

ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS

2011 FEB 22 PM 2:47

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")

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Office of Zoning Hearing Room
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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

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District of Columbia

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District of Columbia
CASE NO. 05-28E
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EXHIBIT NO. 10
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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

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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Z.C. CASE NOS. 05-28B, 05-28C and 05-28E
PAGE 4

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.



PARTY STATUS REQUEST FORM



Before completing this form, please review the instructions on the reverse side.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

NAME: Last

First

Middle I.

ADDRESS: Street

Apt. # (if any)

City

State

Zip Code

Phone No.

Fax No.

E-Mail

I, hereby request to appear and participate as a party.

Signature

Date

Will you appear as a(n)

☐

Proponent

☐

Opponent

Will you appear through legal counsel?

☐

Yes

☐

No

If yes, please enter the name and address of such legal counsel.

NAME: Last

First

Middle I.

ADDRESS: Street

Ste. # (if any)

City

State

Zip Code

Phone No.

Fax No.

E-Mail

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11"x17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.

APPEARANCE AND REPRESENTATION

In a proceeding before the Zoning Commission or Board of Zoning Adjustment, any person or party may appear on his or her own behalf. Any person or party may be represented by any other person duly authorized in writing to do so. The authorization shall state specifically that the authorization includes the power of the agent or representation to bind the person in the case.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, 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 or appeal;
- (d) Whether the person will appear through legal counsel and, if so, the name and address of such legal counsel;
- (e) A list of witnesses who will testify on the persons 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 such person has an interest, that will be affected by the action requested of the Board;
 - (2) The legal interest such person has in such property, such as owner, tenant, trustee or mortgagee;
 - (3) The distance between such person's property and the property that is the subject of the application or appeal before the Board;
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 - (5) Any other relevant matters that demonstrate how such person likely will be affected or aggrieved if the action requested of the Board is approved or denied.
- (6) In considering any request for party status pursuant to §3106.2, the Board shall grant party status only if the person has clearly demonstrated that his or her interests will 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.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
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First

Middle I.

ADDRESS: Street

Apt. # (if any)

City

State

Zip Code

Phone No.

Fax No.

E-Mail

I, hereby request to appear and participate as a party.

Signature

Date

Will you appear as a(n)

☐

Proponent

☐

Opponent

Will you appear through legal counsel?

☐

Yes

☐

No

If yes, please enter the name and address of such legal counsel.

NAME: Last

First

Middle I.

ADDRESS: Street

Ste. # (if any)

City

State

Zip Code

Phone No.

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- (d) Whether the person will appear through legal counsel and, if so, the name and address of such legal counsel;
- (e) A list of witnesses who will testify on the persons 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 such person has an interest, that will be affected by the action requested of the Board;
 - (2) The legal interest such person has in such property, such as owner, tenant, trustee or mortgagee;
 - (3) The distance between such person's property and the property that is the subject of the application or appeal before the Board;
 - (4) The environmental, economic or social impacts that are likely to affect such person and/or such person's property if the action requested of the Board is approved or denied; and
 - (5) Any other relevant matters that demonstrate how such person likely will be affected or aggrieved if the action requested of the Board is approved or denied.
- (g) In considering any request for party status pursuant to §3106.2, the Board shall grant party status only if the person has clearly demonstrated that his or her interests will 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.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
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