

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 10-19

NOV 18 2010

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Further Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|--|--|
| 1. <i>D.C. Register</i> | 8. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
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| 2. ANC 6A
P.O. Box 75115
Washington, DC 20013 | 9. Councilmember Harry Thomas, Jr. |
| 3. ANC 5B
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2100 New York Avenue, NE
Washington, DC 20002 | 10. Councilmember Tommy Wells |
| 4. Commissioner Bill (William) Schultheiss
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| 5. Commissioner Gladys Mack
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Washington, DC 20002 | 12. DDOT (Karina Ricks) |
| 6. Commissioner Tina Laskaris
ANC/SMD 5B08
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Washington, DC 20024 |
| 7. Commissioner India A. Henderson
ANC/SMD 5B10
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| | 15. MLK Library (30 Copies) |
| | 16. Property Owners – see attached list
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ZONING COMMISSION
District of Columbia

CASE NO. 10-19

EXHIBIT NO. 9

ATTESTED BY: _____

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

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ZONING COMMISSION
District of Columbia
CASE NO.10-19
EXHIBIT NO.9

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

TIME AND PLACE: **Monday, January 3, 2011, 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. 10-19 (Zoning Consistency Map Amendments to Square 1050, and Portions of Squares 1026, 1027, 1049 and 4509 and Related Text Amendments)

THIS CASE IS OF INTEREST TO ANCS 5B AND 6A

The Office of Planning ("OP") petitioned the Zoning Commission in a report dated July 16, 2010, to rezone Square 1050, and portions of Squares 1027 and 1049 currently zoned C-3-A to HS-A/C-2-A; to rezone a portion of Lot 157 on Square 4509 from C-2-B to R-5-C; and to amend §§ 1320 and 1324 of the Zoning Regulations. This petition was filed as a 2006 Comprehensive Plan Generalized Future Land Use Map consistency case, following discussions with Advisory Neighborhood Commission (ANC) 6A.

The C-3-A Zone District is a moderate to medium density mixed use zone allowing residential, office, and many forms of service and retail development to a maximum density of 4.0 FAR and a maximum height of 65 feet by right.

The C-2-A Zone District is a low to moderate density mixed use zone allowing residential, office, and many forms of service and retail development to a maximum density of 2.5 FAR and a maximum height of 50 feet by right.

The H Street (HS) Overlay is intended to implement the policies and goals of the Comprehensive Plan and the H Street NE Strategic Development Plan (2004), specifically to encourage residential uses facing H Street N.E.; encourage the creation of distinct housing, neighborhood-retail, and arts and entertainment districts along H Street N.E.; establish design guidelines for any new development, and encourage the reuse of buildings along H Street N.E. The HS Overlay also prohibits or provides limits on specific uses, allows density bonuses for specified uses, establishes detailed design related requirements for any new development, and requires a review and approval process by the Board of Zoning Adjustment for any new building or major addition on any property greater than 6,000 square feet.

The Zoning Commission set the case down for a public hearing at its regularly scheduled public meeting held on July 26, 2010. At a Public Hearing on November 1, 2010, the Commission set January 3, 2011 as a new date for a public hearing to consider this proposal, and set down additional map amendments proposed by ANC 6A for properties zoned C-2-A, C-3-A, and HS/C-3-A in Squares 1026 and 1027. The Zoning Commission authorized staff to notify all owners of property within the affected areas.

For the purpose of clarity, this public hearing notice differentiates between:

- A. Map and text amendments originally proposed by the Office of Planning and the ANC and set down on July 26, 2010 by the Zoning Commission for a public hearing; and
- B. Map amendments subsequently proposed by the ANC and corresponding text amendments set down on November 1, 2010 by the Zoning Commission for a public hearing, but not supported by the Office of Planning.

A. Zoning Map and Text Amendments Supported by OP and the ANC:

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

1. Amend the Zoning Map as follows:

SQUARE	LOTS	REZONING
1027	0141, 0142, 0143, 0804, 0840, 0841 and 0849	C-3-A to HS-A/C-2-A
1049	0019, 0020, 0021, 0803 and 0809	C-3-A to HS-A/C-2-A
1050	0007, 0008, 0009, 0010, 0011, 0014, 0015, 0016, 0022, 0026, 0027, 0028, 0029, 0030, 0031, 0033, 0035, 0036, 0803, 0806, 0807, 0809, 0812 and 0813	C-3-A to HS-A/C-2-A
4509	0157 (portion)	C-2-B to R-5-C
Reservations	15, 15P, 15Q and 213	C-3-A to HS-A/C-2-A

2. Amend § 1320.1 as follows (proposed additions are shown in bold text):

1320.1 The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street, N.E. from 2nd Street to 15th Street, N.E. and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B, as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050. The Overlay is divided into three sub-districts affecting the following squares:

- (a) H Street Northeast Overlay Housing Sub-district (HS-H) encompasses properties fronting on H Street, N.E. in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, N.E.;
- (b) H Street Northeast Overlay Retail Sub-district (HS-R) encompasses properties fronting on H Street, N.E. in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, N.E.; and

- (c) H Street Northeast Overlay Arts Sub-district (HS-A) encompasses properties fronting on H Street, N.E. in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, N.E., **as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue N.E. or 14th Street N.E.; and all of Square 1050.**

3. Amend § 1320.2 by adding a new purpose statement as follows:
- (f) **Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1027, 1049 and 1050 within the Overlay but not fronting H Street.**
4. Amend specific subsections of § 1324 DESIGN REQUIREMENTS (HS) as follows:
- 1324.7 Parking structures with frontage on H Street, N.E., **Maryland Avenue NE, 14th Street N.E., or 15th Street N.E.** shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.
- 1324.8 Each new building on a lot that fronts on H Street, N.E., **Maryland Avenue N.E., 14th Street N.E., or 15th Street N.E.** 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 having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.
- 1324.10 Each commercial use with frontage on **either** H Street, N.E., **or along Maryland Avenue N.E., 14th Street N.E., or 15th Street N.E.,** shall have an individual public entrance directly accessible from the public sidewalk **along one of the referenced roadways.** Multiple-dwellings shall have at least one primary entrance **either on H Street or along Maryland Avenue N.E., 14th Street N.E., or 15th Street N.E. that is** directly accessible from the sidewalk.

B. Zoning Map and Text Amendments Proposed by ANC 6A But Not Supported by OP:

1. Amend the Zoning Map as follows:

SQUARE	LOTS	REZONING
1026	0100, 0101, 0102, 0103 and 169	C-2-A to HS-A/C-2-A
1026	0065, 0066, 0173, 0177, 0835 and 0836	C-3-A to HS-A/C-2-A
1026	0001, 0152, 0160, 0175, 0176, 0819, 0824 and 0829	HS-A/C-3-A to HS-A/C-2-A

1027	0050, 0056, 0057, 0058, 0059, 0060, 0061, 0082, 0090, 0109, 0110, 0111, 0112, 0136, 0140, 0144, 0148, 0808, 0811, 0812, 0814, 0845, 0853 and 0854	C-2-A to HS-A/C-2-A
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2. Amend § 1320.1 as follows:¹

1320.1 The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street, N.E. from 2nd Street to 15th Street, N.E. and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B, **as well as all other lots zoned C-2-A or C-3-A within Square 1026, lots within Squares 1027 and 1049 fronting onto Maryland Avenue N.E. or 14th Street N.E.; all other lots zoned C-2-A within Square 1027, and all of Square 1050.** The Overlay is divided into three sub-districts affecting the following squares:

- (a) H Street Northeast Overlay Housing Sub-district (HS-H) encompasses properties fronting on H Street, N.E. in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, N.E.;
- (b) H Street Northeast Overlay Retail Sub-district (HS-R) encompasses properties fronting on H Street, N.E. in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, N.E.; and
- (c) H Street Northeast Overlay Arts Sub-district (HS-A) encompasses properties fronting on H Street, N.E. in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, N.E. **as well as all other lots zoned C-2-A or C-3-A within Square 1026, lots within Squares 1027 and 1049 fronting onto Maryland Avenue N.E. or 14th Street N.E.; all other lots zoned C-2-A within Square 1027, and all of Square 1050.**

3. Amend § 1320.2 by adding a new purpose statement as follows:

- (f) **Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the Overlay but not fronting H Street.**

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.*).

¹ Although this text does not include the language proposed in Part A.2 of this Notice, the omitted language would be incorporated into this text if the Commission should decide to adopt all of the map amendments advertised in this notice.

**Z.C. FURTHER NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 10-19
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The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021. 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 200-S, 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, KONRAD W. SCHLATER, GREG M. SELFRIDGE, PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.



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