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: December 12, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on December 20, 2002:

1. Z.C. Notice of Proposed Rulemaking;
2. Z.C. Notice of Public Hearing (Case No. 02-38); and
3. Z.C. Notice of Public Hearing (Case No. 02-45).

_____ _____
Received By 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 02-38
Exhibit 22

ZONING COMMISSION
District of Columbia
CASE NO.02-38
EXHIBIT NO.22

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, February 13, 2003, @ 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. 02-38 (PUD and Related Map Amendment @ Square 499, Lot 60 and Square 542, Lot 88 – Waterside Mall)

THIS CASE IS OF INTEREST TO ANC 2D

On September 30, 2002, the Office of Zoning received an application from RLA Revitalization Corporation (the "applicant") requesting review and approval of the first stage of a two-stage Planned Unit Development ("PUD") and Zoning Map Amendment under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended). This matter was referred to the Office of Planning (OP) on October 7, 2002; OP provided its report on October 8, 2002; the case was set down for hearing on October 28, 2002; and the applicant provided its prehearing statement on November 4, 2002.

The property that is the subject of this application consists of Lot 60 in Square 499 and Lot 88 in Square 542. The site is located at 401 M Street, S.W. and is bounded by M, Eye, 3rd, and 6th Streets, S.W. Fourth Street between M and Eye Streets, S.W., was closed to create the large development site and to facilitate the new construction. The subject property is currently zoned C-3-B and consists of approximately 13.42 acres of land area.

The Applicant proposes to reconstruct the subject property into a new development to be known as "Waterfront". The new complex will consist of a mixture of office, retail, and residential uses.

The Applicant will also seek an amendment to the Zoning Map to rezone the entire site from C-3-B to C-3-C.

The C-3-B Zone District permits matter-of-right development for major business and employment centers of medium density development, including office, retail, housing, and

mixed uses to a maximum lot occupancy of 100%, a maximum FAR of 5.0 for residential and 4.0 FAR for other permitted uses, and a maximum height of six (6) stories/seventy (70) feet.

The C-3-C Zone District permits matter-of-right high density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 80% for residential use, a maximum FAR of 6.0 for residential and 2.0 FAR for other permitted uses, and a maximum height of ninety (90) feet.

The architect and urban designer for this proposal is Shalom Baranes Associates and the land use counsel is Arnold & Porter, both of Washington, D.C.

This public hearing will be conducted in accordance with the provisions of § 3022 (Contested Case Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Interested persons or representatives of organizations will be heard at the public hearing. **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 Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person 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 and address;

(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; and

(f) 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 such person, or in which the person has an interest, that will be affected by the action requested of the Commission;

(2) The legal interest such person has in such 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 environmental, 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;

(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 that those of other persons in the general public.

The Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significant, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.

2. 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 of qualifications of the proposed experts.

3. The total amount of time that will be required to present the case.

The information cited above shall also be submitted by the applicant. To the extent that the information is not contained in the applicant's prehearing submission 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), pursuant to DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above relating to the hearing procedures. However, the written report of the ANC shall be filed no later than seven (7) days before the date of the 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.	Applicant	60 minutes
2.	Other Parties	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.