OFFICE OF DOCUMENTS
AND ADMINISTRATIVE ISSUANCES

Government of the District of Columbia
OFFICE OF ZONING

★ ★ ★

MEMORANDUM

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

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: March 14, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on March 22, 2002:

1. Zoning Commission Case No. 01-35TA Notice of Public Hearing; and
2. Zoning Commission Notice of Change in April Monthly Meeting.

Received By

3/18/02
Date

Attachments

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 • Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
CASE NO. 01-35TA
EXHIBIT NO. 12

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, May 2, 2002, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 01-35TA (Text Amendment to Miscellaneous Provisions Relating to the former Southwest Urban Renewal Area and Waterside Mall, Square 542, Lot 88 and Square 499, Lot 60).

This case is of interest to Advisory Neighborhood Commission 2D.

On December 19, 2001, the Office of Zoning received a petition from Kaempfer Company, Forest City Enterprises, and Bresler & Reiner, Inc., requesting that the Zoning Commission schedule a public hearing to consider adopting a text amendment that would facilitate renovation, partial redevelopment, and reoccupancy of the Waterside Mall property at 401 M Street, S.W. (Square 542, Lot 88 and Square 499, Lot 60). The petition was referred to the Office of Planning on December 21, 2001; the Office of Planning report was received February 1, 2002; the case was approved for set down on February 11, 2002; and the petitioner filed its prehearing statement on February 19, 2002. The proposed text amendment would be added to the other special provisions relating to the former Southwest Urban Renewal Area that were adopted in Zoning Commission Order No. 807, dated October 19, 1998. These provisions are found in the Zoning Regulations as §§ 2521(a) through (g) in 11 DCMR § 25. They provide necessary development flexibility for the District of Columbia, leaseholders, and property owners in Southwest in making the transition from Urban Renewal land use controls to zoning regulations.

The proposed text is as follows:

2521 Southwest Urban Renewal Area

2521.1 (h) If part of the Waterside Mall property, comprising Lot 88 in Square 542 and Lot 60 in Square 499, is demolished so as to create a roadway or public throughway generally along the former right-of-way of 4th Street, S.W., so that the parts of the building to the

east and west of such roadway or throughway are no longer physically connected above grade, for zoning purposes all such improvements shall be deemed to be a single building.

The stated need for the amendment is that the District of Columbia would like a part of the existing Mall to be demolished in the area of the former 4th Street S.W. right-of-way in order to create a pedestrian and/or vehicular passageway through the property. The Mall was constructed on a very large, 13-acre "superblock," which impedes convenient public access. Once demolition occurs, what has been a single building will become two buildings. This could create problems for the petitioners as they renovate and redevelop this large and complex property, rendered substantially vacant by the departure of the Environmental Protection Agency from most of the office space and the vacancy of substantial parts of the retail space. Specifically, creation of two separate buildings could result in problems of nonconformity regarding parking and loading requirements for one or the other of the two future buildings, a problem that could be exacerbated by construction of additional building components over time. Likewise, any additions to the complex should have the flexibility of allocating FAR based on the entire property.

The subject property is zoned C-3-B and the existing commercial improvements of approximately 2.14 FAR are well within the maximum permitted FAR of 4.0 for commercial development in this zone. The only request is for flexibility to continue to treat the complex as one building for zoning purposes. The revitalized and partially rebuilt Waterside Mall will be known as the "Waterfront" and is designed to attract new office tenants, retain existing major retail establishments, and attract new retail and service businesses.

This public hearing will be conducted in accordance with the provisions of § 3021 (Rulemaking Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

All interested persons and representatives of organizations will be heard at the public hearing. The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

1. Petitioner..... 45 minutes
2. Government Agencies .....15 minutes
3. Organizations..... 5 minutes
4. Individuals..... ... 3 minutes

The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations, if necessary, and notes that no time shall be ceded. 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.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, PETER G. MAY, AND JAMES H. HANNAHAM ---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.