

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

HEARING DATE: APRIL 27, 2005

FEBRUARY 25, 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 LICENSES ON APRIL 27, 2005 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E.

LICENSE NO. 60694, RAF STREET, LLC TA NICK & STEF'S, RETAILER'S CLASS "C" RESTAURANT, 601 "F" STREET, NW WARD 2 ANC 2C02

LICENSEE REQUEST PERMISSION TO ALTER THE INTERIOR LAYOUT OF THE LICENSED PREMISE, WHICH INCLUDES EXTENDING THE LENGTH OF THE STAND-UP BAR AND THE RECONFIGURATION OF THE SEATING AREA.

SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
MONDAY THROUGH SUNDAY, 11AM-11PM

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
APRIL 12, 2005

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

HEARING DATE: APRIL 27, 2005

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LICENSE NO. 60588, LOGAN CIRCLE SPECTRUM LLC T/A HALO
RETAILER'S CLASS "C" TAVERN, 1435 "P" ST., NW
WARD 2 ANC 2F01

LICENSEE REQUEST PERMISSION TO EXPAND THE LICENSE PREMISE TO INCLUDE THE FIRST FLOOR. THIS EXPANSION WILL INCREASE THE OCCUPANCY FROM 110 TO APPROXIMATELY 220.

SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
SUNDAY THROUGH THURSDAY, 5PM-1:45AM
FRIDAY AND SATURDAY, 5PM-2:45AM

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
APRIL 12, 2005

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

HEARING DATE: APRIL 27, 2005

FEBRUARY 25, 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 27, 2005 AT 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E.

LICENSE NO. 72194, THE MAJESTIC BY GWEN INC. T/A THE MAJESTIC BY GWEN, RETAILER'S "C" RESTAURANT, 1368 H STREET, NE

WARD 6 ANC 6A06

NATURE OF OPERATION

NEW RESTAURANT, WITH LIVE ENTERTAINMENT, TO INCLUDE A THREE TO FOUR PIECE COMBO, AND DJ WITH DANCING FOR PATRONS, JAZZ, R&B, BLUES, SOUL AND CROSS/CULTURAL MUSIC.

SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

SUNDAY THROUGH THURSDAY 10:00AM TO 2:00AM
FRIDAY AND SATURDAY 10:00AM TO 3:00AM

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
APRIL 12, 2005

**DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH**

NOTICE OF PUBLIC HEARING

Wednesday, March 30, 2005
6:00 p.m. to 8:00 p.m.
Third Floor Conference Room
51 N Street, N.E.
Washington, D.C. 20002

The Department of Health (DOH) invites the public to present its views at a public hearing on the fiscal year (FY) 2005 Project Priority List (PPL) for the District of Columbia's Construction Grants Program. The PPL delineates projects likely to receive Federal and D.C. funds to construct and/or improve wastewater treatment facilities and other related infrastructures for FY 2005 and in future years. Copies of the PPL and additional information are on file and may be inspected at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, D.C. 20001, during normal business hours. In addition, the documents can be obtained by contacting Ms. Jerusalem Bekele, Bureau of Environmental Quality, Water Quality Division, 51 N Street, N.E., 5th Floor, Washington D.C. 20002, or calling (202) 724-7694 between the hours of 9:00 am and 4:00 pm.

Persons who wish to testify are requested to furnish in writing, their names, addresses, telephone numbers, and the organization they represent, if any, to the attention of Ms. Jerusalem Bekele at the address above, by Monday, March 28, 2005. Other persons present at the hearing who wish to be heard, may testify if there is time after those on the witness list have been called and heard. Persons are urged to submit duplicate copies of their written statements. All presentations shall be limited to five minutes. The hearing will end earlier if all persons wishing to make comments have been heard.

Persons may submit written testimony by mail to the address above. Such written statements are to be clearly marked "PPL Public Hearing 2005," and received by Wednesday, April 13, 2005.

DOH will issue a response to comments at the time a final decision is made.

**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 designate the following property as an historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

**Case No. 04-13: Prospect Hill Cemetery
2201 North Capitol Street, NE (Square 3505, Lot 801)**

The hearing will take place at **10:00 a.m. on Thursday, March 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 TAXICAB COMMISSION**NOTICE OF PUBLIC HEARING**

The Commission will conduct a public hearing on a proposed rulemaking that clarifies the taxicab passenger rate for transporting minor children. The hearing will take place immediately following the Commission's monthly meeting that will be held at 2041 Martin Luther King Jr., Avenue, SE:

**April 5, 2005
9:45 AM
2041 Martin Luther King Jr., Ave., SE
Suite 204
Washington, DC 20020**

The public hearing will provide an opportunity for interested persons to appear and present their views and data regarding the Commission's proposed rulemaking actions. All persons desiring to comment at the public hearing or who wish to submit written comments to the Commission should notify the Commission by telephoning (202) 645-6019. All written comments must be received at the Commission office no later than close of business Friday, March 25, 2005.

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

TIME AND PLACE: **Thursday, May 19, 2005, 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-18 (Map and Text Amendments to Establish and Map the Mount Vernon Triangle District within the Downtown Development Overlay District (DD) and to Amend the Zoning Map to Rezone Square 483 from C-3-C to DD/C-3-C or, in the alternative, from C-3-C to DD/C-2-C.)

THIS CASE IS OF INTEREST TO ANCs 2F AND 6C

By report dated July 2, 2004, the Office of Planning petitioned for a map and text amendment to establish a new sub-area within the DD Overlay, to be known as the Mount Vernon Triangle District. The District consists of those portions of Squares 451, 483, 484, 484W, 515 and 516 that are within seventy-two feet (72 feet) of the rights of way on each side of K Street or 5th Street, Northwest, as shown on Attachment 1 to the Office of Planning Report dated July 9, 2004. Because Square 483 is not presently mapped in the DD Overlay, and the adjacent Squares are, the Office of Planning also requested that it be rezoned from C-3-C to DD/C-3-C. The Office of Planning's set down report also served as the pre-hearing statement for this case.

The Zoning Commission set down the case for public hearing at its meeting of July 12, 2004, and also voted to advertise an alternative rezoning for Square 483 to DD/C-2-C, which had been the property's previous zoning designation.

The principal DD sub-areas (Shopping, Arts, Chinatown and the three Housing Priority Areas) are currently codified as 11 DCMR §§ 1703 through 1706. Because there are no reserved sections immediately thereafter, this notice will begin the provisions related to the proposed new sub-area with § 1720. This avoids a confusing renumbering of existing provisions and while reserving §§ 1713 through 1719 for any future DD provisions as might be needed. The final codification of these provisions will be determined by the District of Columbia Office of Documents.

NOTICE OF PUBLIC HEARING

Z.C. CASE NO. 04-18

PAGE 2

The proposed amendments are as follows:

A. The Zoning Map of the District of Columbia, as incorporated by reference in 11 DCMR § 106, is amended by rezoning Square 483 from C-3-C to DD/C-3-C or, in the alternative, from C-3-C to DD/C-2-C.

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

1720 MOUNT VERNON TRIANGLE DISTRICT: OBJECTIVES AND BOUNDARIES (DD/MVT)

1720.1 The principal objectives for the Mount Vernon Triangle District (MVT District) are to:

(a) Promote the development of ground floor level street frontages that will be active and pedestrian-friendly, particularly along the sections of K and 5th Streets, Northwest that are within the MVT District boundaries, as defined in §1720.2.

(b) Promote a lively, mixed-use and high density Mount Vernon Triangle neighborhood with neighborhood amenities and retail development that serves the MVT as well as nearby neighborhoods, the Convention Center, and the downtown.

1720.2 The provisions of the MVT District, as stated in §§ 1720 through 1733, apply to an area comprising those portions of Squares 451, 483, 484, 484W, 515 and 516 that are within seventy-two feet (72 feet) of the rights of way on each side of K Street or 5th Street, Northwest, as shown on Attachment 1 to the Office of Planning Report dated July 9, 2004.

1720.3 Any reference in the provisions of the MVT District to the Mount Vernon Triangle Area shall mean the area comprising squares 451, 483, 484, 484W, 515, 515N, 516, 516S, 525, 526, 527, 528, 556, 558, 560, 561, 562, 563, and 563S.

1720.4 All street locations in the MVT District are in Northwest Washington and therefore all future reference to these streets will omit the identification of the Northwest quadrant.

1720.5 All provisions of this Chapter shall apply unless otherwise noted.

1720.6 Except when used in §§ 1725 and 1726, the term "building" shall mean a building located within the MVT District that became subject to the provisions of the DD Overlay after [the effective date of this section] pursuant to § 1700.5.

1721 OFFICE OF PLANNING REVIEW (DD/MVT)

1721.1 An applicant for a building permit or a certificate of occupancy within the MVT District shall provide a copy of the application, including reference to the applicable provisions of the DD Overlay and/or MVT District, to the Director of the D.C. Office of Planning at the time of filing with the Department of Consumer and Regulatory Affairs.

1721.2 The Director of the Office of Planning shall, within sixty days of receipt of the application, provide the Zoning Administrator with a written evaluation of the project's compliance with the provisions of the MVT District. The Zoning Administrator shall take no action on the application for seventy-five (75) days from the date of filing, or for fifteen (15) days after receipt of the Office of Planning report, whichever time period is less.

1722 STREETWALL DESIGN REQUIREMENTS (DD/MVT)

1722.1 Except for a building located in the Principal Intersection Area, as described in § 1723.1, this section, together with § 1701.3, shall apply to each building with frontage on:

- (a) K Street in Squares 451, 483, 484, 484W, 515 or 516;
- (b) 5th Street in Squares 483, 484, 515 or 516;
- (c) 6th Street in Squares 484 or 484W if that frontage is within thirty-six feet (36 ft.) of the right-of way of K Street; and
- (d) 4th Street in Square 515 or 516 if that frontage is within thirty-six feet (36 ft.) of the right-of way of K Street.

1722.2 Each building on a lot that fronts on a pedestrian 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 with clear/low-emissivity glass¹, except for

¹ The Zoning Commission will conduct a public hearing on March 31, 2005 on a proposed text amendment that will define the term "clear/low-emissivity glass" (ZC Case 04-31). The Commission will also consider a definition for the term "clear floor-to-ceiling height" as used in proposed § 1722.5. As contained within the Office of Planning Report dated October 29, 2004, the proposed definitions are as follows:

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%).

Floor to ceiling height is a vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following:

- a) Elements of the building structure other than columns and walls;
- b) Components of mechanical or plumbing systems; or
- c) Components of electrical systems, except lighting fixtures.

decorative or architectural accent, and to entrances to commercial uses or to the building.

1722.3 Each building on a lot that fronts on a pedestrian street shall devote not less than percent (50%) of the surface area of the streetwall between twelve feet (12 feet) and fourteen feet (14 feet) above grade to clear or clear/low-emissivity glass.

1722.4 Each building 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 entrance to ground floor uses and any main lobby.

1722.5 The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.)² for a distance of at least thirty-six feet (36 ft.) perpendicular to the ground floor's front building line.

1723 PRINCIPAL INTERSECTION AREA (PIA): LOCATIONS INCLUDED (DD/MVT)

1723.1 The provisions of §§ 1723 through 1727 shall apply to those portions of buildings in Squares 483, 484, 515 or 516 that:

- (a) Front on K Street or 5th Street; and
- (b) Fall within any of four (4) seventy-two foot square (72 foot by 72 foot) areas as measured from the point of tangency of the rights of way lines of K Street and 5th Street in the relevant quadrant described by the intersection of these streets.

1723.2 The area described in 1723.1 shall hereafter be referred to as the Principal Intersection Area (PIA).

1723.3 As illustrated in the following table, each of the four corners within the PIA has four (4) thirty-six foot by thirty-six foot (36 foot by 36 foot) sub-areas.

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements or systems referenced in a), b), or c) above.

² See footnote number 1.

Square 483	Square 483		5th Street	Square 515		Square 515
	<u>D</u>	<u>B</u>		<u>B</u>	<u>D</u>	
	<u>C</u>	<u>A</u> (NW)		<u>A</u> (NE)	<u>C</u>	
K Street		Intersection 5 th & K Streets	K Street			
Square 484		(SW)	5th Street	(SE)		Square 516
	<u>C</u>	<u>A</u>		<u>A</u>	<u>C</u>	
	<u>D</u>	<u>B</u>		<u>B</u>	<u>D</u>	
Square 484			Square 516			

1723.4 In the table, "K Street" defines the east and west directions; "5th Street" defines the north and south directions. The northwest corner is Square 483; the northeast corner is Square 515; the southwest corner is Square 484; the southeast corner is Square 516.

1723.5 At each corner there are four sub-areas labeled A, B, C and D. Each block in the chart labeled A, B, C, or D represents a 36-foot by 36-foot area within the respective 72-foot by 72-foot PIA corner.

1723.6 The "A" sub-areas are the thirty-six foot by thirty-six foot squares nearest to the intersections. The "B" sub-areas are the thirty-six by thirty-six foot squares fronting on 5th Street, that are between thirty-six and seventy two feet north and south of K Street. The "C" sub-areas are the thirty-six foot by thirty-six foot squares fronting on K Street that are between thirty-six and seventy two feet east and east and west of 5th Street. The "D" sub-areas are the thirty-six foot by thirty-six foot interior squares that have frontage on neither K Street nor 5th Street.

1724 PIA: MAXIMUM BUILDING HEIGHT (DD/MVT)

- 1724.1 Except for buildings in Square 515 the portion of a building in an "A" sub-area shall be no higher than fifty feet (50 feet) above grade.
- 1724.2 No more than fifty percent (50%) of the portions of a building in each of the "B" and "C" sub-areas shall be more than fifty feet (50 feet) above grade.

1725 PIA: MINIMUM GROUND FLOOR HEIGHT (DD/MVT)

- 1725.1 With the exception of buildings in Square 516 that existed as of [the effective date of this section], the following minimum ground floor height requirements apply to each building located within the PIA:

Sub-area height	Minimum clear floor-to-ceiling height
A	22 Feet
B & C	22 Feet for at least 50% of its ground floor
D	14 Feet

1726 PIA: STREETWALL DESIGN (DD/MVT)

- 1726.1 Each building shall devote not less than seventy-five percent (75%) of the surface area of the streetwall(s) at the ground level, to a height of at least twenty-two feet (22 feet), to display windows with clear/low-emissivity glass, except for decorative or architectural accent and entrances to commercial uses or to the building
- 1726.2 Each building shall devote not less than seventy-five percent (75%) of the surface area of the streetwall between eighteen feet (18 feet) and twenty-two feet (22 feet) above grade to clear/low-emissivity glass.
- 1726.3 The provisions of this section shall not apply to a building in Square 516 that existed on [the effective date of this section], or to a building in that Square that is renovated thereafter.

1727 PIA: MISCELANEOUS PROVISIONS (DD/MVT)

- 1727.1 There shall be no direct entrances to lobbies serving residential or office uses.
- 1727.2 Roof terraces, whether open to the sky or covered with awnings or canopies, that are atop the "A", "B" or "C" portions of a building subject to the special height restrictions of § 1724 shall not be included in the maximum floor area ratio calculations as set forth in § 771.2.

**1728 REDUCTION OF REAR YARDS AND SIDE YARDS OF BUILDINGS
ABUTTING ALLEYS (DD/MVT)**

1728.1 In the event that the Council of the District of Columbia accepts a dedication for public alley purposes of land within DD/MVT that would have been required to be a rear yard pursuant to § 774.7, and the land dedicated is adjacent to a public alley and extends the entire length of the lot, the rear yard requirements for the portion of the structure above the horizontal plane described in §774.7(a) shall be reduced by five feet (5 ft.) for every ten-foot (10 ft.) depth of land dedicated.

1728.2 For the purposes of § 1728.1, the depth of the land dedicated shall be measured perpendicular to the alignment of the adjacent public alley.

1728.3 In the event that the Council of the District of Columbia accepts a dedication for public alley purposes of land within DD/MVT that would have been required to be a side yard pursuant to §§ 775.4 and 775.5, and the dedication is at least eight feet (8 ft.) deep, the side yard requirement shall be eliminated for that portion of the structure below a horizontal plane twenty feet (20 feet) above the mean finished grade at the middle of the side of the structure, if the dedication is adjacent to a public alley and extends the entire length of the lot.

1729 GROUND FLOOR PARKING AND LOADING PROVISIONS (DD/MVT)

1729.1 Where a court is provided in accordance with § 776, and the surface of the court begins at or between the first floor and second floor above the ground floor, the gross floor area beneath the surface of the court shall not be included when calculating the floor area ratio of the building, provided:

- (a) The area immediately beneath the court provides:
 - (i) Vehicular access from a public or private alley for the purposes of providing loading berths, loading platforms, or service/delivery loading spaces required by § 2201.1;
 - (ii) Parking or access to parking required by § 2101.1; or
 - (iii) Parking permitted by § 1702.7(a) or (b); and
- (b) At least seventy-five percent (75%) of the court's surface is covered by vegetative material that reduces the rate of flow of stormwater run-off or contributes less to ambient heat build-up than a conventional roof; or
- (c) In a building that is subject to the recreation space requirements of § 773 or, if applicable, §§ 1706.4(f) or 1706.5(f), the court floor provides outdoor recreation space accessible to the building's tenants or occupants.

1729.2 The recreational space provided in accordance with § 1729.1 (c) shall not count toward the building's required residential recreation space.

1730 DRIVEWAYS ON PREFERRED USE STREET FRONTAGES. (DD/MVT)

1730.1 The provisions of this section govern the construction of driveways that:

- (a) Provide access from the adjacent public street to parking spaces or loading berths;
- (b) Serve delivery loading spaces on the subject lot; or
- (c) Serve parking spaces, loading berths, or service/delivery loading spaces not required by the Zoning Regulations.

1730.2 No driveway may be constructed on the south side of K Street between 4th Street and 7th Street, or on the north side of K Street between 5th Street and 7th Street.

1730.3 There shall be no more than one driveway constructed in the following areas:

- (a) The north side of K Street between 4th Street and 5th Street;
- (b) The east side of 5th Street between I Street and K Street; and
- (c) The east side of 5th Street between K Street and L Street.

1730.4 There shall be no more than two driveways constructed in the following areas:

- (a) The west side of 5th Street between I Street and K Street; and
- (b) The west side of 5th Street between K Street and L Street.

1730.5 Exceptions from the prohibitions and limitations of this section shall be permitted if granted by the Board of Zoning Adjustment under § 3104, provided the applicant demonstrates that:

- (a) There is no practical alternative means of serving the parking, loading or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT) that would direct vehicles to an alternative entrance point within the same Square;
- (b) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in §§ 1730.2 to 1730.4; and

- (c) The proposed driveway is not inconsistent with the DDOT landscape plans for the public rights of way in the Mount Vernon Triangle Area, to the extent that such plans exist at the time of the special exception application.

1731 DRIVEWAYS: OTHER STREET FRONTAGES (DD/MVT)

- 1731.1 The provisions of this section apply to street frontages in DD/MVT not listed in § 1730.
- 1731.2 The provisions of this section apply to driveways that provide access from the adjacent public street to parking spaces or loading berths within the a Square, whether or not those spaces or berths are required by the Zoning Regulations.
- 1731.3 No more than one driveway may be constructed within the length of an individual building, unless the building extends the entire length of the block, in which case § 1731.4 shall apply.
- 1731.4 No more than two driveways may be constructed per block-face.
- 1731.5 Each driveway shall be separated by no less than sixty feet (60 feet).
- 1731.6 Exceptions from the requirements of this section shall be permitted only if granted by the Board of Zoning Adjustment under § 3104, provided that the applicant demonstrates that:
 - (a) There is no practical alternative means of serving the parking, loading or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT) that would direct vehicles to an alternative entrance point within the same Square;
 - (b) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in §§ 1730.2 through 1730.4; and
 - (c) The proposed driveway is not inconsistent with the DDOT landscape plans for the public rights of way in the Mount Vernon Triangle Area, to the extent that such plans exist at the time of the special exception application.

1732 PERMITTED GROUND FLOOR USES (DD/MVT)

1732.1 For the purposes of identifying the location of permitted ground floor uses, the Mount Vernon Triangle District is divided into the three Sub-Areas:

- (a) The Special Entertainment Use Sub-Area comprises the areas of Square 483, 383, 515 and 516 that are included within the Principal Intersection Area defined in § 1723.1.
- (b) The Secondary Use Sub-Area comprises the areas with frontage along the portions of Square 515 and 516 between the centerpoint of 4th Street and the centerpoint of the public alley in Square 515 existing on [the effective date of this section] that is approximately three hundred sixty feet (360 feet) west of 4th Street.
- (c) The Primary Use Sub-Area comprises all areas not defined in § 1732.1 (a) or (b) with frontages along K Street in Squares 451, 483, 484, 484W, 515 or Square 516; or with frontages on 5th Street in Squares 483, 484, 515 or 516.

1732.2 The following uses may be established and continued on a permanent basis on the ground floor of any building located in the Primary or Secondary Use Sub-area and on an interim basis (“interim use”) on the ground floor of any building located in the in the Special Entertainment Use Sub-area:

- (a) Antique Store;
- (b) Artist Live-Work Space or Artist Studio, with Sales;
- (c) Apparel and Accessories Store;
- (d) Art Center;
- (e) Art Gallery;
- (f) Art School, including school of dance, photography, filmmaking, music, writing, painting, sculpturing, or printmaking;
- (g) Arts Services, including set design and restoration of artworks;
- (h) Assembly Hall, Auditorium, Public Hall or Other Performing Arts Space, including rehearsal/pre-production space or concert hall;
- (i) Auction House;
- (j) Bakery, limited to baking of food sold on premises;
- (k) Bicycle Shop;
- (l) Barber or Beauty Shop;
- (m) Blueprinting, Printing or Copy Service;
- (n) Book Store;
- (o) Cabaret;
- (p) Candy Store;
- (q) Clinic;
- (r) Computer Store;
- (s) Concert Hall or other Performing Arts Space;
- (t) Cosmetic Store;
- (u) Camera Store;

- (v) Craftsman or artisan studio, with sales;
- (w) Dance Hall, Discotheque, or Ballroom;
- (x) Department Store;
- (y) Dinner Theater;
- (z) Dressmaking or Tailor Shop;
- (aa) Drinking Place, including bar, nightclub or cocktail;
- (bb) Drug Store;
- (cc) Dry Cleaner;
- (dd) Fabric Store;
- (ee) Fast Food Restaurant, excluding drive-through;
- (ff) Film exchange;
- (gg) Florist and Plant Store;
- (hh) Furniture Store;
- (ii) Gift, Novelty, and Souvenir Shop;
- (jj) Grocery Store;
- (kk) Hardware Store;
- (ll) Health or Exercise Studio;
- (mm) Hobby, Toys and Game Shop;
- (nn) Home Furnishing Store;
- (oo) Home Supply and Decorating Store;
- (pp) Jewelry Store;
- (qq) Liquor Store (subject to a public hearing);
- (rr) Leather Goods and Luggage Store;
- (ss) Legitimate Theater;
- (tt) Library, Public;
- (uu) Lobbies for Apartment, Condominium or Other Residential Uses;
- (vv) Movie Theater;
- (ww) Museum;
- (xx) Musical Instruments and Accessories Sales;
- (yy) Newsstand;
- (zz) Office Supplies and Equipment Sales;
- (aaa) Optical Goods Store;
- (bbb) Paint Store;
- (ccc) Pet Store;
- (ddd) Picture Framing Studio or Shop;
- (eee) Printing, Fast Copy Service;
- (fff) Radio, Television, and Consumer Electronics Store;
- (ggg) Restaurant
- (hhh) Secondhand Store or Consignment Shop;
- (iii) Shoe Repair and Shoeshine Parlor;
- (jjj) Shoe Store;
- (kkk) Specialty Food Store;
- (lll) Sporting Goods Store;
- (mmm) Telegraph Office;
- (nnn) Television and Radio Broadcast Studio
- (ooo) Theater, including Motion Picture Theater
- (ppp) Tobacco Store;

- (qqq) Travel Agency, Ticket Office;
- (rrr) Variety Store;
- (sss) Video Tape Rental; and;
- (ttt) Other similar personal/consumer service establishment or retail use including assemblage and repair clearly incidental to the principal use.

1732.3 The following uses may be established and continued on a permanent basis on the ground floor of any building located in the Secondary Use Sub-area and on an interim basis ("interim use") on the ground floor of any building located in the Primary or Special Entertainment Use Sub-areas:

- (a) All uses permitted in §1732.2;
- (b) Accountant;
- (c) Apartment or Condominium Entered Directly From Street;
- (d) Architect;
- (e) Attorney;
- (f) Bail Bondsman;
- (g) Bank, Loan Office, or Financial Institution;
- (h) Counseling Service;
- (i) Consultant - General;
- (j) Dentist, Doctor, or Medical Office;
- (k) Employment Agency;
- (l) Escrow Agent;
- (m) Government;
- (n) Health Clinic;
- (o) Insurance Broker;
- (p) Laboratory;
- (q) Landscape Architect;
- (r) Mortgage Broker;
- (s) Public Agency Office;
- (t) Real Estate Agent, Appraiser, Broker, Developer;
- (u) Social Service Agency Office;
- (v) Stockbroker;
- (w) Tax Preparer;
- (x) Title Company;
- (y) Trust Company; and
- (z) Utility Company, Offices of.

1732.4 The following uses may be established and continued on a permanent basis on the ground floor of any building located in any of the three sub-areas:

- (a) Book Store including restaurant;
- (b) Cabaret;
- (c) Drinking Place, including bar, nightclub or cocktail lounge; and
- (d) Restaurant.

- 1732.5 Unless approved by the Board of Zoning Adjustment pursuant to § 1732.3, no interim use shall be established or continued for more than five years after the date that the Zoning Administrator publishes a notice in the *D.C. Register* indicating that, since [the effective date of this Section], certificates of occupancy for the use of three million five hundred thousand square feet (3.5 million square feet) of new construction have been issued for properties located in the Mount Vernon Triangle Area.
- 1732.6 In addition to meeting the standards of § 3104, the applicant shall demonstrate that it made good faith efforts for at least nine months (9 months) prior to applying for the special exception to lease space for one of the permanent ground floor uses allowed in the Sub-area in which the applicant's property is located.
- 1732.7 Approval of the establishment or continuation of an interim use by the Board of Zoning Adjustment shall be for no more than a five (5) year period from the date of the certificate of occupancy issued pursuant to the approval.

1733 GROUND FLOOR AREAS REQUIRED TO BE DEVOTED TO PREFERRED USES (DD/MVT)

- 1733.1 The provisions of this section apply to each building with frontage on K Street in Squares 451, 483, 484, 484W, 515 or 516; and to each building with frontage on 5th Street in Squares 483, 484, 515 or 516.
- 1733.2 Each building that faces or abuts a street segment identified in § 1732.1 shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to uses listed in §§ 1732.2, 1732.3, or 1732.4 ("preferred uses"), provided:
- (a) Not more than thirty percent (30%) of the gross floor area of the ground floor required to be devoted to preferred uses shall be occupied by financial institutions; and
 - (b) The net leasable area occupied by the preferred uses shall be no less than eighty percent (80%) of the gross floor area allocated to these uses;
 - (c) Up to one thousand (1,000) square feet of the sidewalk or atrium area of an unenclosed sidewalk café may count towards the preferred use requirement of this section, if the sidewalk café is operated from a restaurant located on the subject lot.

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.*) (2001 Ed.).

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 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 MOY, ACTING SECRETARY TO THE ZONING COMMISSION.

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

TIME AND PLACE: **Thursday, April 14, 2005 @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-25 (The Catholic University of America – West Campus)

THIS CASE IS OF INTEREST TO ANCs 5A AND 5C

Application of The Catholic University of America for a special exception under the Campus Plan provisions of the Zoning Regulations at 11 DCMR §§ 3104 and 210 for modification and further processing of the University's Campus Plan, and a related Zoning Map amendment in accordance with § 102 of the Zoning Regulations. The subject property is located immediately west of the Catholic University main campus (Parcel No. 121/29). In accordance with § 102 of the District of Columbia Zoning Regulations, the Zoning Map amendment request is being heard and decided by the Zoning Commission. In accordance with §§ 210 and 3104 of the Zoning Regulations, the campus plan modification and further processing requests will be simultaneously heard with the map amendment request and will be decided by the Zoning Commission following the rules of the Board of Zoning Adjustment at 11 DCMR § 3100 *et seq.*

On September 29, 2004, the Office of Zoning received an application from The Catholic University of America (the "Applicant"), requesting modification and further processing under the University's Campus Plan to include the West Campus within its boundaries and make viable use of the property. The Applicant also requests a corresponding amendment to the Zoning Map of the District of Columbia for the unzoned property.

The property that is the subject of this application consists of approximately 49 acres of land at the eastern boundary of the US Soldiers' and Airmen's Home, and is located to the west of the University's main campus. The site is bounded by North Capitol Street to the west, Irving Street to the southwest, Michigan Avenue to the south, Harewood Road, N.E. to the east, and the Pope John Paul II Cultural Center to the north. The Applicant plans to use the parcel for a pavilion for outdoor performances and event field, an unpaved cross-country track, an environmental research area, two areas of spiritual repose, a maintenance truck and material storage structure, and temporary housing units.

The property is currently unzoned. The Applicant requests a Zoning Map amendment to the R-5-A District for the subject property to accommodate the proposed uses and the inclusion of the West Campus into the University's Campus Plan.

A college campus in the R-5-A Zone District is permitted a maximum FAR of 1.8. The maximum height for an institutional structure is 90 feet, subject to certain setbacks. Pursuant to § 210.3, the development parameters are further prescribed by the 2002 Campus Plan approved by the Zoning Commission in Order No. 02-02. All planned construction within the new West Campus falls within these limitations and meets the requirements for site coverage and yard setbacks.

The Applicant contends that the proposed uses and change in zoning are consistent with the Catholic University Campus Plan and are not inconsistent with the *Comprehensive Plan for the National Capital*. The architects for the Applicant are Leo A. Daly Architects; the land use counsel are Allison C. Prince and Heidi Sachs of Shaw Pittman, LLP.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended, D.C. Official Code §§ 6-641.01 to 6-641.15 (2001) (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. and 1999 Supp.)).

This public hearing will be conducted in accordance with the provisions of § 3022 (Contested Case Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Interested persons or representatives of organizations will be heard at the public hearing. **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 Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, 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;
- (d) Whether the person will appear through legal counsel and, if so, the name and address of the legal counsel;
- (e) A list of witnesses who will testify on the person's behalf; and
- (f) 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;
- (2) The legal interest the person has in the 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 environmental, 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 interests 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 Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.
2. 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.
3. The total amount of time that will be required to present the case.

The applicant shall also submit the information cited above. To the extent that the information is not contained in the applicant's pre-hearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than 14 days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC), pursuant to DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above. However, the written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

1. Applicant..... 60 minutes
2. Other Parties.....15 minutes
3. Organizations..... 5 minutes
4. Individuals..... 3 minutes

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. 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.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, APRIL 19, 2005
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH 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.

**9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

A.M.

WARD SIX

17306 **Application of Hannah Reisman**, pursuant to 11 DCMR §§ 1202
ANC-6B and 3104.1, for a special exception to allow an addition to an
existing single-family dwelling, not meeting the rear yard
requirements (section 404), in the CAP/R-4 District at premises 227
C Street, S.E. (Square 763, Lot 24).

WARD ONE

17307 **Application of Nicholas Baker**, pursuant to 11 DCMR § 3103.2,
ANC-1B for variances from the floor area ratio requirements (section 402),
the lot occupancy requirements (section 403), the rear yard
requirements (section 404), and nonconforming structure provisions
(subsection 2001.3), to allow a third story addition to an existing
single-family row dwelling in the R-5-B District at premises 978
Florida Avenue, N.W. (Square 357, Lot 100).

WARD SEVEN

17305 **Application of Southeast DC Partners**, pursuant to 11 DCMR §
ANC-7B 3104.1, for a special exception to establish a community service
center under section 334, in the R-5-A District at premises 2826 Q
Street, S.E. (Square 5583, Lot 804).

P.M.

WARD SEVEN

17304 **Application of Washington Metropolitan Area Transit Authority**
ANC-7D **(WMATA), pursuant to 11 DCMR § 3104.1, for special exceptions**
 to allow construction of an office building, not meeting the parking
 requirements under section 2107, not meeting the roof structure
 setback requirements under subsection 411.11, and providing
 accessory parking on adjacent residentially zoned property under
 section 214, in the C-3-A and R-2 Districts at premises 4500
 Benning Road, N.E. (Square 5138, part of Lots 84-87 and 45th Street
 realignment and all of Lots 83, 126, 140, and 829, and in Square
 5139, part of Lot 806).

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 4th 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.

**DISTRICT OF COLUMBIA REGISTER
BZA PUBLIC HEARING NOTICE**

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APRIL 19, 2005

PAGE NO. 3

**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 4/19/05 rsn