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: November 2, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 12, 2004:

1. Z.C. Notice of Public Hearing (Z.C. Case No. 01-13A); and
2. Z.C. Notice of Public Hearing (Z.C. Case No. 04-22).

2 Jan
Received By

11/2/04
Date

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 04-22
EXHIBIT NO. 13

441 4th St., N.W., Suite 210-S, Washington, D.C. 20001
Telephone: (202) 727-6311 E-Mail Address: zoning_info@dcoz.dc.gov Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.04-22
EXHIBIT NO.13

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, January 27, 2005 @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 04-22 (Abdo Development, LLC – 220 H Street, N.E.)

THIS CASE IS OF INTEREST TO ANC 6C

On September 13, 2004, the Office of Zoning received an application from Abdo Development, LLC (the "Applicant"), requesting consolidated review and one-step approval of a Planned Unit Development (PUD) and a corresponding amendment to the Zoning Map of the District of Columbia in order to develop a residential project on the subject property, 220 H Street, N.E. (Square 751, Lot 13).

The property that is the subject of this application consists of approximately 104,756 square feet of land area, and includes all of the land in the block that is bound by H, I, Second and Third Streets, N.E. The subject property was most recently the home of the Capital Children's Museum. The proposed project will restore the original historic buildings on the property and will allow for development of two new residential buildings on the property.

The property is currently split-zoned, with the western half of the site located in the C-3-B District and the eastern half of the site located in the C-3-A Zone District. The Applicant requests a Zoning Map amendment to the C-3-C District for the subject property to accommodate the proposed residential development.

The PUD guidelines for the C-3-C Zone District allow a height of 130 feet, and a maximum density of 8.0 FAR for residential or non-residential uses. The C-3-C District, as a matter of right, permits a maximum height of 90 feet, a maximum lot occupancy of 100% and a maximum density of 6.5 FAR for residential and non-residential uses.

Consistent with the PUD guidelines for the C-3-C District, the project will include a total of 599,134 square feet of gross floor area, will have a total FAR of approximately 5.72, and will occupy 65% of the subject property. The existing Capital Children's Museum building has a height of approximately 64 feet measured from 3rd Street, and the new buildings will be approximately 110 feet in height, measured from I Street, to the top of the roof. In total, the project will include approximately 500 new residential units (approximately 435-445 units in the new buildings and approximately 55 in the existing building). All of the residential units will be for-sale units. The project will also include approximately 19,852 square feet of affordable housing. The main lobbies of the buildings will be accessed from the I Street entrance to the

project via a set of arcades. The proposed project will also provide residential recreation space in landscaped open spaces in the interior of the site, on the roofs of the new buildings and in the restored small 2-story historic building located in the interior of the site. This building will be used as a central amenities building for the entire complex. Access to the below grade parking garage containing approximately 500 spaces will be from Second Street. A vehicular entrance and exit for resident and guest drop-off and pick-up only will be located on I Street, and a pedestrian only entrance and exit will be located on Third Street. The proposed project will include extensive hardscape and landscape improvements on private and public property to improve the streetscape on all four sides of the square.

The Applicant contends that the proposed project, use, and change in zoning are not inconsistent with the *Comprehensive Plan for the National Capital.* The architects for the Applicant are Esocoff & Associates Architects; the land use counsel are Allison C. Prince and Paul A. Tummonds, Jr. of Shaw Pittman, LLP.

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

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, 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 the 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 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 the 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; and

(5) An explanation of how the person's interests 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 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.

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 inclusion 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 applicant shall also submit the information cited above. To the extent that the information is not contained in the applicant's pre-hearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than 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. 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, GREGORY N. JEFFRIES, AND KEVIN HILDEBRAND ———— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.