

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

HEARING DATE: JUNE 23, 2004

APRIL 23, 2004 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 JUNE 23, 2004 AT 10:00 A.M., 7<sup>TH</sup> FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E.

APPLICATION NO. 30551 PANDA CAFÉ, INC. T/A PANDA CAFE  
RETAILER, "D" RESTAURANT 2138 1/2 PENNSYLVANIA AVE., NW

WARD 2 SMD 2A06

NATURE OF OPERATION

NEW RESTAURANT, WITH CHINESE HUNAN, SZECHUAN; CANTONESE  
CUISINE NO ENTERTAINMENT. SIDEWALK CAFÉ

SALE AND SERVICE OF ALCOHOLIC BEVERAGES

SUNDAY 12:00PM – 10:00PM

MONDAY THROUGH FRIDAY 10:30AM – 11:00PM

SATURDAY 12:00PM – 10:00PM

PETITION AND/OR REQUEST TO APPEAR BEFORE  
THE BOARD MUST BE FILED ON OR BEFORE  
JUNE 8, 2004

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF PUBLIC HEARING**

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

**Case No. 04-08: Friendship Baptist Church (Affected ANC: 6D)**  
734 First Street, SW  
Square 643, Lot 830

**Case No. 02-31: Skyland (Hillcrest) Shopping Center**  
2818, 2824, 2830-2832 and 2834 Alabama Avenue, SE (ANC 7B)  
Square 5632, part of Lot 1

The hearing will take place at 10:00 a.m. on Thursday, May 27, 2004, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10 DCMR 26). A copy of the rules can be obtained from the Historic Preservation Office at 801 North Capitol Street, NE, Room 3000, Washington, DC 20002, or by phone at (202) 442-8800.

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

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

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

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

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

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

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

**Department of Health****STATE HEALTH PLANNING AND DEVELOPMENT AGENCY****NOTICE OF PUBLIC HEARING**

Pursuant to Title 22 DCMR, Section 4302, the District of Columbia State Health Planning and Development Agency ("SHPDA") will conduct a public hearing on Certificate of Need Registration No. 03-8-2, an application by the D.C. Department of Mental Health for the construction of a 292-bed replacement St. Elizabeths Hospital. The hearing will be held on Wednesday, May 5, 2004 at 10:00 a.m., at 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Room 4131, Washington, D.C. 20002.

Persons who wish to testify should contact the Project Review Branch of the SHPDA on (202) 442-5875 before 4:45 p.m., Tuesday, May 4, 2004. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes. Written statements may be submitted to:

**The State Health Planning and Development Agency  
825 North Capitol Street, N.E.  
Third Floor  
Washington, D.C. 20002**

Written statements must be received by close of business on Friday, May 14, 2004. Persons who would like to review the Certificate of Need application or who have questions relative to the hearing may contact the SHPDA on (202) 442-5875.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, JUNE 29, 2004  
SECOND FLOOR HEARING ROOM, SUITE 220-S  
441 4<sup>TH</sup> STREET, N.W.  
WASHINGTON, D.C. 20001**

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

**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 ONE**

17175  
ANC-1C

**Application of Douglas Development Corp./Jemal's Wheel LLC,** pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements under section 411, and a special exception to increase the building height to 50 feet pursuant to section 1402, and pursuant to 11 DCMR § 3103.2, variances from the lot occupancy requirements under section 772, the residential recreation space requirements under subsection 773.7, the side yard requirements under subsections 775.5 and 2001.3, and the parking aisle width requirements under subsection 2117.5, to permit the development of a 4 story apartment house in the RC/C-2-B District at premises 1701 Kalorama Road, N.W. (Square 2655, Lot 90).

**WARD TWO**

17176  
ANC-2F

**Application of International Real Estate and High Tech Investment Group,** pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, and a variance from the nonconforming structure provisions under subsection 2001.3, to construct an addition to an existing apartment building in the C-2-A District at premises 1320 9<sup>th</sup> Street, N.W. (Square 367, Lot 823).

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**WARD SIX**

17179  
ANC-6C      **Application of Heritage Foundation**, pursuant to 11 DCMR § 3104.1, for a special exception to continue an accessory parking lot (last approved under BZA Order No. 16250) serving single-family dwellings under section 214, and pursuant to 11 DCMR § 3103.2, a variance to allow accessory parking spaces located elsewhere than on the same lot as the dwellings under subsection 214.1, a variance to allow the accessory parking spaces to be located more than 200 feet from the area to which they are accessory under subsection 214.3, and a variance to allow the accessory spaces not being contiguous to or separated by an alley from the area to which they are accessory under subsection 214.4, in the CAP/R-4 District at premises 415, 416 and 424 4<sup>th</sup> Street, N.E. (Square 780, Lots 43, 62, and 810).

**P.M.****WARD FOUR**

17180  
ANC-4B      **Application of Francis Yates**, pursuant to 11 DCMR § 3104.1, for a special exception to construct a sunroom addition to the side of an existing single-family dwelling under section 223, not meeting the lot occupancy requirements (section 403), the side yard requirements (section 405) and nonconforming structure provisions (subsection 2003.1), in the R-1-B District at premises 6520 8<sup>th</sup> Street, N.W. (Square 2973, Lot 100).

**WARD TWO**

17181  
ANC-2A      **Application of Jeffrey Booth**, pursuant to 11 DCMR § 3104.1, for a special exception to construct a sunroom addition to the rear of an existing single-family dwelling under section 223, not meeting the lot occupancy requirements (section 403), and rear yard requirements (section 404), in the FBOD/R-3 District at premises 914 ½ 25<sup>th</sup> Street, N.W. (Square 16, Lot 862).

**WARD EIGHT**

17182  
ANC-8E      **Application of Tyrone Brown**, pursuant to 11 DCMR § 3104.1, for a special exception to construct a sunroom addition to the rear of an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), rear yard requirements (section 404), and side yard requirements (section 405) in the R-5-A District at premises 1385 Barnaby Terrace, S.E. (Square 5923, Lot 49).

## BZA PUBLIC HEARING NOTICE

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**PLEASE NOTE:**

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

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

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

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

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

PHN 6/29/04 rsn

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

**TIME AND PLACE:** Thursday, June 10, 2004, 6:30 P.M.  
Office of Zoning Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

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

**CASE NO. 00-27 (Zoning Map Amendment – Square 37, Lots 810, 811, 831, 836, 837, and 855)**

**THIS CASE IS OF INTEREST TO ANC 2A**

The Zoning Commission of the District of Columbia hereby gives notice that it will conduct a public hearing at the above-stated date, time, and place to receive comments concerning review and approval of a Zoning Map Amendment under Chapter 30 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended). The proposed map amendment would change the base zone district for the subject properties from their present R-5-B classification to R-5-E, C-2-C, or CR

The District of Columbia Administrative Procedures Act, DC Code 2-505, provides that this Notice also means that the Commission can consider not just rezoning to the three stated alternatives but may also apply other zone district classifications that are more permissive than the present R-5-B zone but that are more restrictive than either the referenced C-2-C (such as C-2-B) or the referenced R-5-E (such as R-5-D), for some or all of the land area involved. The Commission is not obligated to find a single base zone to apply to all of the land.

The petitioner is asking the Zoning Commission to effect a Map Amendment to the southern portion of Square 37 (land lying south of that Square's single, east-west public alley; specifically applying to Lots 810, 811, 812, 831, 836, and 855, to resolve an inconsistency among the principles of the Comprehensive Plan, present zoning, and D.C. Code.

In short, the Comprehensive Plan and its associated Generalized Land Use Map call for the area to be for a mixture of high-density residential uses along with medium-density commercial uses.

In contrast, the present R-5-B zoning classification provides for "moderate density" residential uses at "moderate" heights. All R-5 zones permit apartment houses (technically, "multiple

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dwelling”), flats and one-family dwellings, along with hospitals, clinics, and museums, as a matter of right. Density is limited to a Floor Area Ratio (“FAR”) of 1.8. FAR is the ratio of the “gross floor area” to the area of the land. Gross floor area excludes “cellar” areas but includes the horizontal area of “basements” (whose ceiling extends four feet or more above the adjacent grade) and the horizontal area of all floors from the ground up other than a penthouse, which contains stairways, elevator and other mechanical equipment. In the R-5-B zone, height is limited to 50 feet, with an additional allowance for a penthouse. Colleges and universities, along with art galleries, are among uses allowed after an owner seeks and secures the approval of the Board of Zoning Adjustment (“BZA”) under the BZA’s Special Exception process.

As summarized within the present District of Columbia Comprehensive Plan (at §112.3) “... zoning may not be inconsistent with the Comprehensive Plan...” Thus, present zoning does not comport with the broad principles established by the Plan, particularly its land use element.

The zone district alternatives to be considered include the following:

**R-5-E** The R-5-E zone exists to allow compact, high-rise residential development that may extend to a height of 90 feet and provides the highest allowed purely residential density in the District of Columbia’s zoning program, namely an FAR of 6.0. This zone district, as with R-5-B, R-5-C, and R-5-D, permit apartment houses (technically, “multiple dwellings”), flats and one-family dwellings, along with hospitals, clinics, and museums, as a matter of right. Colleges and universities, along with art galleries, are among uses allowed with the approval of the BZA under that Board’s Special Exception procedures. The R-5-E zone limits FAR of new uses other than apartment houses to 5.0.

**C-2-C** The C-2-C zone exists to provide for a mix of residential and commercial uses at the same density (FAR of 6.0) and height limits (90 foot) as R-5-E; areas so-zoned are to be “compact” and “located near the Central Employment Area.” While overall development is limited to an FAR of 6.0, any development exceeding an FAR of 2.0 must be used for an apartment house or “other residential” use, which includes “guest room” areas of hotels and areas supporting these guest rooms. Uses allowed within the FAR limit of 6.0 include all uses allowed in the R-5 zones as a matter of right. General offices and a wide range of retail and other uses may utilize up to a limit of 2.0 FAR within the overall FAR limit of 6.0. The zone also allows international organizations, theatres and assembly halls, parking lots and parking garages, colleges, universities, and other academic institutions of higher learning, as a matter of right.

**CR** The CR zone allows the same total density in terms of FAR as both R-5-E and C-2-C, namely 6.0, and also limits development to 90 feet. Just as in C-2-C, the CR zone’s rules interpret “guest room” and related service areas of hotels as “residential” space under the prevailing FAR limits. While C-2-C allows an FAR of 2.0 to be devoted to non-residential uses within the overall FAR limit of 6.0, CR allows non-residential uses to utilize an FAR of as much as 3.0. CR zones allow a range of commercial uses similar to

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those in C-2-C; it also prohibits certain uses allowed in C-2-C and other Commercial zones, including "parking lots" and "drive-through" establishments. Moreover, some uses allowed as a matter of right in the C-2 districts require approval in CR from the BZA, including hospitals, clinics, colleges and universities. The BZA may also allow a few light industrial uses such as warehouses and vehicle sales. The CR zone requires that developed properties provide "public space" at the ground level amounting to ten percent of the total area of the lot that is (a) adjacent to the property's main entrance, (b) open to the sky or have a minimum clearance of 10 feet or one story, (c) have ample illumination and appropriate landscaping, and (d) be continuously open to the general public.

The C-2-C zone, Commercial zones more restrictive than C-2-C, and the CR zone all require those developing residential uses to provide "residential recreation space." For C-2-C and CR, the space must be the equivalent to 15 percent of the gross floor area devoted to multiple dwellings, i.e., apartments and their supporting space such as lobbies and hallways. Of this, at least half that area must be "outdoors" in the Commercial zones and at least 70 percent must be "open to the sky" in CR districts.

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.).

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.

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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

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

**Time limits.**

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

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

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

**TIME AND PLACE:**            **Thursday, June 17, 2004 @ 6:30 P.M.**  
                                 **Office of Zoning Hearing Room**  
                                 **441 4<sup>th</sup> Street, N.W. - Suite 220**  
                                 **Washington, D.C. 20001**

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

**Case No. 04-02 (Map and Text Amendment – East M Street SE, Capital Gateway Overlay II)**

**THIS CASE IS OF INTEREST TO ANC 6B:**

On January 6, 2004, the Office of Zoning received a request from the Office of Planning requesting a map and text amendment. This case was set down for hearing on February 6, 2004. The Office of Planning's report constituted its prehearing statement.

The area subject to this application, referred to as the East M Street area, as noted in the Office of Planning report includes Squares 1000, 1001S, 1024, 1025E, 1048, 1048S, 1067, and 1080; portions of Squares 1025, 1025S, 1079SE, 1080E and 1080S. Subsequent to the report, Squares 1079SE, 1080E and 1080S were removed from the application, as they were positively determined to be National Park Service (NPS) lands not subject to zoning. This area is referred to as the **East M Street CG Overlay II area**.

Within this area, the Office of Planning proposes to:

1. Rezone ~~the~~ subject properties from M, C-M-1 and C-M-2 to W-3 (lands originally proposed to be rezoned to W-0 have been removed from the application as they are NPS lands not subject to zoning);
2. In the alternative, the Zoning Commission is advertising the rezoning of Squares 1025S, 1025E, and 1048S from M to W-2; and
3. Map the Capital Gateway (CG) Overlay District to the East M Street CG Overlay II area, and
4. Amend the CG Overlay District as it would apply to the East M Street CG Overlay II area only, to:
  - (a) Require Zoning Commission review of land within the CG/W-3 District;

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- (b) Limit CG/W-3 density and height to that permitted under the base zone;
- (c) Note that specific requirements of the CG Overlay District for M Street SE, including one related to setback, preferred retail, and parking access, do not apply within the East M Street CG Overlay II portion of the Overlay; and
- (d) Encourage retail and other active uses along Virginia Avenue SE.

The Office of Planning also proposes to amend the text of the CG Overlay District, as it would apply to all lands within the Overlay, including the aforementioned East M Street CG Overlay II portion, to:

1. Establish a minimum floor to ceiling height of 14' for required areas of preferred retail uses.

The existing M District permits development of general industry uses to a maximum FAR of 6.0, and a maximum height of 90 feet.

The existing C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 3.0, and a maximum height of 40 feet with standards of external effects; new residential uses are prohibited.

The existing C-M-2 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 4.0, and a maximum height of 60 feet with standards of external effects; new residential uses are prohibited.

The proposed W-3 District permits development of high density mixed residential-commercial uses to a maximum FAR of 6.0, and a maximum height of 90 feet.

The proposed W-2 District permits development of medium density mixed residential-commercial uses to a maximum FAR of 4.0, and a maximum height of 60 feet.

The proposed language to amend the Capital Gateway Overlay District within **Chapter 16, CAPITOL GATEWAY OVERLAY DISTRICT** of the Zoning Regulations is as follows (proposed new text in **bold**):

1. In Section 1600 Preamble, add a new subsection 1600.2 as follows and renumber subsequent subsections accordingly:

**“1600.2 The CG Overlay District is also applied to the East M Street Area, referred to as GC Overlay District II. The following squares and portions of squares in the Southeast quadrant of the District of Columbia are included in the East M Street CG Overlay II area: Squares 1000, 1001S, 1024, Squares 1025 (lots 811, 812 and 813); 1025E; 1025S (lot 11); 1048; 1048S; 1067; and 1080.”**

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2. In Section 1600 Preamble, amend renumbered subsection 1600.3, to add a new purpose statement as follows:

**“(f) Provide for the development of Virginia Avenue S.E., within the East M Street CG Overlay II portion of the CG Overlay District, as a gateway to the river with an active mix of uses such as retail, service, entertainment, cultural and hotel or inn uses, and a strong connection to the waterfront park and Riverwalk.”**

3. In Section 1600 Preamble, amend renumbered subsection 1600.4 to read as follows: (proposed new text in **bold**):

1600.34 The CG Overlay District and the underlying CR, W-1, W-2, W-3, and C-3-C Districts shall constitute the Zoning Regulations for the geographic area referred to in §§1600.1 **and 1600.2**. Where there are conflicts between this chapter and the underlying zoning, the provisions of the CG Overlay District shall govern.

4. In Section 1601 Bonus Density and Height, amend subsection 1601.2 to read as follows:

“1601.2 In the CG/CR and CG/W-3 districts, a building or combined lot development shall be allowed a maximum density of 7.0 FAR; Provided that the additional 1.0 FAR in excess of the matter-of-right maximum of 6.0 FAR shall be devoted solely to residential uses. **This bonus density provision shall not apply to CG/W-3 area within the East M Street CG Overlay II, described in §1600.2.”**

5. Amend the title of Section 1604 Zoning Commission Review Of Buildings And Structures On M Street, S.E. to read as follows:

1604 ZONING COMMISSION REVIEW OF BUILDINGS AND STRUCTURES ON M STREET, S.E. **BETWEEN SOUTH CAPITOL STREET AND 4<sup>TH</sup> STREET, S.E.**”

6. In Section 1604 Zoning Commission Review Of Buildings And Structures On M Street, S.E., Amend subsection 1604.4 to read as the follows:

“1604.4 Each new building shall devote not less than fifty percent (35%) of the gross floor area of the ground floor to retail, service, entertainment or arts uses (“preferred uses”) as permitted in §§701.1 through 701.5 and §§721.1 through 721.6 of this title; Provided, that the following uses shall not be permitted: automobile laundry, drive through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building). Such preferred uses shall occupy 100% of the building’s street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control. **The minimum floor to ceiling height for portions of the ground floor level devoted to such preferred uses shall be fourteen (14) feet.”**

7. Add a new section 1605 as follows:

**“1605 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES AND USES IN THE CG/W-3 DISTRICT**

**1605.1 Within the East M Street CG Overlay II, as described in §1600.2, all proposed uses, buildings, and structures in the CG/W-3 District, or any proposed exterior renovation to any existing buildings or structures in the CG/W-3 District that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission.**

**1605.2 In addition to proving that the proposed use, building or structure meets the standards set forth in § 3104, the applicant shall further demonstrate that the use, building or structure:**

**(a) Will help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses; and**

**(b) In the case of waterfront lots, provides suitably designed public open space along the waterfront, as specified in § 1603.3.**

**1605.3 With respect to a building or structure to be constructed on a lot that faces or abuts the Anacostia River:**

**(a) The building or structure shall be set back by no less than seventy-five (75) feet, unless the Commission finds that such setback creates an undue economic hardship for the owner of the lot and in no case less than fifty (50) feet from the bulkhead.**

**(b) The application shall include a plan for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront.**

**1605.4 With respect to all applications, the proposed building or structure shall be designed with a height, bulk and siting so as to provide for openness of views and vistas to and from the waterfront and, where practical, maintain views of federal monumental buildings.**

**1605.5 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.**

**1605.6 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180.1(16) plus such fees as apply to any**

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**additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal at a meeting or hearing as a preliminary matter to hearing the application.”**

8. Renumber existing sections 1605 and 1606 to new sections 1606 and 1607 respectively.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, and § 5-413 *et seq.*, D.C. Code, (1994 Repl.).

The public hearing on this case will be conducted in accordance with the provisions of section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of 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, KEVIN L. HILDEBRAND AND GREGORY N. JEFFRIES, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.**