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GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

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

Date: September 2, 2008

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on September 12, 2008:

1. Z.C. Notice of Public Hearing (Case No. 08-13).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 08-13

EXHIBIT NO. 21

Z.C. PUBLIC HEARING NOTICE
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The property that is the subject of this application consists of approximately 82,888 square feet bounded by Massachusetts Avenue on the south, L Street on the north, 9th Street on the east and 10th Street on the west. The western portion of the subject property is zoned DD/C-2-C and the eastern portion of the property is zoned DD/ C-3-C. The map amendment requested under the application would result in the entire property being in the DD/C-3-C District.

The development of the property would be subject to the DD Overlay District, C-3-C District, and PUD regulations. The DD Overlay District regulations permit the development of a convention center headquarters hotel on Square 370; there is no residential use requirement for any portion of Square 370 developed as such. Under the C-3-C District standards, the maximum permitted FAR is 6.5, the maximum permitted lot occupancy is 100%, and the maximum permitted building height is 90 feet. For a PUD, the Zoning Commission may increase the permitted FAR for the purpose of a convention center headquarters hotel, and the permitted building height increases from 90 to 130 feet.

The PUD includes subsurface improvements within the public space, including, but not limited to a loading dock area below 9th Street and parking, meeting space, mechanical equipment, and other hotel uses (including, but not limited to, stairs, escalators, and kitchen space) below Massachusetts Avenue and L Street. The Applicant seeks the Zoning Commission's approval of the subsurface improvements for the project pursuant to the Public Space Utilization Act (the "Act").

Under the Act, the Mayor is permitted to enter into lease(s) with private parties for the rental or use of the space above or below streets and alleys in the District under specified conditions. An application for such a lease must be reviewed and approved by the Zoning Commission. The Zoning Commission determines, after a public hearing, the use(s) to be permitted in the airspace, as well as specific applicable regulations. These regulations may include limitations and requirement(s) pertaining to building height in the airspace, off-street parking, floor area ratios, and easements of light and air, and traffic access.

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

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§ 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 | 60 minutes collectively |
| 2. | Parties in opposition | 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 200/210-South, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR.,
MICHAEL G. TURNBULL, AND PETER G. MAY ----- ZONING
COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA,
DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING
COMMISSION.**