

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin ^{S3}
Secretary to the Zoning Commission
Date: January 21, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on January 23, 2009:

1. Z.C. Notice of Public Hearing (Case Nos. 03-12G/13G, H & I); and
2. Z.C. Order No. 08-10.

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 03-12/03-13[#]
DEPOSIT NO. 5

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

TIME AND PLACE: **Thursday, March 19, 2009, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 03-12G/03-13G (2nd Stage Review and Approval of a PUD and modifications for property located in Squares 769 and 882 – Capper/Carrollsborg Venture, LLC and the D.C. Housing Authority)

Z.C. CASE NO. 03-12H/03-13H (Modifications to Approved PUD in Squares 739, 767, 768 and S825 – Capper/Carrollsborg Venture, LLC and the D.C. Housing Authority)

Z.C. CASE NO. 03-12I/03-13I (Extension of 1st Stage Approval & Filing of Permit Application for Community Center in Square 881W – Capper/Carrollsborg Venture, LLC and the D.C. Housing Authority)

THIS CASE IS OF INTEREST TO ANC 6D

On July 3, 2008, the Office of Zoning received an application from the Capper Carrollsborg Venture, LLC, on behalf of the District of Columbia Housing Authority. The Applicant supplemented its application and clarified that it was making three related applications through filings submitted September 18, 2008, and September 19, 2008. The Applicant is requesting: (1) 2nd stage review and approval of a PUD and modifications for property located in Squares 769 and 882 (assigned Z.C. Case No. 03-12G/03-13G); (2) approval to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767 and 768, and conditions relating to the number of parking spaces required for the multifamily building in Square 825S (assigned Z.C. Case No. 03-12H/03-13H); and (3) an extension of time for the validity of the first-stage PUD approval, and additional time to file a building permit application and commence construction of the community center in Square 881W (assigned Z.C. Case No. 03-12I/03-13I). The Office of Planning provided its report on August 29, 2008 and a supplemental report on October 10, 2008. The cases were set down for a combined hearing on October 20, 2008. The Applicant provided its prehearing statement for each of the applications on December 5, 2008.

The property that is the subject of Case No. 03-12G/03-13G consists of the northern portion of Square 769, bounded by 2nd, 3rd, L and M Streets, S.E., and the entirety of Square 882, bounded by 7th, L and M Streets, S.E. The property is part of the larger PUD approved for the redevelopment of the Capper/Carrollsborg project. The Applicant seeks second-stage approval to facilitate construction of (1) a 110-foot multi-family residential building on the northern portion of Square 769; (2) a 60-foot multi-family building on the northern portion of Square 882;

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and (3) a 92-foot office building on the southern portion of Square 882. This application collectively includes approximately 366,498 square feet of floor area devoted to residential uses, approximately 484,780 square feet of gross floor area devoted to office use, a minimum of 19,090 square feet of gross floor area devoted to retail use, and 608 off-street parking spaces. The Applicant also seeks approval to modify two conditions of Z.C. Order 03-12/03-13 that relate to northern portion of Square 769 and Square 882: a modification to increase the office building's height from 90 feet to 92 feet, and a modification to change the development from a series of stacked townhouses to a single apartment building, to increase the residential building's height from 45 feet to 60 feet, and to increase the gross floor area on the site from 131,288 feet to 189,168 square feet.

Through Case No. 03-12H/03-13H, the Applicant seeks approval to modify conditions of the first-stage approval of the overall PUD to be developed in Squares 739, 767 and 768, and conditions relating to the number of parking spaces required for the multifamily building in Square 825S. Specifically, the Applicant is seeking approval to: (1) change the overall number of residential units from 1,645 to 1,747; (2) change the maximum residential FAR from 2.34 to 2.36; (3) change the maximum office FAR from 0.80 to 0.87; (4) change the maximum commercial gross floor area from 753,000 square feet to 759,302 square feet; (5) change the overall number of parking spaces from 1,845 to 1,780, and (6) change the parking requirement for Square 825S from 33 on-site spaces and 70 off-site spaces to a total of 33 on-site spaces.

Through Case No. 03-12I/03-13I, the Applicant seeks (1) an extension of Order Nos. 03-12/03-13 and 03-12A/03-13A to provide that the first-stage application is valid until December 31, 2013 and that applications for second-stage approvals for the remaining developments in Squares 739, 767, and 768 must be filed by December 31, 2013; and (2) an extension of Condition No. 5 of Order No. 03-12A/03-13A to provide that the Applicant must file a building permit application for the community center by January 1, 2011, and must start construction of the community center by January 1, 2012. The Commission will consider these time extensions at a special public meeting to coincide with the decision to take proposed action on the two cases described above.

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 testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

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How to participate as a party.

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;
 - (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 prehearing submission as required by 11 DCMR

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§ 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 time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

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.**

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