Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 00-27M

As Secretary to the Zoning Commission, I herby certify that on APR 15 2004 copies of this Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. D.C. Register (Alberto P. Bastida)

2. Applicant(s)/Petitioner(s) Douglas J. Patton, Esq.
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3. All property owners within 200 feet (per addresses provided by applicant – see attached)

4. All lessees of the subject property, if necessary

5. ANC Chairperson Dorothy Miller, Chair
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6. Gottlieb Simon, Office of Advisory Neighborhood Commissions
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7. City Councilmember Councilmember Jack Evans (Ward 2)

8. Office of Planning (Ellen McCarthy)

9. Department of Transportation (Ken Laden)

10. Zoning Administrator

11. 30 copies to MLK Library (Sheryl Thorpe)

ZONING COMMISSION
District of Columbia
Case 00-27
Exhibit 52

ZONING COMMISSION
District of Columbia
CASE NO.00-27
EXHIBIT NO.52

12. Alan Bergstein, Office of Corporation Counsel

ATTESTED BY: _____

Alberto P. Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, June 10, 2004, 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. 00-27 (Zoning Map Amendment – Square 37, Lots 810, 811, 831, 836, 837, and 855)

THIS CASE IS OF INTEREST TO ANC 2A

The Zoning Commission of the District of Columbia hereby gives notice that it will conduct a public hearing at the above-stated date, time, and place to receive comments concerning review and approval of a Zoning Map Amendment under Chapter 30 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended). The proposed map amendment would change the base zone district for the subject properties from their present R-5-B classification to R-5-E, C-2-C, or CR

The District of Columbia Administrative Procedures Act, DC Code 2-505, provides that this Notice also means that the Commission can consider not just rezoning to the three stated alternatives but may also apply other zone district classifications that are more permissive than the present R-5-B zone but that are more restrictive than either the referenced C-2-C (such as C-2-B) or the referenced R-5-E (such as R-5-D), for some or all of the land area involved. The Commission is not obligated to find a single base zone to apply to all of the land.

The petitioner is asking the Zoning Commission to effect a Map Amendment to the southern portion of Square 37 (land lying south of that Square's single, east-west public alley; specifically applying to Lots 810, 811, 812, 831, 836, and 855, to resolve an inconsistency among the principles of the Comprehensive Plan, present zoning, and D.C. Code.

In short, the Comprehensive Plan and its associated Generalized Land Use Map call for the area to be for a mixture of high-density residential uses along with medium-density commercial uses.

In contrast, the present R-5-B zoning classification provides for "moderate density" residential uses at "moderate" heights. All R-5 zones permit apartment houses (technically, "multiple

dwellings"), flats and one-family dwellings, along with hospitals, clinics, and museums, as a matter of right. Density is limited to a Floor Area Ratio ("FAR") of 1.8. FAR is the ratio of the "gross floor area" to the area of the land. Gross floor area excludes "cellar" areas but includes the horizontal area of "basements" (whose ceiling extends four feet or more above the adjacent grade) and the horizontal area of all floors from the ground up other than a penthouse, which contains stairways, elevator and other mechanical equipment. In the R-5-B zone, height is limited to 50 feet, with an additional allowance for a penthouse. Colleges and universities, along with art galleries, are among uses allowed after an owner seeks and secures the approval of the Board of Zoning Adjustment ("BZA") under the BZA's Special Exception process.

As summarized within the present District of Columbia Comprehensive Plan (at §112.3) "... zoning may not be inconsistent with the Comprehensive Plan..." Thus, present zoning does not comport with the broad principles established by the Plan, particularly its land use element.

The zone district alternatives to be considered include the following:

R-5-E The R-5-E zone exists to allow compact, high-rise residential development that may extend to a height of 90 feet and provides the highest allowed purely residential density in the District of Columbia's zoning program, namely an FAR of 6.0. This zone district, as with R-5-B, R-5-C, and R-5-D, permit apartment houses (technically, "multiple dwellings"), flats and one-family dwellings, along with hospitals, clinics, and museums, as a matter of right. Colleges and universities, along with art galleries, are among uses allowed with the approval of the BZA under that Board's Special Exception procedures. The R-5-E zone limits FAR of new uses other than apartment houses to 5.0.

C-2-C The C-2-C zone exists to provide for a mix of residential and commercial uses at the same density (FAR of 6.0) and height limits (90 foot) as R-5-E; areas so-zoned are to be "compact" and "located near the Central Employment Area." While overall development is limited to an FAR of 6.0, any development exceeding an FAR of 2.0 must be used for an apartment house or "other residential" use, which includes "guest room" areas of hotels and areas supporting these guest rooms. Uses allowed within the FAR limit of 6.0 include all uses allowed in the R-5 zones as a matter of right. General offices and a wide range of retail and other uses may utilize up to a limit of 2.0 FAR within the overall FAR limit of 6.0. The zone also allows international organizations, theatres and assembly halls, parking lots and parking garages, colleges, universities, and other academic institutions of higher learning, as a matter of right.

CR The CR zone allows the same total density in terms of FAR as both R-5-E and C-2-C, namely 6.0, and also limits development to 90 feet. Just as in C-2-C, the CR zone's rules interpret "guest room" and related service areas of hotels as "residential" space under the prevailing FAR limits. While C-2-C allows an FAR of 2.0 to be devoted to non-residential uses within the overall FAR limit of 6.0, CR allows non-residential uses to utilize an FAR of as much as 3.0. CR zones allow a range of commercial uses similar to

those in C-2-C; it also prohibits certain uses allowed in C-2-C and other Commercial zones, including "parking lots" and "drive-through" establishments. Moreover, some uses allowed as a matter of right in the C-2 districts require approval in CR from the BZA, including hospitals, clinics, colleges and universities. The BZA may also allow a few light industrial uses such as warehouses and vehicle sales. The CR zone requires that developed properties provide "public space" at the ground level amounting to ten percent of the total area of the lot that is (a) adjacent to the property's main entrance, (b) open to the sky or have a minimum clearance of 10 feet or one story, (c) have ample illumination and appropriate landscaping, and (d) be continuously open to the general public.

The C-2-C zone, Commercial zones more restrictive than C-2-C, and the CR zone all require those developing residential uses to provide "residential recreation space." For C-2-C and CR, the space must be the equivalent to 15 percent of the gross floor area devoted to multiple dwellings, i.e., apartments and their supporting space such as lobbies and hallways. Of this, at least half that area must be "outdoors" in the Commercial zones and at least 70 percent must be "open to the sky" in CR districts.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*) (2001 Ed.).

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 is 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. 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

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.**

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