

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

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D.C. OFFICE OF ZONING  
2009 NOV -9 PM 12 15

**TIME AND PLACE**

**Monday, November 30, 2009, 6 30 p m**  
**Office of Zoning Hearing Room**  
**441 4<sup>th</sup> Street, N W , Suite 220-South**  
**Washington, D C 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING**

**CASE NO 06-01B (Modification to the Approved PUD at 3<sup>rd</sup> and H Streets, N E - Steuart-H Street LLC)**

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

On August 31, 2009, the Office of Zoning received an application from the Steuart-H Street LLC. The Applicant is requesting approval of modification to the approved planned unit development ("PUD") for the subject property. A related zoning map amendment from C-2-A to C-2-B for a portion of the subject property approved as part of the original PUD remains as part of the proposed modification. The Office of Planning provided its report on September 4, 2009, and the case was set down for hearing on September 14, 2009. The Applicant provided its prehearing statement as part of its application on September 24, 2009.

The property that is the subject of this application consists of approximately 60,870 square feet of land area and is located in the block bounded by 3<sup>rd</sup>, 4<sup>th</sup>, H, and I Streets, N E. The property fronts on 3<sup>rd</sup>, 4<sup>th</sup>, and H Streets and is known as Square 776, Lot 54. The subject property is zoned C-2-B pursuant to the original PUD approval.

By Order No. 06-01, dated December 11, 2006, effective October 12, 2007, the Zoning Commission approved the consolidated PUD and related map amendment from C-2-A to C-2-B for a mixed-use development containing approximately 210 to 250 apartment units and approximately 60,500 square feet of gross floor area devoted to retail and service uses, including a grocery store of approximately 45,000 square feet plus additional loading and support space. The building was approved with a maximum height of 90 feet, stepping down to the north and east sides of the project. The total gross floor area of the project was approved at approximately 287,930 square feet and the approved overall floor area ratio ("FAR") of the project was 4.8. The project was approved with approximately 400 parking spaces.

The Applicant now seeks a modification to reduce the height, bulk and number of parking spaces for the project. As proposed, the PUD would now have a maximum height of 75 feet, the maximum gross floor area would be 250,160 square feet, the maximum FAR would be 4.11, and the number of parking spaces proposed is 270.

The C-2-A Zone 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 more than 1.5 may be devoted to other than residential uses and a maximum height of 90 feet.

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Under Chapter 24, the guideline for height in a PUD is 65 feet and the guideline for density in a PUD is 3.0 FAR, of which no more than 2.0 may be commercial.

The C-2-B Zone District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 80% for residential use, a maximum density of 3.5 FAR, of which no more than 1.5 may be devoted to other than residential uses and a maximum height of 90 feet. Under Chapter 24, the guideline for height in a PUD is 90 feet and the guideline for density in a PUD is 6.0 FAR, of which no more than 2.0 may be commercial.

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,
- (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

|   |                                  |                                           |
|---|----------------------------------|-------------------------------------------|
| 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                            |

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Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N W , Washington, D C 20001 **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311**

**ANTHONY J HOOD, WILLIAM W KEATING, III, KONRAD W SCHLATER, 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**

## OFFICE OF ZONING

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