Office Of
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Issuances

Government of the District of Columbia
Office of Zoning

2005 APR 21 PM 12: 52

MEMORANDUM

TO: Arnold R Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Jerrily R Kress, FAIA
Director

DATE: April 21, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on April 29, 2005

1 Z C Notice of Rescheduled Public Hearing (Z C Case No 04-18),
2 Z C Notice of Filing (Z C Case No 02-51A)

Received By _____ Date _____

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 04-18
EXHIBIT NO. 11

441 4th St , N W , Suite 210-S, Washington, D C 20001
Telephone (202) 727-6311 E-Mail Address zoning info@dcoz dc gov Web Site www dcoz dc gov

ZONING COMMISSION
District of Columbia
CASE NO.04-18
EXHIBIT NO.11

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED[1] PUBLIC HEARING

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

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

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

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

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

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

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

[1] This case was previously scheduled for hearing on May 19, 2005

The proposed amendments are as follows

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

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

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

1720 1 The principal objectives for the Mount Vernon Triangle District (MVT District) are to:

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

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

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

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

1720 4 All street locations in the MVT District are in Northwest Washington and therefore all future reference to these streets will omit the identification of the Northwest quadrant.

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

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

1721 OFFICE OF PLANNING REVIEW (DD/MVT)

1721 1 An applicant for a building permit or a certificate of occupancy within the MVT District shall provide a copy of the application, including reference to the applicable provisions of the DD Overlay and/or MVT District, to the Director of the D C. Office of Planning at the time of filing with the Department of Consumer and Regulatory Affairs

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

1722 STREETWALL DESIGN REQUIREMENTS (DD/MVT)

1722.1 Except for a building located in the Principal Intersection Area, as described in § 1723 1, this section, together with § 1701 3, shall apply to each building with frontage on:

(a) K Street in Squares 451, 483, 484, 484W, 515 or 516;

(b) 5th Street in Squares 483, 484, 515 or 516;

(c) 6th Street in Squares 484 or 484W if that frontage is within thirty-six feet (36 ft) of the right-of way of K Street, and

(d) 4th Street in Square 515 or 516 if that frontage is within thirty-six feet (36 ft.) of the right-of way of K Street.

1722.2 Each building on a lot that fronts on a pedestrian street shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows with clear/low-emissivity glass[2], except for

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[2] The Zoning Commission will conduct a public hearing on March 31, 2005 on a proposed text amendment that will define the term "clear/low-emissivity glass" (ZC Case 04-31). The Commission will also consider a definition for the term "clear floor-to-ceiling height" as used in proposed § 1722 5 As contained within the Office of Planning Report dated October 29, 2004, the proposed definitions are as follows

> Clear or Low-Emissivity Glass has a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%)
>
> Floor to ceiling height is a vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following
>
> a) Elements of the building structure other than columns and walls,
> b) Components of mechanical or plumbing systems, or

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

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

1722.4 Each building shall be designed so as not to preclude an entrance every forty feet (40 ft) on average for the linear frontage of the building; excluding vehicular entrances, but including entrance to ground floor uses and any main lobby.

1722.5 The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.)[3] for a distance of at least thirty-six feet (36 ft) perpendicular to the ground floor's front building line.

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

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

(a) Front on K Street or 5th Street; and

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

1723.2 The area described in 1723 1 shall hereafter be referred to as the Principal Intersection Area (PIA)

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

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c) Components of electrical systems, except lighting fixtures

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

[3] See footnote number 1

<table>
<tr><td rowspan="2">Square 483</td><td colspan="2">Square 483</td><td rowspan="3">5th Street</td><td colspan="2">Square 515</td><td rowspan="2">Square 515</td></tr>
<tr><td><u>D</u></td><td><u>B</u></td><td><u>B</u></td><td><u>D</u></td></tr>
<tr><td><u>C</u></td><td><u>A</u>
(NW)</td><td><u>A</u>
(NE)</td><td><u>C</u></td><td></td></tr>
<tr><td colspan="3">K Street</td><td>Intersection 5th & K Streets</td><td colspan="3">K Street</td></tr>
<tr><td rowspan="3">Square 484</td><td><u>C</u></td><td><u>A</u>
(SW)</td><td rowspan="3">5th Street</td><td><u>A</u>
(SE)</td><td><u>C</u></td><td rowspan="3">Square 516</td></tr>
<tr><td><u>D</u></td><td><u>B</u></td><td><u>B</u></td><td><u>D</u></td></tr>
<tr><td colspan="2">Square 484</td><td colspan="2">Square 516</td></tr>
</table>

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

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

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

1724 **PIA: MAXIMUM BUILDING HEIGHT (DD/MVT)**

1724.1 Except for buildings in Square 515 the portion of a building in an "A" sub-area shall be no higher than fifty feet (50 feet) above grade.

1724.2 No more than fifty percent (50%) of the portions of a building in each of the "B" and "C" sub-areas shall be more than fifty feet (50 feet) above grade.

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

1725 1 With the exception of buildings in Square 516 that existed as of [the effective date of this section], the following minimum ground floor height requirements apply to each building located within the PIA:

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

1726 PIA: STREETWALL DESIGN (DD/MVT)

1726 1 Each building shall devote not less than seventy-five percent (75%) of the surface area of the streetwall(s) at the ground level, to a height of at least twenty-two feet (22 feet), to display windows with clear/low-emissivity glass, except for decorative or architectural accent and entrances to commercial uses or to the building

1726 2 Each building shall devote not less than seventy-five percent (75%) of the surface area of the streetwall between eighteen feet (18 feet) and twenty-two feet (22 feet) above grade to clear/low-emissivity glass

1726.3 The provisions of this section shall not apply to a building in Square 516 that existed on [the effective date of this section], or to a building in that Square that is renovated thereafter.

1727 PIA: MISCELANEOUS PROVISIONS (DD/MVT)

1727.1 There shall be no direct entrances to lobbies serving residential or office uses

1727.2 Roof terraces, whether open to the sky or covered with awnings or canopies, that are atop the "A", "B" or "C" portions of a building subject to the special height

restrictions of § 1724 shall not be included in the maximum floor area ratio calculations as set forth in § 771 2

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

1728.1 In the event that the Council of the District of Columbia accepts a dedication for public alley purposes of land within DD/MVT that would have been required to be a rear yard pursuant to § 774 7, and the land dedicated is adjacent to a public alley and extends the entire length of the lot, the rear yard requirements for the portion of the structure above the horizontal plane described in §774.7(a) shall be reduced by five feet (5 ft) for every ten-foot (10 ft.) depth of land dedicated

1728.2 For the purposes of § 1728 1, the depth of the land dedicated shall be measured perpendicular to the alignment of the adjacent public alley

1728 3 In the event that the Council of the District of Columbia accepts a dedication for public alley purposes of land within DD/MVT that would have been required to be a side yard pursuant to §§ 775.4 and 775.5, and the dedication is at least eight feet (8 ft.) deep, the side yard requirement shall be eliminated for that portion of the structure below a horizontal plane twenty feet (20 feet) above the mean finished grade at the middle of the side of the structure, if the dedication is adjacent to a public alley and extends the entire length of the lot.

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

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

(a) The area immediately beneath the court provides

(i) Vehicular access from a public or private alley for the purposes of providing loading berths, loading platforms, or service/delivery loading spaces required by § 2201 1,

(ii) Parking or access to parking required by § 2101.1; or

(iii) Parking permitted by § 1702 7(a) or (b), and

(b) At least seventy-five percent (75%) of the court's surface is covered by vegetative material that reduces the rate of flow of stormwater run-off or contributes less to ambient heat build-up than a conventional roof; or

(c) In a building that is subject to the recreation space requirements of § 773 or, if applicable, §§ 1706 4(f) or 1706 5(f), the court floor provides outdoor recreation space accessible to the building's tenants or occupants.

1729.2 The recreational space provided in accordance with § 1729 1 (c) shall not count toward the building's required residential recreation space.

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

1730 1 The provisions of this section govern the construction of driveways that

(a) Provide access from the adjacent public street to parking spaces or loading berths;

(b) Serve delivery loading spaces on the subject lot, or

(c) Serve parking spaces, loading berths, or service/delivery loading spaces not required by the Zoning Regulations.

1730 2 No driveway may be constructed on the south side of K Street between 4th Street and 7th Street, or on the north side of K Street between 5th Street and 7th Street

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

(a) The north side of K Street between 4th Street and 5th Street;

(b) The east side of 5th Street between I Street and K Street; and

(c) The east side of 5th Street between K Street and L Street.

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

(a) The west side of 5th Street between I Street and K Street, and

(b) The west side of 5th Street between K Street and L Street

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

(a) There is no practical alternative means of serving the parking, loading or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT) that would direct vehicles to an alternative entrance point within the same Square;

(b) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in §§ 1730 2 to 1730.4, and

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

1731 DRIVEWAYS: OTHER STREET FRONTAGES (DD/MVT)

1731 1 The provisions of this section apply to street frontages in DD/MVT not listed in § 1730

1731.2 The provisions of this section apply to driveways that provide access from the adjacent public street to parking spaces or loading berths within the a Square, whether or not those spaces or berths are required by the Zoning Regulations

1731.3 No more than one driveway may be constructed within the length of an individual building, unless the building extends the entire length of the block, in which case § 1731.4 shall apply.

1731 4 No more than two driveways may be constructed per block-face

1731.5 Each driveway shall be separated by no less than sixty feet (60 feet).

1731.6 Exceptions from the requirements of this section shall be permitted only if granted by the Board of Zoning Adjustment under § 3104, provided that the applicant demonstrates that·

(a) There is no practical alternative means of serving the parking, loading or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT) that would direct vehicles to an alternative entrance point within the same Square;

(b) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in §§ 1730 2 through 1730.4, and

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

1732 PERMITTED GROUND FLOOR USES (DD/MVT)

1732 1 For the purposes of identifying the location of permitted ground floor uses, the Mount Vernon Triangle District is divided into the three Sub-Areas.

(a) The Special Entertainment Use Sub-Area comprises the areas of Square 483, 383, 515 and 516 that are included within the Principal Intersection Area defined in § 1723 1

(b) The Secondary Use Sub-Area comprises the areas with frontage along the portions of Square 515 and 516 between the centerpoint of 4th Street and the centerpoint of the public alley in Square 515 existing on [the effective date of this section] that is approximately three hundred sixty feet (360 feet) west of 4th Street.

(c) The Primary Use Sub-Area comprises all areas not defined in § 1732 1 (a) or (b) with frontages along K Street in Squares 451, 483, 484, 484W, 515 or Square 516; or with frontages on 5th Street in Squares 483, 484, 515 or 516.

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

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

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

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

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

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

1732 4 The following uses may be established and continued on a permanent basis on the ground floor of any building located in any of the three sub-areas:

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

1732.5 Unless approved by the Board of Zoning Adjustment pursuant to § 1732.3, no interim use shall be established or continued for more than five years after the date that the Zoning Administrator publishes a notice in the *D C Register* indicating that, since [the effective date of this Section], certificates of occupancy for the use of three million five hundred thousand square feet (3.5 million square feet) of new construction have been issued for properties located in the Mount Vernon Triangle Area.

1732.6 In addition to meeting the standards of § 3104, the applicant shall demonstrate that it made good faith efforts for at least nine months (9 months) prior to applying for the special exception to lease space for one of the permanent ground floor uses allowed in the Sub-area in which the applicant's property is located.

1732.7 Approval of the establishment or continuation of an interim use by the Board of Zoning Adjustment shall be for no more than a five (5) year period from the date of the certificate of occupancy issued pursuant to the approval.

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

1733.1 The provisions of this section apply to each building with frontage on K Street in Squares 451, 483, 484, 484W, 515 or 516; and to each building with frontage on 5th Street in Squares 483, 484, 515 or 516.

1733.2 Each building that faces or abuts a street segment identified in § 1732.1 shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to uses listed in §§ 1732 2, 1732.3, or 1732.4 ("preferred uses"), provided:

(a) Not more than thirty percent (30%) of the gross floor area of the ground floor required to be devoted to preferred uses shall be occupied by financial institutions; and

(b) The net leasable area occupied by the preferred uses shall be no less than eighty percent (80%) of the gross floor area allocated to these uses,

(c) Up to one thousand (1,000) square feet of the sidewalk or atrium area of an unenclosed sidewalk café may count towards the preferred use requirement of this section, if the sidewalk café is operated from a restaurant located on the subject lot.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797; D.C. Official Code § 6-641.01 *et seq.*) (2001 Ed.)).

The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3020, the Commission will impose time limits on testimony presented to it at the public hearing.

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

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

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