

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Zoning Commission



Z.C. CASE NO.: 10-07

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ATTESTED BY:

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Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO.

10-07

EXHIBIT NO.

5

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ZONING COMMISSION
District of Columbia
CASE NO.10-07
EXHIBIT NO.5

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

TIME AND PLACE: **Thursday, June 10, 2010 @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 10-07 (Text Amendment to Allow Additional Flexibility for Eating and Drinking Establishments within the ARTS Overlay District)

THIS CASE IS OF INTEREST TO ANCs 1B, 2B, and 2F

The Office of Planning ("OP"), in a report dated April 15, 2010, petitioned the Zoning Commission (the "Commission") for a text amendment to allow additional flexibility for eating and drinking establishments within the ARTS Overlay District.

OP recommended that § 1901.6 be amended to change the overlay-wide method of measurement to a square-by-square method (excluding any area of right-of-way), establish at 50% the maximum amount of linear foot frontage within each square fronting on 14th Street or U Street, N.W that can be occupied by eating and drinking establishments, and clarify that this limit applies only to ground floor frontage. A chart would also be added to the subsection that specifies the total street frontage occupied by each affected lot. OP will verify these measurements prior to the public hearing.

OP also proposed amending § 1906.1. That provision authorizes the Board of Zoning Adjustment ("BZA") to grant relief from any of the other provisions of the overlay. The amendment would disallow such relief from the 50% limit, leaving only the grant of a variance available. In addition, the subsection would be amended to specify that the BZA, when considering whether to grant a special exception from the remaining overlay provisions, should apply the criteria stated in paragraphs (c) or (d), concerning architectural concept and vehicular access, only if the criteria are relevant to the relief sought.

At its regular public meeting held April 26, 2010, the Commission set down this case for a public hearing. The OP report served as the pre-hearing submittal for the case.

When setting down this case for a public hearing, the Commission authorized the publication of a proposed rulemaking notice, which is also published in this edition of the *D.C. Register*.

The Commission also authorized the immediate publication of this public hearing notice, and a 30 day advertisement period for the public hearing notice. In doing so, the Commission waived its normal rule requiring certain supplemental filings before advertising the public hearing notice, 11 DCMR 3013, and the 40 day notice period requirements of 11 DCMR § 3014.1.

The proposed amendments to the Zoning Regulations, Title 11 DCMR, are as follows:

Chapter 19, UPTOWN ARTS-MIXED USE (ARTS) OVERLAY DISTRICT, is amended as follows:

1. Section 1901, USE PROVISIONS, § 1901.6 is amended to read as follows:

1901.6 Eating and drinking establishments shall be subject to the following limitations:

- (a) No portion of an eating and drinking establishment located on the ground floor is permitted to occupy more than fifty percent (50%) of the linear frontage of each individual block-face, not including public streets or alleys, along either 14th Street N.W. or U Street N.W.;
- (b) An eating and drinking establishment not located on the ground (street) level of a building shall not count towards the 50% limit;
- (c) An entrance to an eating and drinking establishment that is not located on the ground (street) level shall not count towards the 50% limit; and
- (d) The linear frontage of each block-face subject to this provision is as follows:

14 th Street, N.W.		U Street, N.W.	
Square	Frontage (feet)	Square	Frontage (feet)
202	222.5	204	305.3
203	310.0	205	618.0
204	320.0	236	523.4
205	430.6	237	538.5
206	399.8	273	225.3
207	450.1	274	340.9
208	400.0	304	192.2
209	380.0	305	186.0
210	203.5	332	189.7
211	304.2	333	187.7
234	253.1	359	96.8
235	310.0	360	230.4
236	320.0	361	251.7
237	380.0		

14 th Street, N.W.		U Street, N.W.	
Square	Frontage (feet)	Square	Frontage (feet)
238	450.0		
239	200.0		
240	391.0		
241	450.0		
242	363.1		
242N	154.5		

2. Section 1906, SPECIAL EXCEPTIONS, § 1906.1, is amended by striking the phrase “based upon the following criteria” and inserting in its place the phrase “based upon the following criteria; except that the Board shall apply criteria (c) and (d) only if relevant to the relief sought”, so that the provision will read as follows:

1906.1 The Board of Zoning Adjustment may grant exceptions under § 3104 from any of the requirements or limits of the ARTS District other than § 1901.6 based upon the following criteria; except that the Board shall apply criteria (c) and (d) only if relevant to the relief sought:

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

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

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, KONRAD S. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY – ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.