

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 15-01

As Secretary to the Commission, I hereby certify that on April 13, 2015 copies of this Z.C. Notice of Public Hearing were sent via electronic mail, or by first-class, postage prepaid or interoffice mail if indicated by an asterisk(*), to the following:

- | | |
|---|---|
| 1. <i>D.C. Register</i> | 8. Councilmember Charles Allen |
| 2. Kyrus Freemans, Esq.
Holland & Knight | 9. Office of Planning (Jennifer Steingasser) |
| 3. ANC 5D*
c/o ANC Chairperson Kathy Henderson
1807 L Street, N.E.
Washington, D.C. 20002 | 10. DDOT (Jamie Henson) |
| 4. Commissioner Peta Gay Lewis*
ANC/SMD 5D01
1868 Corcoran Street, N.E.
Washington, D.C. 20002 | 11. Charles Thomas, Esq.
Interim General Counsel
DCRA |
| 5. ANC 6C*
P.O. Box 77876
Washington, D.C. 20013 | 12. Office of the Attorney General (Alan Bergstein) |
| 6. Gottlieb Simon
ANC | 13. Property Owners Within 200 Feet (see attached list provided by Applicant) * |
| 7. Councilmember Kenyan McDuffie | 14. MLK Library (30 Copies) * |
| | 15. Jay Wilson (DDOE) |

ATTESTED BY: _____



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

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

TIME AND PLACE: Thursday, June 4, 2015, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-01 (Level 2 Development – Consolidated PUD and Related Map Amendment @ Square 3587, Lot 4)

THIS CASE IS OF INTEREST TO ANC 5D and 6C¹

On January 28, 2015, the Office of Zoning received an application from Level 2 Development (the "Applicant") requesting approval of a consolidated planned unit development ("PUD") and related zoning map amendment from the C-M-1 District to the C-3-C District for property located at 320 Florida Avenue, N.E. (Square 3587, Lot 4) (the "Property"). The Office of Planning submitted a report to the Zoning Commission, dated February 27, 2015. At its March 9, 2015 public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on April 3, 2015.

The Property that is the subject of this application is bounded by New York Avenue, N.E. to the north, private property and 4th Street, N.E. to the east, Florida Avenue, N.E. to the southwest, and the Amtrak and WMATA rail lines to the west. The Property has a land area of approximately 28,394 square feet. The Property is located in Ward 5 and is within the boundaries of Advisory Neighborhood Commission ("ANC") 5D and across Florida Avenue, N.E. from ANC 6C.

The proposed project is a mixed-use building composed of retail and residential uses, to be known as The Highline at Union Market. The building will have a density of 8.0 floor area ratio ("FAR") and will include a total of approximately 227,089 square feet of gross floor area. Approximately 218,617 square feet of gross floor area will be devoted to residential use, and approximately 8,472 square feet of gross floor area will be devoted to ground floor retail use. The building will include 315 residential units (plus or minus 10%) and a total of 143 off-street parking spaces located in a below-grade parking garage. The building will be constructed to a maximum height of 120 feet at its highest point.

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.

¹ ANC 6C must be given great weight because it is physically located directly across the street from the proposed from the proposed PUD. *Georgetown Residents Alliance v. D.C. Bd. of Zoning Adjustment*, 816 A.2d 41, 51 (D.C. 2003). However, ANC 6C is not automatically a party because it is not the ANC "for the area within which the property that is the subject of the contested case is located." 11 DCMR 3099.1, definition of "Party."

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. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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 may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

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).

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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301 N Street Ltd Partnership
Wilkes Co
5101 Wisconsin Ave NW Ste 200
Washington, DC 20016-4136

331 N Just LLC
2001 W Main St Ste 244
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1924 Blueridge Ave
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1250 4th St Edens LLC
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