

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

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

From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission

Date: August 1, 2006

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 11, 2006:

1. Z.C. Notice of Public Hearing (Case No. 06-13);
2. Z.C. Notice of Public Hearing (Case No. 06-14); and
3. Z.C. Notice of Public Hearing (Case No. 06-27).

Attachments

ZONING COMMISSION
District of Columbia

CASE NO. 06-14

EXHIBIT NO. 18

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

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

TIME AND PLACE:

**Thursday, November 30, 2006, @ 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. 06-14 (Washington Gateway – MidAtlantic Realty Partners on behalf of GMK Title Holder, Inc., D&H Title Holder III, Inc., the Sun Oil Company of Pennsylvania, the Washington Metropolitan Transit Authority and the District of Columbia)

THIS CASE IS OF INTEREST TO ANC 5C

On March 3, 2006, the Office of Zoning received an application from the MidAtlantic Realty Partners on behalf of GMK Title Holder, Inc., D&H Title Holder III, Inc., the Sun Oil Company of Pennsylvania, the Washington Metropolitan Transit Authority and the District of Columbia (collectively, the Applicants). The Applicants are requesting consolidated review and approval of a planned unit development (PUD) for the subject property. The Office of Planning provided its report on June 2, 2006, and the case was set down for hearing on June 12, 2006. The Applicant provided its prehearing statement as part of its application on July 21, 2006.

The property that is the subject of this application consists of approximately 134,665 square feet of land area and is located in the triangle bounded New York and Florida Avenues, N.E. and the Metrorail and railroad rights-of-way. The property is known as Square 3584, lots 23, 811, 812 and 813. The subject property is currently zoned C-3-C.

The Applicant proposes to construct a mixed-use development containing approximately 218 to 250 apartment units, a hotel of approximately 170 rooms, approximately 7,000 square feet of gross floor area devoted to retail and service uses and two office buildings containing a total of approximately 561,000 square feet of gross floor area. The buildings will have a maximum height of 130 feet measured from New York Avenue, stepping down in height to the south on the Florida Avenue side of the site. The total gross floor area of the project is approximately 904,000 square feet; the proposed overall floor area ratio (FAR) of the project is 6.7. The project will contain a total of approximately 500 to 680 parking spaces.

The C-3-C District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 100%, 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 8.0.

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 |

Z.C. PUBLIC HEARING NOTICE
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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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