

**BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

Z.C. CASE NO. 08-34K

**PREHEARING SUBMISSION FOR A
MODIFICATION OF SIGNIFICANCE
TO A FIRST-STAGE PUD**

**CAPITOL CROSSING CENTER BLOCK
COMMERCIAL BUILDING
SQUARE 566, LOT 861**

JULY 30, 2019

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TABLE OF CONTENTS

| | Page |
|---------------------------------------|-------------|
| CERTIFICATE OF COMPLIANCE..... | 3 |
| LIST OF EXHIBITS..... | 4 |
| INTRODUCTION..... | 5 |
| MODIFICATION REQUESTED..... | 5 |
| COMMUNITY SUPPORT..... | 6 |
| CONCLUSION..... | 7 |

CERTIFICATION OF COMPLIANCE
WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Subtitle Z § 401 of the Zoning Regulations, ten (10) copies of the architectural drawings and two (2) copies of all of the other information listed below were filed with the Zoning Commission on July 30, 2019, and in accordance with Subtitle Z § 401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

| <u>Subtitle Z Subsection</u> | <u>Description</u> | <u>Page/Exhibit</u> |
|-------------------------------------|---|--------------------------------------|
| 401.1(a) | Information requested by the Zoning Commission and the Office of Planning | None |
| 401.1(b) | List of witnesses prepared to testify on the Applicant's behalf | Exhibit A |
| 401.1(c) | Summary of witness testimony and resume of expert witness | Exhibit B |
| 401.1(d) | Additional information introduced by the Applicant | None |
| 401.1(e) | Reduced plan sheets | None |
| 401.1(f) | List of maps, plans, or other documents readily available that may be offered into evidence | Exhibit C |
| 401.1(g) | Estimated time required for presentation of Applicant's case | Exhibit A |
| 401.3(a) | Names and addresses of owners of all property within 200 feet of the entire PUD | Exhibit D |
| 401.8 | Report by Traffic Consultant | Previously submitted, see Exhibit 2F |

By: Christine Shiker
 Christine M. Shiker

LIST OF EXHIBITS

| <u>Description</u> | <u>Exhibit</u> |
|--|-----------------------|
| List of Witnesses and Estimated Time Required For Presentation of Applicant's Case | A |
| Outlines of Witness Testimony and Resume of Expert Witness | B |
| List of Maps, Plans, or Other Documents Readily Available That May Be Offered Into Evidence | C |
| List of Names and Addresses of All Owners of Property Within 200 feet of the entire PUD | D |
| Hearing Fee Calculator Form | E |

I.
INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of Capitol Crossing IV LLC (“Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) for a Modification of Significance to an approved first-stage planned unit development (“PUD”) for property located at Square 566, Lot 861 (part of Record Lot 50) (the “Property”). The application requests a change in use for the commercial building approved to be constructed on the Property. The application is submitted in accordance with Subtitle X, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”) for a Modification of Significance.

II.
MODIFICATION REQUESTED

Pursuant to Z.C. Order No. 08-34, the Zoning Commission approved the overall Capitol Crossing development project, which included approval of a first-stage PUD to develop a new commercial building containing office use with ground floor retail on the Property (the “Commercial Building”). The subject application requests approval to permit hotel and/or college or university educational uses in addition to the already approved office and retail uses in the Commercial Building.

As part of its initial submission, the Applicant requested a waiver from 11-Z DCMR § 400.9, which states that a public meeting to consider setting down a contested case other than a map amendment shall not occur less than 35 days after the application is filed. The Applicant requested the waiver pursuant to 11-Z DCMR § 400.10, which provides that if an applicant seeks to waive the 35 day period between filing the application and a public meeting to consider setdown, it shall obtain the consent of the Office of Planning and the affected ANC, and provide such proof

to the Commission. The Office of Planning indicated its support for the waiver in its setdown report (Exhibit 13, p. 1), and the affected ANCs 2C and 6C submitted letters to the record supporting the Applicant's waiver request (Exhibits 5 and 12, respectively). Accordingly, the Commission voted to grant the waiver request at its July 29, 2019, public meeting.

The Zoning Commission considered the case for setdown at its July 29, 2019, public meeting, and in doing so voted to schedule the case for a hearing. This Prehearing Submission provides information required pursuant to 11-Z DCMR § 401.1. The Zoning Commission did not request additional information at such time as it set the case for hearing. In addition, the Office of Planning did not request any additional information in their setdown report.

III. **COMMUNITY SUPPORT**


The Applicant presented the modification application to Advisory Neighborhood Commission ("ANC") 2C at its public meeting on June 11, 2019. ANC 2C voted to support the application, which is reflected in the letter of support in the record at Exhibit 4. The Applicant also presented the modification application to ANC 6C's Planning, Zoning, and Environment Committee on July 2, 2019, who voted to recommend support for the application. The full ANC 6C considered the application on July 10, 2019, and voted unanimously to support the application, which is reflected in the letter of support in the record at Exhibit 12.


IV.
CONCLUSION

This Prehearing Submission along with the original application meets the filing requirements for a modification to a first-stage PUD, as required by Subtitle X, Chapter 4 and Subtitle Z of the Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission schedule a hearing on the application.

Respectfully submitted,

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