

RE-ADVERTISE

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 24, 2009
Petition Date: September 8, 2009
Hearing Date: September 21, 2009

License No.: ABRA-082445
Licensee: Scorsat Food Service, LLC
Trade Name: Thaitanic II
License Class: Retail Class "C" Restaurant
Address: 3460 14th Street, N.W.
Contact: Suriyan Scorsat, 202-387-0882

WARD 1 ANC 1A SMD 1A02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7th Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New restaurant occupancy load is 120 with Sidewalk Café of 80 seats.

HOURS OF OPERATION INSIDE PREMISES AND SIDEWALK CAFE

Sunday through Saturday 11 am - 11 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND SIDEWALK CAFE

Sunday through Saturday 11 am - 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 31, 2009
Petition Date: September 14, 2009
Hearing Date: September 28, 2009

License No.: ABRA-082215
Licensee: Georgia Avenue Media Lounge, LLC
Trade Name: Georgia Avenue Media Lounge
License Class: Retail Class "C" Tavern
Address: 3632 Georgia Avenue, N.W.
Contact: Kwamina Thomas Williford, Esq., 202-955-3000

WARD 1 ANC 1A SMD 1A08

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7th Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New upscale lounge and sports bar offering internet access. Occupancy Load is 99 with Summer Garden of 20 seats.

HOURS OF OPERATION

Sunday through Thursday 9 am - 2 am and Friday & Saturday 9 am - 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 10 am - 2 am, Monday through Thursday 9 am - 2 am and Friday & Saturday 9 am - 3 am

SUMMER GARDEN HOURS OF OPERATION

Sunday through Saturday 9 am - 2 am

HOURS OF SALE, SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES FOR SUMMER GARDEN

Sunday 10 am - 2 am and Monday through Saturday 9 am - 2 am

DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING
OFFICE OF THE COMMISSIONER

NOTICE OF PUBLIC HEARING -- REVISED

Surplus Review and Determination Regarding
Group Hospitalization and Medical Services, Inc.

September 10, 2009
10:00 a.m.
One Judiciary Square
441 4th Street, NW
Suite 220 South
Washington, DC 20001

Pursuant to section 7 of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3506) (“Act”), and Chapter 46, Title 26 of the District of Columbia Municipal Regulations, Procedures for the Determination of Excess Surplus, effective July 10, 2009, the Commissioner of the Department of Insurance, Securities and Banking (“DISB”) hereby gives notice that he will convene a Public Hearing to determine whether the portion of the surplus of Group Hospitalization and Medical Services, Inc. (“GHMSI”) attributable to the District is unreasonably large and inconsistent with GHMSI’s community health reinvestment obligations set forth in the Act. **This Notice of Public Hearing (“Notice”), which was published in the *District of Columbia Register* on July 24, 2009, in Vol. 56, No. 30, at page 005967, is being revised to provide the new location for the Public Hearing, and to correct a typographical error.**

The hearing will be held on Thursday, September 10, 2009, at 10:00 a.m. at the address listed above. The hearing may be extended to include a second day on September 11, 2009. If necessary, the second day of the hearing will be held at 10:00 a.m. at One Judiciary Square, 441 4th Street, NW, Old Council Chambers, Washington, DC 20001.

Information concerning the GHMSI surplus review, briefing schedule, applicable rules, and further instructions to the public will be posted on the DISB website at www.disb.gov.

All inquiries, correspondence, and pleadings should be sent to the attention of Mrs. Leslie Johnson, Hearing Officer, District of Columbia Department of Insurance, Securities and Banking, 810 First Street, NE, Suite 701, Washington, DC 20002. Persons who wish to testify at the Public Hearing should contact the Hearing Officer at the address listed above. The record of the Public Hearing will remain open until September 18, 2009, for the submission of written comments.

If a party or witness is deaf, or because of hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply for the appointment of a qualified interpreter with the Hearing Officer at least ten (10) business days in advance of the Public Hearing. If any person requires special accommodations due to disability, the person should notify the Hearing Officer at least ten (10) business days in advance of the Public Hearing.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF PUBLIC HEARING****Extension of The Term of the Georgetown Business Improvement District**

Notice is hereby given that, pursuant to section 18 of the Business Improvement Districts Act of 1996, D.C. Official Code § 2-1215.18, the Department of Small and Local Business Development on behalf of the Deputy Mayor for Planning and Economic Development will hold a public hearing to determine whether to approve the request by the Georgetown Business Improvement District (BID) to extend the term of the BID for another 5 years. The current term of the Georgetown BID will expire September 30, 2009. If the request for extension is granted, the new term will expire on September 30, 2014.

The hearing will be held at 5:00 p.m. on **Monday, August 31, 2009** in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC.

This public hearing is being conducted to inform citizens about the application to extend the term of the Georgetown Business Improvement District and to ensure that interested parties have an opportunity to present their views on the application in a public forum. **Complete copies of the application will be available, effective Friday, August 7, 2009**, for public review between the hours of 9:30 a.m. and 5:00 p.m. Monday through Friday at the Department of Small and Local Business Development (at Judiciary Square), 441 4th Street, NW, Suite 970N, Washington, DC. The recertification package will also be available at the Georgetown BID office between 9:00 am and 5:00 pm, effective August 7, 2009. The Georgetown BID office is located at 1055 Thomas Jefferson Street, NW, Suite L-11, Washington, DC.

Those who wish to present testimony are requested to contact Phyllis R. Love at phyllis.love@dc.gov with the following information, no later than 12:00 noon on Wednesday, August 26, 2009: (a) the name of the person wishing to testify; (2) his/her company or affiliation; (c) his/her status as a commercial property owner, tenant, representative of an exempt property, resident, or private citizen; and (d) a phone number where he/she can be reached.

Individuals presenting testimony are requested to bring ten copies of their testimony to the hearing. Individuals will be limited to 5 minutes of oral testimony and organizations will be limited to 10 minutes of oral testimony. Those who do not wish to testify at the hearing, but wish to present written comments on the application must submit their comments to Phyllis R. Love, Department of Small and Local Business Development, 441 4th Street, NW, Suite 970N, Washington, DC 20001, no later than 12:00 noon on Wednesday, August 26, 2009. Questions about this hearing should be directed to Ms. Love at (202)741-0837, or Lincoln Lashley at (202) 741-0873.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
DEPARTMENT OF SPECIAL EDUCATION

NOTICE OF PUBLIC HEARING

Tuesday, August 18, 2009

441 4th Street, NW
Old Council Chambers
1st Floor South, Washington, DC 20001
5:00pm – 8:00 pm

Thursday, August 20, 2009

51 N. Street, NE
Lower Level
Washington, DC 20002
6:00pm – 8:00 pm

The Office of the State Superintendent of Education (OSSE), Department of Special Education will hold a public hearing on three (3) proposed regulations and three (3) proposed policies relating to special education and related services for children with disabilities who reside in the District of Columbia. The OSSE, as the state education agency (SEA), is required to ensure that all children within the district receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The proposed regulations and policies will provide clarity related to the OSSE's expectations for local education agencies to ensure FAPE is delivered in the LRE.

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1. Certificates of Approval for Nonpublic Schools Serving Students with Disabilities Funded by the District Government, Title 5, District of Columbia Municipal Regulations, Chapter A28, 56 DCR 5112 (June 26, 2009)
 2. Charter Schools, Title 5, Chapter 30, Section 3019, 56 DCR 4773 (June 19, 2009)
 3. Due Process Hearing and Decision, Title 5, Chapter 30, Section 3030, 56 DCR 4208 (May 29, 2009)
 4. Initial Evaluation/Reevaluation Policy
 5. Policies and Procedures for Placement Review, Revised

6. Related Service Policy

Persons wishing to Review these proposals may access them on the OSSE webpage at www.osse.dc.gov under the special education program link. The proposed regulations have also been published for comment in the District of Columbia Register (DCR) as noted. If you need assistance with accessing the proposed regulations or policies please contact Desiree Brown, State Advisory Panel Coordinator and Community Outreach Specialist, at 202-741-0271 or by e-mail at desiree.brown@dc.gov.

Individuals wishing to testify at one of the hearings should contact Desiree Brown, State Advisory Panel Coordinator and Community Outreach Specialist, at 202-741-0271 or by e-mail at desiree.brown@dc.gov no later than 5 PM on August 14, 2009. Each person presenting verbal testimony will be limited to five (5) minutes in an effort to allow all individuals an opportunity to be heard. Individuals representing an organization will be limited to seven (7) minutes total presentation time.

Individuals who wish to submit their comments as part of the official record, should send copies of written testimony and statements no later than 5 PM on Friday, August 21, 2009 to:

Desiree Brown
Office of the State Superintendent of Education,
Department of Special Education,
51 N Street, NE
7th Floor,
Washington, DC 20002

or

e-mail to desiree.brown@dc.gov.

Individuals who do not register with the OSSE prior to the hearing may testify based upon a first come-first-serve basis as time permits within the time frames announced for each meeting. On-site assistance with registration will be available prior to each hearing.

Individuals may request an accommodation for a physical disability or language access to participate in the public hearing by contacting Desiree Brown no later than 5 PM on August 5, 2009.

BOARD OF ZONING ADJUSTMENT
REVISED*PUBLIC HEARING NOTICE
TUESDAY, SEPTEMBER 22, 2009
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001

***Note: This notice has been revised to add Application No. 17993, in the afternoon session.**

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 A.M MORNING HEARING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON HEARING SESSION

A.M.

WARD SEVEN

17962 **Application of Moon Star Carry-Out**, pursuant to 11 DCMR § 3103.2,
ANC-7E for a variance from the use provisions to allow a fast food restaurant under
 subsection 701.1, in the C-1 District at premises 5008 Benning Road, S.E.
 (Square 5340, Lot 59).

WARD FIVE

17963 **Application of Euclid of Virginia**, pursuant to 11 DCMR § 3104.1, for a
ANC-5A special exception to allow a new self-service gasoline station and
 convenience store under section 706, in the C-1 District at premises 4975
 South Dakota Avenue, N.E. (Square 3899, Lot 76).

WARD FOUR

17964 **Application of Emory United Methodist Church**, pursuant to 11 DCMR
ANC-4A §§ 3104.1 and 3103.2, for a variance from the height requirements under
 section 770, a variance from the floor area ratio requirements under
 subsection 771.2, a variance from the lot occupancy requirements under
 section 772, a variance from the loading facility requirements under
 section 2201, and a special exception for multiple roof structures and
 required setbacks under subsections 770.6(a), 777 and 411.11, to allow the
 construction of a new building containing church, office, retail, residential
 and recreation uses, in the C-2-A District at premises 6100-6120 Georgia
 Avenue, N.W. (Square 2940, Lots 801, 802, 808, and 813).

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P.M.

WARD FIVE

17993 **Application of D.C. Public Library**, pursuant to 11 DCMR § 3103.2, for
ANC-3E a variance from the off-street parking requirements under subsection
2101.1, to allow the construction of a new full-service Tenley-Friendship
neighborhood library in the C-3-A District at premises 4450 Wisconsin
Avenue, N.W. (Square 1729, Part of Lot 808).

THIS APPLICATION WAS CONTINUED FROM THE JUNE 16, 2009, PUBLIC HEARING SESSION:

17932 **Application of M. Sikder**, pursuant to 11 DCMR § 3103.2, for a variance
ANC-5B from the rear yard requirements under section 404, a variance from the
side yard requirements under section 405, and a variance from the off-
street parking requirements under subsection 2101.1, to construct a new
one family semi-detached dwelling in the R-5-B District at premises 1961
H Street, N.E. (Square 4506, Lot 163).

WARD ONE

THIS APPLICATION WAS CONTINUED FROM THE FEBRUARY 19, 2008, OCTOBER 28, 2008, AND APRIL 21, 2009, PUBLIC HEARING SESSIONS:

17717 **Application of Central Union Mission**, pursuant to 11 DCMR § 3104.1,
ANC-1A for a special exception to allow the construction of a mixed-use building
with community-based residential facility and ground floor retail (totaling
in excess of 12,000 sq. ft. of land area) pursuant to subsection 1329.2(b)
(ZC Case No. 06-48), in the GA/C-3-A District at premises 3506-3512
Georgia Avenue, N.W. and 714 Newton Place, N.W. (Square 2895, Lots
825, 826, 830 and 831).

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

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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.

MARC D. LOUD, CHAIRMAN, SHANE L. DETTMAN, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY CLIFF MOY, SECRETARY TO THE BZA, RICHARD S. NERO, JR., ACTING DIRECTOR.

PHN 9/22/09 rsn

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

TIME AND PLACE: **Thursday, September 17, 2009, @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-10 (Comprehensive Zoning Regulations Rewrite: Downtown)

THIS CASE IS OF INTEREST TO ALL ANCs

This Notice of Public Hearing announces the tenth of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for conceptual changes to the zoning regulations to update downtown zoning. The recommendations seek to address the complexity of the DD overlay and other issues with zoning in Central Washington (the study area". The overall goal of the Zoning Review process is to improve the relevance, clarity and ease of use of the zoning code. The recommendations focus on simplifying existing regulations that promote housing, arts, and retail in the Downtown Development District (DD); and expanding the lessons learned to a broader area of Central Washington designated in the Comprehensive Plan as High Density Commercial and Mixed Use. Specific recommendations include simplified zone districts and replacing the current mechanisms for incentivizing housing (combined lot developments and transferable development right) within a single system of "Housing Credits" that would be generated by certain residential developments and then transferred to other lots in the same zone for commercial development in excess of matter of right limits.

This hearing, like all others under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

It is not expected that the Commission will take proposed action with respect to these recommendations, but that it will make determinations at a public meeting that will serve as guidance for drafting revisions to the zoning regulations pertaining to downtown zoning and other relevant subject matters. More detailed information on the recommendations can also be found in the OP report document at www.dczoningupdate.org/downtown.asp.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 08-06-10
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Title 11 DCMR (Zoning) is proposed to be amended as follows:

Recommendations

The rationales that follow each recommendation reflect the views of the Office of Planning. The Zoning Commission has not reviewed either these recommendations or their rationale and therefore has not reached a conclusion as to the merits of either.

1. Replace complicated overlay structure with six stand-alone downtown zoning districts in order to establish a simplified zoning structure for height, bulk, and use permission.

With nearly 30 zoning combinations, including 12 underlying zones, five overlays, three housing priority areas, and five TDR receiving zones, the existing zoning structure creates unnecessary variety and complexity of zone regulations when there is actually much general consistency in use requirements and many similarities in the form requirements.

The complexity complicates the understanding of zoning regulations across the downtown area as a whole, as well as the ability to understand zoning regulations governing individual lots. For example, many lots within the study areas have bulk and height requirements listed in three separate chapters of the regulations. The standards are often conflicting and, counter to usual procedures, the more restrictive standard does not always apply.

All of the areas in the downtown area have similar Comprehensive Plan and zoning goals for overall height and bulk. In general, these areas allow heights from 90’ up to the levels allowed by the Height Act, but differ in both the total FAR allowed and the percentage of commercial FAR allowed.

The seemingly wide variety of FAR and height allowances in Central Washington can actually be consolidated into regular groupings of total and commercial FAR allowed. These have been tentatively labeled DD-1 through DD-6. (For an explanation of “housing credits” and the method for achieving the maximum FAR, see Recommendation Two.)

Zone	Max Commercial FAR	Max FAR	Max FAR Method	Max Height
DD-1	0	6	Housing	90
DD-2	3.5	8	Housing or Housing Credits	110
DD-3	3.5	None	Housing or Housing Credits	Height Act
DD-4	6.5	None	Housing or Housing Credits	Height Act
DD-5	8.5	None	Housing or Housing Credits	Height Act
DD-6	10	None	Housing or Housing Credits	Height Act

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Every existing combination of zone regulations can be fit into one of these categories with no loss of total FAR or height allowed on any lot (many would have slight increases). While the DD-3 through DD-6 would have no maximum FAR limit for housing, in practice height limitations prevent more than 10.5 to 11 FAR on most lots.

2. Replacing the current mechanisms for incentivizing housing (combined lot developments and transferable development right) within a single system of Housing Credits. Ensure that vested TDR and CLD allocation rights not yet allocated will retain existing rights and value, including converting unallocated rights to Housing Credits.

Existing housing incentives and requirements have had great success in implementing the housing goals of the DD overlay. Indeed, OP does not recommend removing requirements where they currently exist. However, the existing system does not provide a mechanism to establish and meet housing goals on a larger scale throughout the entire study area or even in the non-HPA sections of the existing DD. Comprehensive Plan Policy CW-1.1.4, among others in the Central Washington chapter, clearly lays out the city's policy to encourage new high-density housing throughout Central Washington. The necessary solution would maintain housing levels achieved in the HPAs and add zoning incentive to provide housing in the larger study area while not removing any existing development rights.

Each existing non-residential zone in Central Washington has an allowed FAR for commercial uses and a maximum FAR that is achievable through a variety of other methods linked to zone classification.

Existing Combined Lot Process

In the CG District and in the Upton Arts Overlay Zone, a combined lot development may be used to permit one lot to achieve more non-residential GFA if another lot forgoes that same amount of nonresidential development. In DD District, some lots have a minimum residential requirement by virtue of their being in the Housing Priority Area, which is divided into three sub-areas. As a trade-off, the FAR of those same properties is greater than of those not subject to the requirement. Within each of these sub-areas, two or more lots may combine in order to allocate their required uses among them. In both types of combined lots, the participating lots may also reallocate commercial density, which means that the building on one lot may exceed the matter of right FAR provided that the aggregate FAR with the combined lot stays within matter of right limits.

The combined lot process works to incentivize housing because a residential development can be paid to forgo non-residential development or to take on another lot's legal obligation to provide a minimum amount of housing. However, there have been instances when a single developer owned both the residential and non-residential development and so no money exchanged hands.

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Transferable Development Rights

TDRs are not about use, but about density. All properties in the DD can generate TDRs for any housing constructed, but only properties in the housing priority area or in one of five TDR Receiving Zones located outside the DD may use TDRs to increase their matter of right density and height. Properties in the Hosing priority area are limited to an additional 0.5 FAR, while properties in a receiving zone can utilize considerably more.

The TDR and CLD Covenant

Before a residential development may allocate its CLDs or transfer its TDRs the owner of the site must sign a covenant promising to maintain the residential use that generated the gross floor area being collocated or transferred. TDRs can thereafter be transferred through the use of certificates of transfer that require four District signatures. CLDs require separate covenants for each allocation. The process is lengthy, cumbersome, and expensive.

Maximizing Density Through Housing

The proposed system would capitalize on the difference between the allowable matter of right commercial FAR and the allowable maximum FAR in each area. Within the proposed DD-2 through DD-6 zones, there are between 2 and 7 FAR that would not (and cannot currently) be used for matter-of-right commercial development, but would be accessible as a matter-of-right by providing housing either on-site or off-site.

A residential or mixed-use project could build to the maximum FAR simply by providing housing on-site above the base commercial FAR. Commercial projects could gain the same additional density by paying for housing to be built elsewhere, similar to the existing CLD program. Of course, if the same person owns both properties, no payment would be necessary. For this report, the method of trading housing between sites will be called Housing Credits (HC).

On any property, residential use built within the commercial FAR limits would generate HC. Commercial use built above commercial FAR limits would require the receipt of HC from a residential property. These trades would happen on the open market the same way the existing TDR system works.

The proposed system offers more choice to potential developments, removes the uncertainty of the PUD process, and incentivizes housing throughout the Central Washington area, all without reducing any existing development rights. As shown in recommendation one, each property retains or expands existing rights to both commercial and total FAR.

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Receiving Zone Capacity

This recommendation would fill a looming gap in the potential supply of TDRs for use in TDR receiving zones. There is zoning capacity to accept approximately 30 million square feet of TDR density in the receiving zones. The total potential TDR supply from the DD is less than 13 million, of which nearly 10 million has already been generated. Once the remaining 3 million TDRs have been generated in the DD, there will be no other matter-of-right options for development in the TDR receiving zones to access the bonus density. The proposed system would solve this problem by providing a new system to generate density in existing receiving zones.

Transfer of New HCs

The question that arises from a proposal to broaden the applicability of the TDR program to promote housing is how and where housing credits could be transferred. The original HPA boundaries were drawn to ensure that even though housing could be transferred off-site it would still be built in the general HPA area, thereby fostering the creation of a neighborhood. In order to expand this objective to a larger area, it would be necessary to create neighborhood-sized housing areas within the broader study area. A preliminary examination of this issue shows that the identification of six to eight housing trading areas would be sufficient to ensure that "transferred" housing stays in the local area similar to the existing Housing Priority Areas and in support of existing plans and policy. Potential trade area boundaries are still being considered and will be presented to the Commission prior to the public hearing.

Simplification

A further benefit of the proposal is that the existing TDR and CLD programs would be combined and greatly simplified. While there was working group concern about avoiding unintended consequences to any changes, major problems raised by the group included the complication of the programs, the lack of fluidity of CLDs, and the transparency of programs.

Currently, the TDR program is used to increase matter of right density while the CLD program is mostly used to transfer requirements for housing from one lot to others. Under the proposal, the new system would meet both needs. The Office of Planning believes that properties mapped in the Housing Priority Area should continue to have a residential requirement. The only implication for this in the proposed system would be that buildings could not avoid providing housing altogether by building only up to the commercial FAR.

Two important working group concerns that would be solved by this system include the flexibility and transparency of the system. Unlike the current CLD system, housing credits would be completely bankable so they could be open market commodities.

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Secondly, the single transfer system that does not tie multiple lots together through covenants would allow the generation and supply of housing credits to be monitored and tracked for the public. Open knowledge of availability of housing credits would improve the market and open the process to a wider set of buyers and sellers.

Currently CLDs and TDRs are recognized as being generated when the project architect certifies the 50% of the residential uses have been constructed. If a project has not progressed to that level, an escrow must be funded, which is released to the District if the residential project does not exceed 50% completion in five years. The Office of Planning recommends doing away with the escrow alternative and only permit vesting at the 50% level. No covenant would be required and each transfer or re-transfer would only require a single District sign off.

A final question regards how the existing TDR and CLD programs would transfer into the new system. While the data is unobtainable on exactly how many TDRs currently exist in the market, it is known that there will be some number of unused TDRs and untransferred CLDs when the ordinance is updated. OP has been working steadily with developers to design a system for the grandfathering and continued use of these TDRs and CLDs with the goal of maintaining or increasing their existing value. At a minimum, existing TDRs and CLDs will be broadly tradable under the new system. Until the generation of new TDRs under the proposed system, existing TDRs and CLDs would continue to be the only housing credits and would serve to “prime the pump” by providing a starting market for the new system. OP is also examining the current value difference between TDRs and CLDs and working with developers to recognize this difference in the new system.

3. Continue existing street-based retail requirements from the DD and CG zones. Standardize requirements and combine them into a single list or map of retail streets. Add streets where approved policy guidance calls for support of retail.

While the overall DD goal for retail may have been set unrealistically high, the requirement for retail along designated streets and in the retail core area has resulted in retail uses in every new development in those areas since it was enacted. Keeping this program in place will ensure that existing retail stays and will provide new retail as new buildings are redeveloped. As with form and use regulations, retail requirements should be standardized across the downtown zones to simplify the code.

The main recommendation is simply to standardize the system for requiring retail. As discussed earlier, the DD currently has two systems for requiring retail; identification by street frontage (DCMR 11 §§1701.4 & 1701.5c) and identification by square (DCMR 11 §§1703, 1704, 1705 & 1722). Without affecting the required areas at all, the retail requirements could be mapped to show what street frontages in the downtown have retail requirements.

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In addition to current retail requirements from the DD, it would be important to identify retail streets from the remainder of the study area. Policy CW-1.1.8 of the Comprehensive Plan calls out the old convention center site for retail promotion. The CG overlay currently requires retail on three streets; M Street SE, ½ Street SE, and 1st Street SE. Finally, Connecticut Avenue NW and parts of K Street NW are identified by the Retail Action Strategy as major commercial corridors appropriate for ground floor retail requirements.

The list below contains the streets to have retail requirements based on the above sources:

- | | | | |
|-------|--|--------|---|
| i. | F Street NW (7 th to 15 th) | xiii. | 9 th Street NW (E to NY) |
| ii. | G Street NW (7 th to 15 th) | xiv. | 14 th Street NW (Penn to NY) |
| iii. | 7 th Street NW (Penn to K) | xv. | 15 th Street NW (Penn to NY) |
| iv. | 10 th Street NW (E to F) | xvi. | I Street NW (5 th to 7 th) |
| v. | H Street NW (5 th to 11 th) | xvii. | 8 th Street NW (Penn to K) |
| vi. | Penn Ave NW (6 th to 15 th) | xviii. | K Street NE (4 th to 6 th) |
| vii. | Indiana Ave NW (6 th to 7 th) | xix. | 5 th Street NE (I to L) |
| viii. | E Street NW (6 th to 14 th) | xx. | Connecticut Ave NW (K to N) |
| ix. | 10 th Street NW (E to H) | xxi. | M Street SE (S Capitol to New Jersey) |
| x. | 11 th Street NW (E to NY) | xxii. | Half Street SE (M to O) |
| xi. | 12 th Street NW (E to H) | xxiii. | 1 st Street SE (M to O) |
| xii. | 13 th Street NW (E to H) | | |

Existing retail design requirements, including 14' ceiling heights, are generally consistent between the existing zones and should be standardized into a single set of requirements. In light of potential unique situations and the complexity of development downtown, OP recommends that a special exception be available to alter retail design requirements where necessary.

4. Remove the provision of TDRs for historic preservation or retail uses within the DD.

According to Historic Preservation staff, the only historic landmarks in the DD overlay that have not already taken advantage of this provision are too small to benefit from it. No historic buildings have generated TDRs since 2003.

Since historic preservation goals have been met and all existing landmarks have taken advantage of TDR generation, there is no need to maintain the TDR credit for historic preservation. The new TDR program can focus specifically on housing.

As to retail, the existing regulations allow generation of TDRs for retail above the requirement (0.5 FAR). While retail development in the DD may or may not be the result of retail requirements, the TDR program has played virtually no role in downtown retail development. In nearly 20 years of TDR availability, only two projects have generated

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retail TDRs and it could be argued that the TDR program played little to no role in the decision to create that retail. As such, there appears to be no need to maintain TDR development potential for retail uses, but simply to continue to require them where they are desired.

5. Maintain designation of existing arts area within the DD. Guidelines will be changed according to Arts & Culture recommendations and do not require continued TDR production for arts uses.

Based on previously approved recommendations on Arts districts which call for continued Arts requirements, there is no need to continue the generation of additional TDRs for particular arts uses.

The earlier report on the Arts subject area laid out recommendations for cleaning up and standardizing arts requirements. The downtown recommendations would not remove or change arts requirements other than what has already been approved as part of the previous subject area. Highlights of those recommendations include a general 0.5 FAR Arts requirement that is transferrable between properties, a revised list of arts uses, and standardization of design and ceiling height standards. The full report on Arts & Culture recommendations is available at <http://www.dczoningupdate.org/artsculture.asp>.

6. Establish parking maximums for residential uses downtown. Maximums should be geared toward ensuring unbundling of residential parking and maximum efficiency of residential parking lots.

The Zoning Commission has offered affirmative guidance to remove parking minimums in the downtown and requested an examination of the parking maximums. The issues of residential parking are different from those of commercial parking. Convertibility to residential is impracticable so a correct ratio is more important. In addition, unbundling the sale of parking spaces from units is important to avoid subsidizing the price of car ownership and skewing travel choice toward driving.

The arguments for residential parking maximums are slightly different from commercial. For residential buildings there is not the same opportunity for conversion of space to residential use and there is the additional issue of encouraging unbundling of parking spaces from the sale of units.

Based on analysis of residential parking ratios in Central Washington, it appears that parking for residential uses drops below 85% occupancy at around 0.8 spaces per apartment unit and 0.9 spaces per condo unit. Setting a total maximum for residential spaces at a level under one space per unit would accomplish two goals while allowing construction of the current industry average space ratio for downtown. It would ensure that parking was not built that was likely to go unused and it would require the

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unbundling of parking spaces from unit sales by ensuring a ratio below one space per unit.

7. Require a special exception with time limitations for surface parking lots in the proposed downtown area.

The use of empty lots for surface parking goes against the general land use and transportation goals for the downtown even though it can be an economical temporary use. Policy T-1.2.3 in the Comprehensive Plan discourages surface parking lots and other automobile-oriented uses.

This recommendation would require a special exception for new surface parking lots. Based on the land use and urban design goals of the Central Washington element of the Comprehensive Plan, surface parking limitations within the DD should be expanded to the wider study area. This would limit the creation of new surface parking lots and ensure review of those instances where surface parking might be necessary for conformance with Comprehensive Plan goals.

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

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

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

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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

TIME AND PLACE: **Monday, October 5, 2009, @ 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 Nos. 08-24 and 08-24A/04-25 (Abdo Development, LLC and The Trustees of the Catholic University of America – Consolidated Review and Approval of a Planned Unit Development, Zoning Map Amendment and Amendment to an Approved Campus Plan)

THIS CASE IS OF INTEREST TO ANC 5C

On September 8, 2008, the Office of Zoning received an application from Abdo Development, LLC and the Trustees of the Catholic University of America seeking review and approval of a consolidated planned unit development (“PUD”), a proposed amendment to the Zoning Map of the District of Columbia, and a proposed amendment to The Catholic University Campus Plan. The Zoning Commission set the case down for a public hearing at its April 27, 2009, public meeting.

The property that is the subject of this application is located generally south of Michigan Avenue, N.E., north of Kearny Street, N.E., east of the Dominican House of Studies and west of the railroad tracks. It is more particularly known as Square 3654, Lots 4, 5, 6, 10, 12, 15, 16, 17, 801, 802, 803, 804, 805, 806, 811; Square 3655, Lot 1; Square 3656, Lot 800; Square 3657, Lots 805, 821, 826; Square 3831, Lot 818 (“Subject Property”). The Subject Property is located in the Brookland neighborhood of Ward 5 and has an approximate land area of 8.9 acres. The Applicant requests a Zoning Map amendment to the C-2-B Zone District for the portions of the Subject Property along Michigan Avenue and Monroe Street. The properties that are located in the southwest corner of the Subject Property are proposed to be rezoned to the R-5-B Zone District. The small property at the southeast corner of 8th and Monroe Streets, N.E. is proposed to remain in the C-M-1 Zone District.

The Applicant proposes the construction of 725-825 residential units and approximately 75,000-85,000 square feet of retail space. The project will have a floor area ratio of 2.31, a maximum height of 70 feet, and a lot occupancy ranging from 33% to 77% on each parcel.

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

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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;

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- (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 pre-hearing 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 maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.