Office Of Documents And Administrative Issuances

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Government of the District of Columbia
Office of Zoning

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MEMORANDUM

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

FROM: Jerrily R. Kress, FAIA
Director

DATE: March 30, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on April 8, 2005:

1. Z.C. Notice of Filing (Z.C. Case No. 05-12);
2. Z.C. Notice of Rescheduled Public Hearing (Z.C. Case No. 03-30);
3. Z.C. Notice of Public Hearing (Z.C. Case No. 04-24);
4. Z.C. Notice of Public Hearing (Z.C. Case No. 04-30);
5. Z.C. Notice of Public Hearing (Z.C. Case No. 05-02);
6. Z.C. Notice of Public Hearing (Z.C. Case No. 05-09);
7. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 04-28); and
8. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 04-29).

ZONING COMMISSION
District of Columbia
CASE NO. 04-30
EXHIBIT NO. 23

Received By _____ Date _____

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, June 6, 2005, 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. 04-30 (PUD at 17th Street and Kalorama Road, N.W. – The Citadel)

THIS CASE IS OF INTEREST TO ANC 1-C

On October 20, 2004, the Office of Zoning received an application from Jemal's Citadel, LLC and Faison Enterprises, Inc. (the Applicant). The Applicant is requesting approval of a Planned Unit Development ("PUD"). The Office of Planning provided its report on December 3, 2004, and the case was set down for hearing on December 14, 2004. The Applicant provided its prehearing statement when the application was initially filed and filed additional supplementary materials on March 11, 2005.

The property that is the subject of this application consists of approximately 42,490 square feet of land area and is located at the northeast corner of the intersection of Kalorama Road and 17th Streets, N.W. (Square 2572, Lot 36). The subject property is zoned RC/C-2-B. The Applicant proposes no change in this zoning.

The Applicant proposes to convert the existing and currently vacant building, which has had a history of uses including being a roller skating rink, into a building housing a full-service grocery store and an additional retail or service area, to expand the building (mostly within its existing overall cubic volume) to include an area for general offices and to provide parking on two existing levels for these uses. The maximum height of the building would be fifty-five feet, the height of the existing building. The overall building would increase from 56,796 square feet of gross floor area to 74,913 gross square feet or 1.76 FAR. Of the total gross floor area, 33,195 square feet would be for the full-service grocery store, 4,069 square feet area would be for the other retail or service area, 29,594 square feet would be for the general offices, 5,891 square feet would be for parking spaces and adjacent aisles, and 2,164 square feet would be for the loading area. The architect for the PUD is Esocoff and Associates and the land use counsel is Holland & Knight LLP.

The C-2-B District is designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the District of Columbia outside the central core. The C-2-B District permits a maximum height of sixty-five feet and a maximum FAR of 3.5, of which no

more than 1.5 may be used for nonresidential purposes. The Reed-Cooke (RC) Overlay District modifies the provisions of the underlying zone with respect to uses and height and provides that no PUD shall exceed the matter-of-right height, bulk and area requirements of the underlying zone. See 11 DCMR § 1402. The Zoning Commission will determine whether the overlay precludes it from granting increased FAR as a PUD development incentive. The Applicant submitted a variance application without conceding that a variance is required, at the request of the Zoning Commission. If the Zoning Commission determines a variance is required, it will consider the variance application concurrently with the PUD.

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.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES — ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD MOY, ACTING SECRETARY TO THE ZONING COMMISSION.