

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 04-24A

As Secretary to the Commission, I hereby certify that on **NOV 16 2006** copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Cynthia Giordano, Esq.
Arnold & Porter LLP
555 12th Street, N.W.
Washington, D.C. 20004-1206
3. William C. Shelton, Chair
ANC 5B
Washington Center for Aging Services
1355 New York Avenue, NE
Washington, DC 20002
4. Commissioner Regina James
ANC/SMD 5B03
1363 Adams Street, NE
Washington, DC 20018
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
6. Councilmember Vincent Orange, Jr.
7. Office of Planning (Ellen McCarthy)
8. DDOT (Ken Laden)
9. Zoning Administrator (Bill Crews)
10. Jill Stern, Esq.
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002
11. Office of the Attorney General
(Alan Bergstein)
12. MLK Library (30 copies)
13. Property Owners within 200 Feet
(see attached list provided by Applicant)

ATTESTED BY:


Sharon S. Schellin

Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

District of Columbia
Non Taxable
Washington, DC 20002

United States of America Mid Atlantic Law Office
400 Virginia Avenue, SW, Suite 650
Washington, DC 20024-2755

G/W DC LLC Graimark/Walker Urban Dev.
300 River Place Drive, Suite 2050
Detroit, MI 48207-5068

Home Depot USA Inc
c/o Property Tax Dept.
P.O. Box 105842
Atlanta, GA 30348-5842

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United States Postal Service
475 L'Enfant Plaza SW
Washington, DC 20260-0004

Patrick J. Keogh
12315 Overpond Way
Potomac, MD 20854-3040

District of Columbia
1133 North Capitol Street, N.E.
Washington, DC 20002-7561

Greater Mt. Calvary Holy Church Inc.
610 Rhode Island Avenue, NE
Washington, DC 20002-1233

D.C. Housing Authority
1133 North Capitol Street, N.E.
Washington, DC 20002-7561

Washington Metropolitan Area Transit Authority
(WMATA)
600 Fifth Street, NW
Washington, DC 20001-2610

Clifton Ellis
1000 Rhode Island Avenue, N.E.
Washington, DC 20018-1736

John D. Chaplin
1002 Rhode Island Avenue, N.E.
Washington, DC 20018-1736

Alexander Duni
1004 Rhode Island Avenue, N.E.
Washington, DC 20018-1736

M. N. Real Estate Enterprises LLC
1305 Mullins Street
Silver Spring, MD 20904-1520

Real Estate & Improvement Company of Baltimore
c/o CSX Tax Department J910
500 Water Street
Jacksonville, FL 32202-4423

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

TIME AND PLACE: **Monday, February 26, 2007, @ 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. 04-24A (Rhode Island Avenue Metro PUD - 2nd Stage)

THIS CASE IS OF INTEREST TO ANC 5B

On July 20, 2006, the Office of Zoning received an incomplete application from Mid-City Urban LLC and A & R Development Corporation (collectively, the “Applicant”) requesting approval of a second-stage planned unit development (“PUD”) for property adjacent to the Rhode Island Avenue Metrorail Station near 9th Street and Rhode Island Avenue, N.E. The application was completed on August 11, 2006.

On September 11, 2006, the Zoning Commission deferred a decision whether to set down the case for hearing, pending the Applicant’s provision of additional information. The Applicant supplemented its application on October 6, 2006, and the Office of Planning provided its supplemental report the same day. The case was set down for hearing on October 16, 2006. The Applicant provided its prehearing statement on October 18, 2006.

The property that is the subject of this application consists of approximately 368,282 square feet of land area and is located immediately to the east of the Rhode Island Avenue Metrorail station near 9th Street and Rhode Island Avenue, N.E. (part of Parcel 130, Lots 220 and 221). The PUD site consists of the existing parking lot for the Metrorail station plus land extending north to the Rhode Island Avenue frontage, all owned by the Washington Metropolitan Area Transit Authority. The subject property is zoned C-2-B pursuant to the first-stage PUD order in this case, Order No. 04-24 (effective October 7, 2005).

The Applicant proposes to construct a mid-rise, mixed-use town center development on the site, consisting of 274 rental apartments with a gross floor area of 321,544 square feet, approximately 70,000 square feet of retail space, and associated amenities such as a green roof and a swimming pool. The total proposed density is 1.52 FAR. The development will be organized around a “Main Street” running perpendicular to the Metrorail station, with three stories of residential apartments above ground floor retail uses on both sides of the Main Street. The mixed-use pattern of development will also wrap around the entrance drive to the Metrorail station and will

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continue along the Rhode Island Avenue frontage of the site. Other parts of the proposed development will consist of three or four stories of residential use. Two parking garages will be integrated into the development and will provide 469 parking spaces for retail and residential uses, including shared parking spaces for Metrorail customers. (Immediately to the south of the PUD site, the Washington Metropolitan Area Transit Authority will construct a 200-car parking garage in the M District to accommodate some of the 340 spaces on the existing parking lot, which will be displaced by the Applicant's proposed town center development.) Twenty percent of the apartments (54 units) in the proposed second-stage PUD will be maintained as affordable for a period of 20 years to households having 50 percent or less of the area median income.

The C-2-B District is a medium-density mixed use zone that permits development of office, retail, residential and mixed uses to a maximum height of 65 feet and a maximum floor area ratio (FAR) of 2.5, of which no more than 1.5 FAR may be devoted to nonresidential uses. With a PUD, the maximum permitted height is 90 feet and the maximum permitted FAR is 6.0, of which no more than 2.0 FAR may be devoted to nonresidential uses.

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.

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.

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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.

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:

- | | | |
|----|----------------------------------|---|
| 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 200, 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 N. JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.