chapter 5, § 501.1(g); Chapter 6, § 601.2 (c); Chapter 9, § 901.1 (t); Chapter 21, § 2101.1; and Chapter 31, § 3104.1 are amended by striking the term "child/elderly" wherever it appears and inserting the term "child/adult/elderly" in its place.

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR § 3021. The Commission will impose time limits on the 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 and will be deemed as also responding to the separately published Notice of Proposed Rulemaking.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th 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 KEVIN HILDEBRAND, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD W. MOY, SECRETARY TO THE ZONING COMMISSION.