

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

HEARING DATE: OCTOBER 29, 2003

AUGUST 29, 2003, 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 OCTOBER 29, 2003 10:00 A.M., 7<sup>TH</sup> FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E.

APPLICATION NO. 9841, ILIJA'S INTERNATIONAL GOURMET SHOPPE, INC. T/A ILIJA'S INTERNATIONAL, RETAILER'S CLASS "C"  
RESTAURANT, 5441 MACARTHUR BLVD., NW, WARD 3 ANC 3D04

NATURE OF OPERATION

NEW RESTAURANT WITH NO ENTERTAINMENT.

SALE AND SERVICE OF ALCOHOLIC BEVERAGES

SUNDAY THROUGH THURSDAY, 11AM-2AM  
FRIDAY AND SATURDAY, 11AM-3AM

PETITION AND/OR REQUEST TO APPEAR BEFORE  
THE BOARD MUST BE FILED ON OR BEFORE  
OCTOBER 14, 2003

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
941 NORTH CAPITOL ST., NE, 7<sup>TH</sup> FLOOR  
SUITE 7200  
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APPLICATION NO. 50254, KARMA JAVA, INC. T/A KARMA JAVA & BAR, RETAILER'S CLASS "C" RESTAURANT, 1919 PENNSYLVANIA AVENUE, NW, WARD 2 ANC 2B06

NATURE OF OPERATION

NEW RESTAURANT WITH RECORDED MUSIC AND SUMMER GARDEN.

SALE AND SERVICE OF ALCOHOLIC BEVERAGES

MONDAY THROUGH THURSDAY, 8:00AM-11:00PM

FRIDAY AND SATURDAY, 8:00AM-2:00AM

SUNDAY, 10:00AM-11:00PM

PETITION AND/OR REQUEST TO APPEAR BEFORE  
THE BOARD MUST BE FILED ON OR BEFORE  
OCTOBER 14, 2003

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

**TIME AND PLACE:**            **Thursday, November 13, 2003, @ 6:30P.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. 01-33 (Text Amendment -- High Density Residential Retail Overlay District)**

**THIS CASE IS OF INTEREST TO ALL ADVISORY NEIGHBORHOOD COMMISSIONS**

The Zoning Commission of the District of Columbia hereby gives notice of its intent to hold a further public hearing at the above-stated date, time and place to receive comments concerning Case No. 01-33, a text amendment to Title 11, Chapter 13, to establish the High Density Residential Retail Overlay District ("HDRR"). On July 29, 2002, the Zoning Commission held a public hearing on Case No. 01-33, which was continued until September 9, 2002. Significant changes have been made in the text of HDRR and the Commission has determined that a new hearing at the above-stated date, time, and place is necessary.

Zoning Commission Case No. 01-33 arose out of another case, Case No. 00-27. During the processing of Case No. 00-27, a new Overlay, HDRR, was proposed. If approved, HDRR could apply on various parcels of land throughout the District of Columbia.

Title 11 DCMR (Zoning), Chapter 13, is proposed to be amended as follows (additions shown in **bold** and underlined):

Title 11 DCMR, Chapter 13, NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT, is amended as follows:

1. By amending § 1301.1 to read as follows. New text is shown in underline. Deleted wording is shown in strike-through lettering.

1301.1            The NC Overlay District is mapped in combination with the underlying Commercial-zoning District and not instead of the underlying district.

2. By reserving §§ 1310 through 1314 for future neighborhood commercial overlays based exclusively upon §§ 1300 through 1305 and by adding a new § 1315 to read as follows:

- 1315 HIGH-DENSITY RESIDENTIAL RETAIL OVERLAY DISTRICT
- 1315.1 The High-Density Residential Retail Overlay District ("HDRR" or "Overlay District") may be applied to compact geographic areas zoned as R-5-D and/or R-5-E Districts and designated for a mixture of high-density residential and low-moderate density commercial uses in the Generalized Land Use Map of the District of Columbia Comprehensive Plan, as it may be amended.
- 1315.2 Except as otherwise specifically noted, the provisions of §§ 1300 through 1304 shall apply within an HDRR Overlay District. In the event of a conflict between any provision(s) of § 1300 through § 1304 and any provision(s) of § 1315, the provisions of § 1315 shall govern.
- 1315.3 In addition to the purposes that are set forth in § 1300.3 of this chapter, the purposes of the HDRR Overlay District are as follows:
- (a) To allow high-density residential development in the interest of economic development;
  - (b) To allow low-moderate density commercial uses in conjunction with such development that would support not only the referenced development, but also the local neighborhood;
  - (c) To limit the size and types of allowable commercial uses primarily to neighborhood-serving retail, service, and accessory office uses; and
  - (d) To require that a minimum amount of neighborhood-serving commercial uses be provided on the ground floor level of any future development or existing buildings that undergo major renovation or rehabilitation.
- 1315.4 Except as provided in §§ 1315.5 and 1315.6, the requirements and incentives of this section shall apply to:
- (a) Any new building constructed within an HDRR Overlay District; and
  - (b) Any other building within an HDRR Overlay District for which a building permit is filed for renovation, rehabilitation, additions, alterations, or repairs (hereinafter referred to as "renovation"), if the estimated costs of such renovation, plus the cumulative costs of renovations performed during the twelve (12) month period immediately preceding the date that the building permit application was filed, equals or exceeds one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of that date of the permit application filing.

Z.C. NOTICE OF PUBLIC HEARING  
CASE NO. 01-33TA  
PAGE NO. 3

1315.5 The requirements and incentives of this section shall not apply to the following uses:

- (a) Accessory use;
- (b) Antenna;
- (c) Chancery;
- (d) Child/Elderly development center;
- (e) Church or other place of worship;
- (f) Community-based residential facility;
- (g) Community house;
- (h) Embassy;
- (i) Farm and truck garden;
- (j) Flat;
- (k) Hospital, sanitarium, clinic for humans;
- (l) One-family detached;
- (m) One-family semi-detached;
- (n) Parking garage on an alley;
- (o) Parsonage, vicarage, or rectory;
- (p) Private garage;
- (q) Public recreation or community center;
- (r) Public school;
- (s) Residence for teacher or staff of a private school;
- (t) Row dwelling;
- (u) Temporary building; or
- (v) Any use only allowed in the R-5 district with special exception approval.

- 1315.6 The requirements and incentives of this section shall not apply to the following types of uses and properties, unless the owner intends to incorporate the non-residential uses provided for herein, in which case all such requirements and incentives shall apply:
- (a) Art gallery;
  - (b) Hotel grandfathered pursuant to § 350.4 (d);
  - (c) An interior lot with 50 feet or less of continuous frontage along the street where the principal entrances exist or are planned;
  - (d) A lot smaller than 7,000 square feet in size;
  - (e) Mass transit facilities;
  - (f) Museum;
  - (g) Parking garage;
  - (h) Private club, lodge, fraternity house, sorority house, or dormitory, when the use is a service customarily carried on as a business;
  - (i) Rooming and boarding house; or
  - (j) A renovated building that would be subject to this section by virtue of § 1315.4 (b) but which, both prior to and after such renovation, reserved at least 50% of the ground floor square footage for residential use(s).
- 1315.7 Subject to the FAR limitations set forth in §§ 1315.14 and 1315.15, the following neighborhood-serving service uses are permitted:
- (a) Bank or other financial institution;
  - (b) Bar or cocktail lounge;
  - (c) Barber or beauty shop;
  - (d) Blueprinting or similar reproduction service;
  - (e) Cobbler or shoe repair shop;
  - (f) Collection station for dry cleaning, dying, or laundry, not exceeding twenty-five hundred (2,500) square feet of gross floor area;

- (g) Dressmaking shop or establishment;
- (h) Film exchange;
- (i) Interior decorating shop;
- (j) Laundry or dry cleaning establishment, not exceeding twenty-five hundred (2,500) square feet of gross floor area;
- (k) Laundry, self-service, not exceeding twenty-five hundred (2,500) square feet of gross floor area;
- (l) Library (public or private);
- (m) Locksmith;
- (n) Optician and optometrist;
- (o) Photographic studio or shop;
- (p) Picture framing studio or shop;
- (q) Radio or television repairs;
- (r) Shoeshine parlor;
- (s) Tailor shop or valet shop not exceeding twenty-five hundred (2,500) square feet of gross floor area;
- (t) Telegraph office; and
- (u) Watch repair shop.

1315.8 Subject to the FAR limitations set forth in §§ 1315.14 and 1315.15, the following neighborhood-serving retail uses are permitted:

- (a) Antique store or shop;
- (b) Art supplies store;
- (c) Automatic ice delivery station;
- (d) Automobile accessories sales;
- (e) Bakery, provided that any manufacture of bakery goods shall be limited to goods retailed on the premise;

- (f) Bicycle sales and repair;
- (g) Book store;
- (h) Camera or photographic supplies store;
- (i) Cosmetics or toiletries store;
- (j) Display stand or store for mail order sales;
- (k) Drug store or pharmacy;
- (l) Dry goods store not exceeding ten thousand (10,000) square feet of gross floor area;
- (m) Electric appliance store, including television and radio sales;
- (n) Flower stand or florist shop;
- (o) Food or grocery store;
- (p) Furniture store;
- (q) Gift shop;
- (r) Hardware store;
- (s) Hobby shop, including the sale of toys;
- (t) Home furnishings sales;
- (u) Jewelry store;
- (v) Leather goods store;
- (w) Music store;
- (x) Musical instruments and accessories sales;
- (y) Newsstand;
- (z) Notions or novelty store;
- (aa) Office supplies and equipment sales;

Z.C. NOTICE OF PUBLIC HEARING  
CASE NO. 01-33TA  
PAGE NO. 7

- (bb) Optical goods store;
  - (cc) Paint store;
  - (dd) Pet shop;
  - (ee) Restaurant, but not including a fast food restaurant, drive-in restaurant, or food delivery service;
  - (ff) Sporting goods store;
  - (gg) Stationery store;
  - (hh) Tobacco products store;
  - (ii) Theater, including motion picture theater; and
  - (jj) Variety store not exceeding ten thousand (10,000) square feet of gross floor area.
- 1315.9 Subject to the density limitations set forth in §§ 1315.14 and 1313.15, other service or retail uses similar to those listed in §§ 1315.7 and 1315.8, including on-premises assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment, shall be permitted.
- 1315.10 Not less than 0.5 FAR of the gross building area of each building shall be reserved for permitted service or retail uses.
- 1315.11 Not less than fifty percent (50%) of the ground floor level of each building shall be reserved for permitted service or retail uses.
- 1315.12 Not less than fifty percent (50%) of the surface area of the ground floor level street wall of each building shall be devoted to display windows for, and entrances to, permitted retail and service uses.
- 1315.13 The minimum floor to ceiling height of the ground floor level along the street frontage shall be not less than fifteen (15) feet and the ground floor level shall be constructed at grade.
- 1315.14 The maximum gross floor area for permitted service or retail uses in any building within an HDRR Overlay District shall be:
- (a) 1.0 FAR if the underlying zone district is R-5-D, and
  - (b) 1.5 FAR if the underlying zone district is R-5-E.

Z.C. NOTICE OF PUBLIC HEARING  
CASE NO. 01-33TA  
PAGE NO. 8

- 1315.15 Permitted service and retail uses shall not occupy more than one-third (1/3) of a building's total FAR.
- 1315.16 Properties shall earn a residential floor area bonus of 1.0 square foot for every 1.0 square foot reserved for permitted retail and service uses, up to a maximum of 0.5 FAR. The bonus is limited to the minimum area required to be reserved.
- 1315.17 The total square footage of banking and financial service uses shall not exceed 0.25 FAR of the entire non-residential FAR in any building within an HDRR Overlay District.
- 1315.18 The matter of right floor area ratio limits for the underlying zone districts shall serve as the guidelines for Planned Unit Developments within an HDRR Overlay District.
- 1315.19 Permitted individual service or retail uses with floor areas of less than ten thousand (10,000) square feet shall not be subject to specific parking requirements.
- 1315.20 Permitted individual service or retail uses with floor areas of ten thousand (10,000) square feet or more shall be subject to the parking requirements listed in § 2101.1 of this Title for the use in a C-2-B district.
- 1315.21 Loading and docking requirements shall be the greater of either the requirement under § 2201.1 for the residential use in the underlying R-5-D or R-5-E zone or the requirement under § 2201.1 for the non-residential use in a C-2-B zone district.
- 1315.22 Access to required parking spaces or loading berths shall only be permitted from an alley.
- 1315.23 The rear yard dimension shall be measured in accordance with the provisions of § 774.7.
- 1315.24 The maximum permitted lot occupancy shall be 80%, except that the Board of Zoning Adjustment may grant a special exception from this requirement pursuant to § 3104 of this Title, but only as to the ground floor. The special exception may be granted without regard to the applicable rear yard requirements of the underlying zone district.
- 1315.25 Any applicant seeking a special exception pursuant to § 1315.24 shall prove through submitted building plans and other relevant evidence that the proposed building will:

Z.C. NOTICE OF PUBLIC HEARING  
CASE NO. 01-33TA  
PAGE NO. 9

- (a) Be separated from adjacent buildings with facing windows by a distance sufficient to provide light and air, and to protect the privacy of occupants of all nearby buildings;
- (b) Be appropriately screened to protect any adjacent recreation space and/or open area; and
- (c) Provide adequate off-street service functions, including parking, loading areas, and access points.

1315.26 In the case of a request for initial zoning of one or more properties for inclusion within an HDRR Overlay, the Zoning Commission may also review requests for a special exception under § 3104 (including § 1315.24) simultaneously with the zoning map amendment.

1315.27 Upon receiving a special exception application with respect to a property within an HDRR overlay, the Board of Zoning Adjustment shall refer the application for coordinated review and written comment to the Office of Planning, and to the District of Columbia Departments of Public Works, Transportation, Housing and Community Development, and the State Historic Preservation Officer (if a historic district or historic landmark is involved), and/or other appropriate agencies.

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).

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 should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. Please include the number of 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, HAMES H. HANNAHAM, AND PETER G. MAY, ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.**