*Government of the District of Columbia*
Office of Zoning

**MEMORANDUM**

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

**FROM:** Jerrily R. Kress, FAIA
Director

**DATE:** March 16, 2005

**SUBJECT:** Publication for the Office of Zoning

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Please publish the following in the *D.C. Register* on March 25, 2005:

1. Z.C. Notice of Public Hearing (Z.C. Case No. 03-30);
2. Z.C. Notice of Public Hearing (Z.C. Case No. 05-11); and
3. Z.C. Order No. 960-B (Z.C. Case No. 01-13A).

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Office Of Documents And Administrative Issuances

Received By _____ Date _____

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 03-30
EXHIBIT NO. 38

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. 03-30
EXHIBIT NO. 38

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

**TIME AND PLACE:** **May 12, 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. 03-30 (Consolidated PUD – Square 643 Associates LLC)**

**THIS CASE IS OF INTEREST TO ANC 6D**

Square 643 Associates LLC requests approval of a consolidated PUD and map amendment in order to construct a 21-unit apartment house as an addition to a historic landmark church structure. The church structure will be devoted to nonprofit office use or similar nonresidential use. The location is 734 First Street, S.W. (Square 643, Lot 830). The Application was filed on November 5, 2004, and the Zoning Commission set down the case for public hearing at its meeting of March 14, 2005. On March 16, 2005, the Office of Zoning received a Pre-Hearing Submission and materials for the case.

The property that is the subject of this application is generally rectangular in shape, has 16,644 square feet of land area and is improved with a vacant church that has recently been designated a historic landmark upon the application of the property owner. The site is located on the north frontage of H Street, S.W., immediately to the east of the Delaware Avenue traffic circle.

The proposed development will rehabilitate and restore the historic landmark church and construct four- and seven-story apartment wings as an addition to the church structure. The Historic Preservation Review Board has granted conceptual design approval of the plans. The apartments will consist of 21-30 units, including a mixture of one- and two-bedroom units. The maximum height of the proposed new construction is 70 feet. The gross floor area ("g.f.a.") as designed is 44,286 square feet. The applicant is requesting that the Commission permit 10,000 square feet of the space be used for nonprofit office space pursuant to § 217 of the Zoning Regulations. However, at the time that the Commission voted to set down the case, it noted that § 217 relief is only available to

residential buildings and expressed doubt as to whether the Church would so qualify. Therefore, the Applicant is proposing, in the alternative, that the 10,000 square feet would be additional residential units, hence the range of 21-30 total units. If the Commission determines that a use variance is required, it will consider granting such relief if the applicant submits an application for such relief. In any event, permitting a non-profit use, under any theory, will not be considered unless the Applicant indicates precisely what that use will be prior to the hearing.

The proposed gross floor area equals an FAR of 2.66, and lot occupancy is 61 percent. The application includes a requested zoning map amendment from the existing R-4 to the proposed R-5-C District. The Applicant requests some deviation or flexibility from the side and rear yard requirements, as well as roof structure standards, as allowed by the PUD regulations at 11 DCMR § 2405.5, based on "the exact circumstances of the project."

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 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;

(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 § 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 | 75 minutes collectively |
| 2. | Parties | 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.**

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