

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 05-28E, B & C

FEB 14 2011

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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11. Office of the Attorney General (Alan Bergstein)
12. MLK Library (30 copies)
13. Property Owners w/in 200 Feet (see attached list provided by Applicants)

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

DATE: 05-28-11

FILED NO. 25

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS**

TIME AND PLACE: Monday, April 4, 2011, 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 CONSOLIDATED
REQUEST:**

CASE NO. 05-28E: Consolidated Application of Lano Parcel 12 LLC and the District of Columbia Primary Care Association to Modify an Approved First-Stage Planned Unit Development (Square 5055, Lots 14-25 and 801-813) ("Property")

TIME AND PLACE: April 18, 2011, 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 SEPARATE
APPLICATIONS:**

CASE NO. 05-28B: Application of the District of Columbia Primary Care Association for Final Approval of a Planned Unit Development and Zoning Map Amendment (Square 5055, Lots 25, 801 and portions of 24 and 802) ("DCPCA Property")

CASE NO. 05-28C: Application of Lano Parcel 12 LLC for Final Approval of a Planned Unit Development and Zoning Map Amendment (Square 5055, Lots 21-23, 803-805 portions of lots 24 and 802) ("CCDC Property")

THIS CASE IS OF INTEREST TO ANC 7D

Case No. 05-28B: On May 10, 2010, the Office of Zoning received an application from the District of Columbia Primary Care Association ("DCPCA") to 1) modify the portion of an approved First-Stage Planned Unit Development ("First Stage Approval") as it pertained to the DCPCA Property; and 2) for Final Approval of a Planned Unit Development with a PUD-related Zoning Map Amendment for that same location. The Office of Planning provided a report on July 2, 2010 and the case was set down for a public hearing by the Zoning Commission at its public meeting of July 26, 2011. The DCPCA submitted its pre-hearing statement on December 27, 2010.

Case No. 05-28C: On June 3, 2010, the Office of Zoning received an application from Lano Parcel 12 LLC ("Lano") to modify the portion of the First-Stage Planned Approval as it pertained to the CCDC Property and for Final Approval of a Planned Unit Development with a

PUD-related Zoning Map Amendment for that same location. The Office of Planning provided a report on July 16, 2010 and the case was also setdown for a public hearing by the Zoning Commission at its July 26th public meeting. Lano submitted its pre-hearing statement on December 27, 2010.

Case No. 05-28E: Also on December 27, 2010, DCPCA and Lano submitted a joint request to consolidate the two applications as they pertained to the First-Stage PUD Amendments into a single modification request. The applications would remain distinct applications with respect to the Second-Stage PUD approvals. The Zoning Commission granted the request and consolidated the applications to modify the First-Stage Planned Unit Development ("PUD") into a single application at its public meeting on January 10, 2011. Because Zoning Commission Case No. 05-28D had already been assigned to a time extension (denied), the joint request was assigned Zoning Commission Case No. 05-28E. A pre-hearing statement was submitted in Case No. 05-28E on January 28, 2011.

A. The Joint Request to Modify the First Stage Approval

Case No. 05-28E

Case No. 05-28E seeks to modify the First-Stage PUD approved by the Zoning Commission on April 13, 2007. The application would modify the approved uses by converting a portion of the approved residential use to office use and institutional use. It would also modify the permitted building heights for the PUD to allow a maximum building height of 130 feet for the central office towers and a maximum height of 110 feet for the remainder of the Property (with the exception of the DCPCA Property). Finally, the modification application requests approval to modify the previously PUD-related Map Amendment. In Case No. 05-28, the Zoning Commission approved a PUD-related Map Amendment to the C-3-A Zone District for the Property, with the exception of the central office towers, which were rezoned to the CR Zone District. Case No. 05-28E seeks approval to rezone the site with the central office towers to a PUD-related C-3-C Zone District and the remainder of the Property, with the exception of the DCPCA Property, to a PUD-related CR Zone District. The DCPCA Property will remain in the PUD-related C-3-A Zone District.

B. The Separate Applications for Final PUD Approvals Contingent upon Approval of Case No. 05-28E.

Case No. 05-28B

In Case No. 05-28B, DCPCA seeks Second-Stage PUD approval for the construction of a health center. The area that is the subject of this second stage PUD application is located on the eastern corner of overall PUD site on part of what was designated as Block I. DCPCA is proposing a three-story health center, with two below grade on-site parking levels, with specific areas for walk-in care services, family practice, dental services, women and infant health care, wellness

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phlebotomy lab and reception and patient waiting areas. The project will have a FAR of 2.13, a maximum height of 42 feet, and a lot occupancy of approximately 85%.

Case No. 05-28C

In Case No. 05-28C, Lano seeks Second-Stage PUD approval for the construction of a university building to serve the Community College of the District of Columbia ("CCDC"). The area that is the subject of this second stage PUD application is also located on the eastern corner of overall PUD site on part of what was designated as Blocks H and I. The CCDC offers associate degrees, certificate programs, continuing education and workforce development. The project will have a FAR of 7.4, a maximum height of 110 feet, and a lot occupancy of approximately 85%.

C. General Information.

How the Consolidated Modification Request and separate Second Stage Applications will be heard and decided.

The public hearings for the three cases will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022 and occur in the following sequence.

The consolidated First-Stage Approval modification request, Case No. 05-28E, will be heard on April 4, 2011. The Zoning Commission may rule upon the request at the conclusion of the hearing. In the event that Case No. 05-28E is denied, neither Case No. 05-28B nor Case No. 05-28C will be heard.

Should the Commission defer ruling on Case No. 05-28E or approve it, Case No. 05-28B will be the first case heard on April 18, 2011 followed by Case No. 05-28C.

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 are 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.

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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 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which is attached hereto.** This form may also be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov.

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for 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 contain the information indicated in § 3012.5 (a) through (i).

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, KONRAD W. SCHLATER, GREG M. SELFRIDGE, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.



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