

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

NOTICE OF PUBLIC HEARING

**Before
Alcoholic Beverage Control Board
941 North Capitol Street, N.E.
7th Floor Hearing Room
Washington, D.C. 20002**

**WEDNESDAY, MAY 11, 2005
10:00 A.M.**

The Alcoholic Beverage Control Board will be conducting a second public hearing on Wednesday, May 11, 2005, at 10:00 a.m. to receive additional comments from the public on the petition filed jointly by the Dupont Circle Citizens Association (DCCA) and the Dupont Circle Merchants and Professionals Association (DC MAP) (Petitioners) to renew the East Dupont Circle Moratorium. The second hearing is being held in response to a written request from the Petitioners, dated March 21, 2005, for an additional hearing to present evidence on issues raised by their proposed extension of the East Dupont Circle Moratorium. The Petitioners' March 21, 2005 letter also contains two (2) separate proposals that include recommendations that differ from the original joint petition to the Board to renew the East Dupont Circle Moratorium in its current form for six (6) months.

Previously, on January 19, 2005, the Board had voted seven (7) to zero (0) to keep the record open for additional comment from the public on the Petitioners' moratorium request until April 19, 2005, with the Board rendering a decision on the Petitioners' moratorium request by May 19, 2005. In response to the Petitioners' March 21, 2005 letter, the Board voted on Wednesday, March 23, 2005 to: (1) hold an additional public hearing on May 11, 2005 and (2) extend the comment period on the Petitioners' moratorium request until May 11, 2005, to provide members of the public with sufficient time to comment on the Petitioners' original moratorium request as well as the two separate proposals contained in the Petitioners' March 21, 2005 letter.

Persons wishing to comment may review both the original moratorium petition and the Petitioners' March 21, 2005 letter prior to the public hearing. Both the original moratorium petition and the Petitioners' March 21, 2005 letter may be copied for a nominal fee or reviewed during office hours between 8:30 a.m. and 4:15 p.m. Individuals who wish to testify should contact Laura Byrd at (202) 442-4359 by Monday, May 9, 2005, and bring one original and seven (7) copies of your comments to the hearing. All written comments must be filed with the Board by Wednesday, May 11, 2005.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

Notice of Continuation of Public Hearing

for the

***“Draft Proposed Five Year Consolidated Plan for the District of Columbia
for Fiscal Years 2006-2010” and for the***

“Consolidated Annual Action Plan for Fiscal Year 2006”

Friday, April 15, 2005

9:00 a.m. – 10:00 a.m.

**Department of Housing and Community Development
801 North Capitol Street, NE, 9th Floor Conference Room
Washington, D.C. 20002**

Mr. Jalal Greene, Acting Director, Department of Housing and Community Development (the Department), announces a Notice of Continuation of Hearing on the *“Draft Proposed Consolidated Plan for the District of Columbia for Fiscal Years 2006-2010 and for the Consolidated Annual Action Plan for Fiscal Year 2006”*. The hearing will begin at 9:00 a.m., on Friday April 15, 2005, at 801 North Capitol Street, N.E., Washington, D.C., 9th Floor Board Room. The Department is continuing this public hearing because the original Notice did not appear in the District Register in a timely fashion. Although the original Notice was mailed to a substantial number of organizations and individuals and published in several news outlets, the Department desires to ensure that all interested parties have ample opportunity to express their comments on the above-referenced documents.

- **Community Development Block Grant Program**
- **HOME Investment Partnerships Program**
- **Emergency Shelter Grant Program**
- **Housing Opportunities for Persons with AIDS Program (HOPWA)**

The Department will utilize this input from the public, consistent with the District's economic development strategy, citywide strategic plan, and identified strategic target areas, to finalize the *“Draft Proposed Consolidated Plan for the District of Columbia for Fiscal Years 2006-2010 and the Consolidated Annual Action Plan for Fiscal Year 2006”*, for submission to the Council of the District of Columbia and HUD.

The Plans were made available for review on March 4, 2005, at the Department (8th Floor), all public library branches, all Advisory Neighborhood Commission offices, and at the following community-based organizations:

Housing Counseling Services, Inc. 2430 Ontario Road, NW (202) 667-7006	Latino Economic Dev. Corp 2316 18 th Street, NW. (202) 588-5102	Marshall Heights CDO 3939 Benning Road, NE (202) 396-1200
University Legal Services 300 I Street, NE (202) 547-4747	University Legal Services 3220 Pennsylvania Avenue, SE (202) 645-7175	Lydia's House 4101 MLK Jr., Ave, SE (202) 563-7629

If you wish to present oral testimony, contact Ms. Pamela Hillsman-Johnson, Community Development Resource Specialist, at (202) 442-7256, not later than close of business, Wednesday, April 13, 2005. Please provide your name, address, telephone number, and organizational affiliation, if any. For Telecommunications Device for the Deaf (TDD) relay service, call (800) 201-7165. A sign language interpreter and Spanish translation services will be provided. Written statements may be submitted for the record at the hearing or until close of business, Friday, April 15, 2005. Written statements may be mailed to: Mr. Jalal Greene, Acting Director, Department of Housing and Community Development, Attention: Office of Strategy and Communications, 801 North Capitol Street, NE, Washington, D.C. 20002.

Anthony A. Williams, Mayor
Stanley Jackson, Acting Deputy Mayor for Planning and Economic Development
Jalal Greene, Acting Director, Department of Housing and Community Development

www.dhcd.dc.gov

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JUNE 14, 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 FOUR

17330 **Application of Alexander and Trenita Davis**, pursuant to 11
ANC-4B DCMR § 3104.1, for a special exception to allow a one story rear
 addition to an existing single-family detached dwelling under section
 223, not meeting the rear yard requirements (section 404), in the R-2
 District at premises 7435 8th Street, N.W. (Square 3178, Lot 106).

WARD SIX

17331 **Application of JPI Apartment Development LP, on behalf of**
ANC-6B **Larry D. and Carol K. Quillian**, pursuant to 11 DCMR § 3104.1,
 for a special exception to allow an addition to an existing single-
 family dwelling under section 223, not meeting the side yard
 (section 405), court (section 406), and nonconforming structure
 (subsection 2001.3) requirements to establish a flat (two-family
 dwelling) in the R-4 District at premises 1229 E Street, S.E. (Square
 1019, Lot 816).

WARD SIX

17332 **Application of JPI Apartment Development LP, on behalf of**
ANC-6B **Larry D. and Carol K. Quillian**, pursuant to 11 DCMR § 3103.2,
 for a variance from the lot occupancy requirements under section
 772, and a variance from the residential recreation space
 requirements under subsection 773.3, to allow the construction of a

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47 unit residential condominium in the CHC/C-2-A District at premises 1230 Pennsylvania Avenue, S.E. (Square 1019, Lot 55).

P.M.WARD THREE

17320 **Application of St. Albans School, on behalf of the Protestant**
ANC-3C **Episcopal Cathedral Foundation of D.C., pursuant to 11 DCMR §**
 3104.1, for a special exception to permit additional facilities
 including renovation of athletic fields and related structures and
 construction of a performing arts center serving a private school
 under section 206, in the R-1-B District at premises 3101 Wisconsin
 Avenue, N.W. (Square 1944, Lot 25).

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.

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**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 6/14/05 rsn

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: Monday, June 20, 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. 03-30 (Consolidated PUD – Square 643 Associates LLC)

THIS CASE IS OF INTEREST TO ANC 6D

Square 643 Associates LLC requests approval of a consolidated PUD and map amendment in order to construct a 21-unit apartment house as an addition to a historic landmark church structure. The church structure will be devoted to nonprofit office use or similar nonresidential use. The location is 734 First Street, S.W. (Square 643, Lot 830). The Application was filed on November 5, 2004, and the Zoning Commission set down the case for public hearing at its meeting of March 14, 2005. On March 16, 2005, the Office of Zoning received a Pre-Hearing Submission and materials for the case.

The property that is the subject of this application is generally rectangular in shape, has 16,644 square feet of land area and is improved with a vacant church that has recently been designated a historic landmark upon the application of the property owner. The site is located on the north frontage of H Street, S.W., immediately to the east of the Delaware Avenue traffic circle.

The proposed development will rehabilitate and restore the historic landmark church and construct four- and seven-story apartment wings as an addition to the church structure. The Historic Preservation Review Board has granted conceptual design approval of the plans. The apartments will consist of 21-30 units, including a mixture of one- and two-bedroom units. The maximum height of the proposed new construction is 70 feet. The

¹ This case was previously scheduled for hearing on May 12, 2005.

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gross floor area ("g.f.a.") as designed is 44,286 square feet. The applicant is requesting that the Commission permit 10,000 square feet of the space be used for nonprofit office space pursuant to § 217 of the Zoning Regulations. However, at the time that the Commission voted to set down the case, it noted that § 217 relief is only available to residential buildings and expressed doubt as to whether the Church would so qualify. Therefore, the Applicant is proposing, in the alternative, that the 10,000 square feet would be additional residential units, hence the range of 21-30 total units. If the Commission determines that a use variance is required, it will consider granting such relief if the applicant submits an application for such relief. In any event, permitting a non-profit use, under any theory, will not be considered unless the Applicant indicates precisely what that use will be prior to the hearing.

The proposed gross floor area equals an FAR of 2.66, and lot occupancy is 61 percent. The application includes a requested zoning map amendment from the existing R-4 to the proposed R-5-C District. The Applicant requests some deviation or flexibility from the side and rear yard requirements, as well as roof structure standards, as allowed by the PUD regulations at 11 DCMR § 2405.5, based on "the exact circumstances of the project."

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

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

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

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

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

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- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
 - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
 - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required

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by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

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

Time limits.

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

- | | | |
|----|----------------------------------|---|
| 1. | Applicant and parties in support | 75 minutes collectively |
| 2. | Parties | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 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, JOHN G. PARSONS, KEVIN HILDEBRAND, AND GREGORY JEFFRIES, 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, May 26, 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. 04-24 (First-Stage PUD – Rhode Island Avenue Metro)

THIS CASE IS OF INTEREST TO ANC 5B

The partnership of Mid-City Urban LLC and A&R Development Corporation (the "Applicant") requests approval of the first stage of a two-stage PUD and related map amendment in order to construct a medium-density, mixed-use town center immediately to the east of the Rhode Island Avenue Metrorail Station. The town center will have a Main Street orientation. Retail and service stores, with apartments above and surrounding them, will line a Main Street that is approximately 570 in length. Main Street will be pedestrian and retail oriented, including storefronts, sidewalks and curbside parking for 37 cars. There will also be parking garages for retail customers and for residents, and a separate parking garage for patrons of Metrorail to replace the existing parking on the site. Retail stores, community uses and apartments will also line the Rhode Island Avenue frontage.

The 271 apartments will be in four-story buildings (residential or mixed use). Approximately 20 percent of the apartments will be affordable to low and moderate income households. Retail space will total approximately 83,300 square feet of floor space, and project amenities will include a swimming pool, landscaping and pedestrian areas.

A total of 451 parking spaces will be provided, plus a 200-car parking garage for WMATA that will be built on a separate lot as a matter of right and not part of the PUD.. Buses and automobiles traveling to the Metrorail station and the Metro parking garage will follow a "loop" pattern that by-passes Main Street.

The PUD site is currently zoned M (General Industry), which does not allow residential uses. The zoning application requests a rezoning to C-2-B (Medium Density Mixed Use).

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The property that is the subject of this application is the existing parking area for the Rhode Island Avenue Metrorail station – immediately to the east of the station and fronting on Rhode Island Avenue, N.E. The site has 319,446 square feet of area, or 7.33 acres. The separate lot for the WMATA parking garage will have approximately 62,954 square feet of area, and is outside of the PUD.

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

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

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

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

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

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;

- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
 - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
 - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

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

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

Time limits.

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

- | | | |
|----|----------------------------------|---|
| 1. | Applicant and parties in support | 75 minutes collectively |
| 2. | Parties | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 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, JOHN G. PARSONS, KEVIN HILDEBRAND, AND GREGORY JEFFRIES, 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: **Monday, June 6, 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. 04-30 (PUD at 17th Street and Kalorama Road, N.W. – The Citadel)

THIS CASE IS OF INTEREST TO ANC 1-C

On October 20, 2004, the Office of Zoning received an application from Jemal's Citadel, LLC and Faison Enterprises, Inc. (the Applicant). The Applicant is requesting approval of a Planned Unit Development ("PUD"). The Office of Planning provided its report on December 3, 2004, and the case was set down for hearing on December 14, 2004. The Applicant provided its prehearing statement when the application was initially filed and filed additional supplementary materials on March 11, 2005.

The property that is the subject of this application consists of approximately 42,490 square feet of land area and is located at the northeast corner of the intersection of Kalorama Road and 17th Streets, N.W. (Square 2572, Lot 36). The subject property is zoned RC/C-2-B. The Applicant proposes no change in this zoning.

The Applicant proposes to convert the existing and currently vacant building, which has had a history of uses including being a roller skating rink, into a building housing a full-service grocery store and an additional retail or service area, to expand the building (mostly within its existing overall cubic volume) to include an area for general offices and to provide parking on two existing levels for these uses. The maximum height of the building would be fifty-five feet, the height of the existing building. The overall building would increase from 56,796 square feet of gross floor area to 74,913 gross square feet or 1.76 FAR. Of the total gross floor area, 33,195 square feet would be for the full-service grocery store, 4,069 square feet area would be for the other retail or service area, 29,594 square feet would be for the general offices, 5,891 square feet would be for parking spaces and adjacent aisles, and 2,164 square feet would be for the loading area. The architect for the PUD is Esocoff and Associates and the land use counsel is Holland & Knight LLP.

The C-2-B District is designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the District of Columbia outside the central core. The C-2-B District permits a maximum height of sixty-five feet and a maximum FAR of 3.5, of which no

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more than 1.5 may be used for nonresidential purposes. The Reed-Cooke (RC) Overlay District modifies the provisions of the underlying zone with respect to uses and height and provides that no PUD shall exceed the matter-of-right height, bulk and area requirements of the underlying zone. See 11 DCMR § 1402. The Zoning Commission will determine whether the overlay precludes it from granting increased FAR as a PUD development incentive. The Applicant submitted a variance application without conceding that a variance is required, at the request of the Zoning Commission. If the Zoning Commission determines a variance is required, it will consider the variance application concurrently with the PUD.

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

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

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

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

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

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;

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- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
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 - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

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

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in §§ 3012.5 no later than seven

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(7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

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

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

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 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, 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, ACTING SECRETARY TO THE ZONING COMMISSION.

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

TIME AND PLACE: **Monday, June 27, 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. 05-02 (Text Amendment – Residential Recreation Space)

THIS CASE IS OF INTEREST TO ALL ANC S

On March 4, 2005, the Office of Planning petitioned, through a set down report, for a text amendment to amend the requirements pertaining to Residential Recreation Space requirements in the C (Commercial), CR (Mixed Use Commercial Residential) and SP (Special Purpose) zone districts. The Zoning Commission set down the case for public hearing at its meeting of March 14, 2005. The Office of Planning set down report also served as the pre-hearing statement for this case.

In addition to the following listed changes, the Zoning Commission will discuss whether to further amend the text with regards to the inclusion of private recreation space in calculations for required recreation space. Private recreation space (such as a balcony or patio, accessible to the owner of only one unit) is currently permitted to be included in required residential recreation space calculations in the CR zone only, not in the C or SP zones. The Commission will discuss making the regulations more consistent, which could be accomplished by either allowing the inclusion of private recreation space in total area calculations in all zones, or removing this provision from the CR zone.

The proposed text amendment is as follows:

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

- A. Chapter 4 RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS, Section 411 ROOF STRUCTURES, subsection 411.1 is amended to insert after “swimming pools” the following:

“or other recreation space”.

- B. Chapter 5, SPECIAL PURPOSE (SP), Section 533 RESIDENTIAL RECREATION SPACE, is amended as follows:

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1. In subsection 533.1, by replacing the existing clause with the following:
“533.1 When all or a portion of a building in an SP District is devoted to a residential use other than a one-family dwelling, flat, or hotel, residential recreation space shall be provided.”
2. In subsection 533.3, by deleting the word “other”.
3. In subsection 533.5, by deleting the words “safe, secure, and”.
4. In subsection 533.8, by replacing the existing clause with the following:
“533.8 Any portion of a roof to be used for residential recreation space, shall have no dimension less than eight (8) feet.”
5. By adding new subsections 533.11 – 533.13, as follows:
“533.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 533.12 – 533.13 are satisfied.
533.12 The Board shall give consideration to the following.
 - (a) Nature and location of residential recreation space being provided on-site;
 - (b) Presence of private outdoor space within the project, such as balconies, decks, or patios;
 - (c) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;
 - (d) Overlay requirements for retail or arts space within the building; and
 - (e) Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.533.13 Prior to taking hearing action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact

of the proposal on park and recreation facilities within a half-mile radius of the project site.”

- C. Chapter 6, MIXED USE COMMERCIAL RESIDENTIAL (CR), Section 635 RESIDENTIAL RECREATION SPACE, is amended by replacing the existing section in its entirety with a new Section 635 as follows:

“635 RESIDENTIAL RECREATION SPACE (CR)

- 635.1 For the purposes of this section, the phrase “residential use” shall include dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities. When all or a portion of a building in a CR District is devoted to a residential use, private residential recreation space shall be provided.
- 635.2 An area equal to not less than fifteen percent (15%) of the gross floor area devoted to residential use shall be provided as private residential recreation space, in accordance with the provisions of §§ 635.3 through 635.8.
- 635.3 Private residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure.
- 635.4 No less than seventy percent (70%) of the total residential recreation space shall be outdoors.
- 635.5 The private residential recreation space shall be equipped or landscaped for the active or passive recreation for use of the residents.
- 635.6 Rooftops that contain residential recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.
- 635.7 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.
- 635.8 The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths.
- 635.9 Reduction or elimination of the required private residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 635.10 – 635.11 are satisfied.
- 635.10 The Board shall give consideration to the following.

- (a) Nature and location of residential recreation space being provided on-site;
- (b) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;
- (c) Overlay requirements for retail or arts space within the building; and
- (d) Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.

635.11 Prior to taking hearing action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.”

C. Chapter 7, COMMERCIAL (C), Section 773 RESIDENTIAL RECREATION SPACE, is amended as follows:

1. In subsection 773.1, by adding the word “residential” before the phrase “recreation space.”
2. In subsection 773.2, by adding at the end of the subsection the following:
“in accordance with the provisions of §§ 773.3 through 773.10.”
3. In subsection 773.5, by replacing the existing subsection with the following:
“773.5 The recreation space shall equipped or landscaped for the active or passive recreation use of the residents.”
3. In subsection 773.8, by replacing the existing subsection with the following:
“773.8 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.”
4. By adding new subsections 773.11 – 773.13, as follows:
“773.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the

Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 773.12 – 773.13 are satisfied.

773.12 The Board shall give consideration to the following.

- (a) Nature and location of residential recreation space being provided on-site;
- (b) Presence of private outdoor space within the project, such as balconies, decks, or patios;
- (c) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;;
- (d) Overlay requirements for retail or arts space within the building; and
- (e) Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.

773.13 Prior to taking hearing action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.”

C. Chapter 31 BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, Section 3104 SPECIAL EXCEPTIONS, subsection 3104.1 is amended to add within the table in the appropriate alphabetical order the following:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
<u>“Residential Recreation Space</u>	<u>CR and any SP or C District</u>	<u>§§ 533.11, 635.9, 773.11”</u>

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.)).

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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, June 16, 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. 05-09 (Map Amendment – WMATA Light Rail Maintenance Facility)

THIS CASE IS OF INTEREST TO ANC 8C

On March 4, 2005, 2004, the Office of Planning, on behalf of the District of Columbia, petitioned, through a set down report, for a map amendment to unzone property located in Parcel 239 Lot 2 and Parcel 234 Lot 2 to zone the property C-M-1. The Zoning Commission set down the case for public hearing at its meeting of March 14, 2005. The Office of Planning set down report also served as the pre-hearing statement for this case.

The property that is the subject of this application is approximately one acre in size and is unzone. The subject site is between the Barry Farm neighborhood and Bolling Air Force Base at the intersection of South Capitol Street and Firth Sterling Avenue and is located on the proposed light rail line.

The proposed map amendment is as follows:

A portion of Parcel 239 Lot 2 and of Parcel 234 Lot 2, currently unzone, is to be zone C-M-1. The proposed use is a maintenance facility for the future Anacostia Light Rail System.

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.

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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.**

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