

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin *JS*
Secretary to the Zoning Commission
Date: May 9, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 15, 2009:

1. Z.C. Notice of Public Hearing (06-10); and
2. Z.C. Notice of Public Hearing (06-13);

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. *02-33*

EXHIBIT NO. *21*

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC HEARING

**TIME AND PLACE: Thursday, July 9, 2009, @ 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. 08-33 (Conference Center Associates I, LLC – Consolidated Planned Unit Development, First Stage Planned Unit Development, and Associated Zoning Map Amendment)

THIS CASE IS OF INTEREST TO ANC 5C

On December 23, 2008, the Office of Zoning received an application from Conference Center Associates I, LLC (“Applicant”). The Applicant is requesting approval of a consolidated planned unit development (“PUD”), a first-stage PUD, and a related Zoning Map amendment. The Office of Planning provided its report on February 13, 2009, and the case was set down for hearing on February 23, 2009. The Applicant provided its prehearing statement on April 23, 2009.

The property that is the subject of this application consists of approximately 238,909 square feet of land area and is located at Parcel 121/31. The subject property is currently unzoned. The Applicant is seeking a PUD-related map amendment to zone the property to the C-3-A Zone District.

The Applicant proposes a two-stage PUD for the subject property. The consolidated PUD component of the application proposes the construction of a 314 room suite hotel (built in two stages, the first stage includes 233 rooms and will be constructed immediately, the remaining 81 rooms will be constructed based on market demand) and conference center on the portion of the subject property that has frontage along Michigan Avenue NE and Irving Street NE. Also included in the consolidated PUD application is a four story above-grade structure along Michigan Avenue that provides retail uses at the ground floor and in the basement level and approximately 400 parking spaces on the other levels. The northern portion of the subject property will remain as a surface parking lot (providing approximately 200 parking spaces) until development of the second phase of the PUD project begins. The total number of parking spaces to be provided in the PUD project at its completion is approximately 695. The consolidated PUD will have a gross floor area of approximately 348,965 square feet, an FAR of 1.46, a building height of 94 feet, 6 inches, and a lot occupancy of 31%. The applicant is requesting flexibility from the Zoning Regulations with respect to the single roof structure requirement, the roof structure setback requirement, the requirement that all roof structures be the same height,

the side yard requirement, the loading requirement, the limitation on one building on a single record lot, and the height requirement (pursuant to the Zoning Commission's 5% allowance).

The Applicant is also seeking first stage PUD approval for two additional buildings on the northern portion of the subject property. These buildings will be dedicated to either additional hotel use or residential units and will include more space for conference center uses. Below-grade parking spaces will be included in this phase of the PUD project.

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.

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 maximum time limits for oral testimony shall be adhered to 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 |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 08-33
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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.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, WILLIAM W. KEATING, III, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.