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673100	Confirmed	Notices, Opinions	Board of Zoning Adjustment - (Order on Reconsideration)- 18031-A Appeal of West End Citizens Association	1/14/2011 Vol 58/2	1/13/2011 10:35:03
576398	Confirmed	Notices, Opinions	Board of Zoning Adjustment - Order 18041 - Steuart Investment Company- ANC 6C	1/14/2011 Vol 58/2	1/13/2011 10:22:11
675689	Confirmed	Notices, Opinions	Zoning Commission Order No. 10-03 (Parcel Seven Associates, LLC)	1/14/2011 Vol 58/2	1/13/2011 10:17:07

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ZONING COMMISSION
District of Columbia

CASE NO.

06-14B

EXHIBIT NO.

23

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

TIME AND PLACE: Monday, March 7, 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:

CASE NO. Z.C. Case No. 06-14B (MidAtlantic Realty Partners, LLC – Modification to PUD at New York and Florida Avenues, N.E.)

THIS CASE IS OF INTEREST TO ANC 5C

On May 17, 2010, the Office of Zoning received an application from MidAtlantic Realty Partners, LLC, on behalf of G9 MRP Washington Gateway, LLC, which has since sold its portion of the subject property to CK MRP Washington Gateway, LLC; the District of Columbia and the Washington Metropolitan Area Transit Authority (collectively the "Applicant"). The Applicant is requesting approval of a modification to an approved planned unit development ("PUD"). The Office of Planning provided its report to the Zoning Commission, dated July 16, 2010, and the case was set down for hearing by the Zoning Commission on July 16, 2010. The Applicant provided its prehearing statement on December 21, 2010.

The subject property consists of approximately 134,665 square feet of land area. The PUD site consists of Lots 23, 811, 812, and 813 in Square 3584. These vacant parcels are located east of the intersection of New York and Florida Avenues, N.E., and are zoned C-3-C.

By Z.C. Order No. 06-14, dated February 12, 2007, effective June 29, 2007, the Zoning Commission approved the consolidated PUD consisting of approximately 601,896 square feet of commercial use (office/retail); approximately 229,690 square feet of residential multi-family use; and approximately 120,443 square feet of hotel use. The residential and hotel uses are proposed in one building with the residential multi-family portion containing 230 to 270 apartment units and the hotel portion of the building containing 140 to 195 hotel rooms and a 2,000 square foot meeting space. Of the residential gross floor area, 6.2% is dedicated for residential recreation space and 8% is devoted for persons whose income does not exceed 80% of the area median income. The minimum parking requirements for the PUD are .6 parking space per each dwelling unit; .25 parking spaces per hotel room, plus one parking space for every 300 square feet in the largest function or exhibit space of the hotel; and 1 per 1800 square feet of office use.

Pursuant to Z.C. Order No. 06-14B, dated June 8, 2009, the Zoning Commission granted a two-year extension of the PUD approval to June 29, 2011, and extended the date for construction of the PUD to commence to June 29, 2012.

The Applicant now seeks a modification to the PUD in order to have the option of (a) constructing and operating the approved residential/hotel building, or (b) eliminating the hotel component of the building and constructing and operating a single apartment building with approximately 346,405 square feet of gross floor area, which includes approximately 5,000 square feet of ground floor retail, and a maximum of 430 dwelling units. Under this proposed option, the building height will remain at 130 feet, but the portion of the building that was originally intended for the hotel use would have one less story. Also, the percentage of affordable housing will remain at 8%. The proposed option of a single apartment building generates a need for 40 more parking spaces, which will be provided for within the project. No changes are proposed to the approved office building.

As a matter of right, property in the C-3-C Zone District can be developed with a maximum density of 6.5 FAR, all of which may be used for residential, office, retail, hotel, or other permitted uses, and a maximum lot occupancy of 100%. The maximum permitted building height in the C-3-C Zone District is 90 feet.

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 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.

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 SCHELLIN, SECRETARY TO THE ZONING COMMISSION.