

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: Alberto P. Bastida, AICP *APB*
Secretary to the Zoning Commission

DATE: August 17, 2001

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on August 31, 2001:

1. Zoning Commission Notice of Public Hearing
(Z.C. Case No. 01-07C - Revised)

[Signature]

Received By

8/17/01

Date

Attachments

ZONING COMMISSION
CASE No. *01-07C*
EXHIBIT No. *18*

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING
(*Revision in bold)**

**TIME AND PLACE: Thursday, October 11, 2001 @ 7:00 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**Case No. 01-07C (Consolidated PUD and Air Rights at 1700 and 1730 K Street,
N.W. – Commerce Building Associates and Riddell Building Associates)**

THIS CASE IS OF INTEREST TO ANC 2B

On April 11, 2001, the Office of Zoning received an application from Commerce Building Associates, a Joint Venture, and Riddell Building Associate, requesting consolidated review and one-step approval of a Planned Unit Development (PUD) under ~~Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended).~~

In conjunction with the PUD, the Applicant is also requesting the use of public air space under the Public Space Utilization Act.

The property that is the subject of the application is comprised of Lots 56 and 851 in Square 126 and is located at the southwest corner of Connecticut Avenue and K Street, N.W. It is presently improved with two thirteen-story office buildings: the Commerce Building at 1700 K Street, N.W., and the Riddell Building at 1730 K Street, N.W. The site consists of approximately 33,485 square feet of land area.

The Applicants are proposing to construct a new twelve-story commercial office building with retail space on the site of the two existing buildings. The new structure on **Lots 56** and 851 will consist of approximately 17,000 square feet devoted to retail use. Four levels of below grade parking are proposed as well, providing spaces for approximately 225 to 260 cars. The proposed height of the building is 130 feet and the proposed floor area ratio (FAR) is 11.08. The Applicant also intends to rent public air space over a portion of the alley at the interior of Square 126, under the Public Space Utilization Act. This portion of the building is proposed to consist of approximately 2,244 square feet of gross floor area and have an FAR of 0.06.

The property is located in the C-4 District, which allows for a height of 110 feet and a building density of 10.0 FAR. The height may be increased to 130 feet in the C-4 District on streets having a width of 110 feet or greater, such as K Street. Further, PUDs constructed in the C-4 District, and facing a street at least 110 feet wide, may increase building density to 11.0 FAR. The Zoning Commission may also authorize an increase of

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CASE NO. 01-07C
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not more than five percent (5%) in maximum height or FAR, provided that the increase is essential to the successful functioning of the project and is consistent with the purpose and evaluation standards of the PUD regulations.

In accordance with the PUD process, the Applicants are proposing to provide the following amenities to the community: 1) exceptional architectural design of the project, together with superior landscaping and streetscaping elements, designed to make a significant contribution to this highly visible corner in the center of Washington's office corridor; 2) assistance in the production of affordable housing units through a non-profit housing provider; and, 3) significant contributions to the community through a First Source Employment Agreement, a Memorandum of Understanding with the Local Business Opportunity Commission, and improvements to Farragut Square, in consultation with the National Park Service.

The developer for this proposal is the Charles E. Smith Co.; the architect is Pei Cobb Freed & Partners, with associate architects Weihe Design Group; and the land use counsel is Holland & Knight LLP.

~~This public hearing will be conducted in accordance with the provisions of § 3022 (Contested Case Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.~~

Interested persons or representatives of organizations will be heard at the public hearing. **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 Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing (September 27, 2001), a written statement containing 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;
- (d) Whether the person will appear through legal counsel and, if so, the name and address of the legal counsel;
- (e) A list of witnesses who will testify on the person's 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 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 the 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 environmental, 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 interests 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 Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of the other persons in the general public.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.
2. 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 of qualifications of the proposed experts.

3. The total amount of time that will be required to present the case.

The information cited above shall also be submitted by the applicant. To the extent that the information is not contained in the applicant's prehearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than 14 days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC), pursuant to DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the additional information cited above relating to the hearing procedures. However, the written report of the ANC shall be filed no later than seven (7) days before the date of the hearing (October 4, 2001).

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

1. Applicant..... 60 minutes
2. Other Parties.....15 minutes
3. Organizations..... 5 minutes
4. Individuals..... 3 minutes

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. 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.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, PETER G. MAY, JAMES H. HANNAHAM ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.