

Government of the District of Columbia
OFFICE OF ZONING



Z.C. CASE NO.: 05-37

MAY 3 2007

As Secretary to the Commission, I hereby certify that on MAY 3 2007 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. <i>D.C. Register</i>	7. Office of Planning (Harriet Tregoning)
2. Whayne S. Quin, Esq. Holland & Knight, LLP 2099 Pennsylvania Ave., N.W. Washington, D.C. 20006	8. Ken Laden, DDOT
3. Karen Wirt, Chair ANC 6C P.O. Box 77876 Washington, DC 20013	9. Bill Crews, Zoning Administrator
4. Commissioner Alan Kimber ANC/SMD 6C05 228 Parker Street NE Washington, DC 20002	10. Jill Stern, Esq. General Counsel - DCRA 941 North Capitol Street, N.E. Suite 9400 Washington, D.C. 20002
5. Gottlieb Simon ANC 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004	11. Office of the Attorney General (Alan Bergstein)
6. Councilmember Tommy Wells	12. Property Owners Within 200 Feet (see attached list provided by Applicant)
	13. 30 Copies to MLK Library

ATTESTED BY:


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

ZONING COMMISSION
District of Columbia

CASE NO. 05-37
EXHIBIT NO. 74

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 6, 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. 05-37 (3rd and H Streets, N.E. – Capitol Place, Station Holdings LLC)

THIS CASE IS OF INTEREST TO ANC 6C

On November 22, 2005, the Office of Zoning received an application from Station Holdings LLC, which was supplemented by an additional filing on March 22, 2006. The Applicant requested consolidated review and approval of a planned unit development (PUD) and a related zoning map amendment from C-2-A to C-2-B for a portion of the subject property. The Office of Planning provided its report on April 3, 2006, and the case was set down for hearing on April 20, 2006. The Applicant provided its prehearing statement as part of its application on May 15, 2006, and a hearing was scheduled for July 31, 2006. On July 11, 2006, the Applicant requested a postponement of the hearing in order to provide additional time for a redesign of portions of the project to respond to issues raised by the community and the Office of Planning. On January 12, 2007, the Applicant filed a modified prehearing submission, setting forth the revised design and amending the application for a zoning map amendment, which now requests a zoning map amendment from C-2-A and C-2-B to C-3-C for a portion of the project. The Office of Planning submitted a report in support of set-down on February 2, 2007, and the Zoning Commission set down the revised application for hearing at its February 12, 2007, public meeting.

The property that is the subject of this application consists of approximately 76,713 square feet of land area and is located in the block bounded by 2nd, 3rd, G and H Streets, N.E. The property fronts on all of those streets and is known as Square 752, lots 30, 39, 40, 41, 45, 48, 801, 804, 805, 806, 811, 813, 814, 856, 857, 2001, 2002 and 2003. The subject properties are currently zoned C-2-B and C-2-A.

The Applicant proposes to construct a mixed-use development containing approximately 315 apartment units and approximately 23,748 square feet of gross floor area devoted to retail, professional office, and service uses. The building will have a maximum height of 110 feet at the corner of 2nd and H Streets, NE, stepping down to the south and east sides of the project. The total gross floor area of the project is approximately 403,194 square feet; the proposed overall floor area ratio (FAR) of the project is 5.25. The project will contain a total of 323 parking spaces plus an additional 60 tandem spaces.

The C-2-A District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 60% for residential use, a maximum FAR of 2.5, of which no

¹ This case was originally scheduled for a hearing on May 7, 2007.

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more than 1.5 may be devoted to other than residential uses and a maximum height of fifty feet. Under Chapter 24, the guideline for height in a PUD is sixty-five feet and the guideline for FAR in a PUD is 3.0, of which no more than 2.0 may be commercial.

The C-2-B District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 80% for residential use, a maximum FAR of 3.5, of which no more than 1.5 may be devoted to other than residential uses and a maximum height of sixty-five feet. Under Chapter 24, the guideline for height in a PUD is ninety feet and the guideline for FAR in a PUD is 6.0, of which no more than 2.0 may be commercial.

The C-3-C District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 100% for residential use, a maximum FAR of 6.5, and a maximum height of ninety feet. Under Chapter 24, the guideline for height in a PUD is 130 feet and the guideline for FAR in a PUD is 8.5.

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.

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;

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- (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.

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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 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, 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.

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