

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTED¹ NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 21, 2021, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 08-34L (Capitol Crossing III, LLC & Capitol Crossing IV, LLC – 2nd-Stage PUD, Center Block (Sq. 566, Lots 861 & 862))

THIS CASE IS OF INTEREST TO ANCs 2C & 6C

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> – see below: *How to participate as a witness – oral statements.*
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

Capitol Crossing III, LLC and Capitol Crossing IV, LLC (together, the “Applicant”) filed an application (the “Application”) on April 23, 2021, with the Office of Zoning requesting that Zoning Commission (the “Commission”) grant the following relief from the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, “Zoning Regulations of 2016,” to which all references are made unless otherwise specified) for Lots 862 and 864² in Square 566 (together, the “Property”): a Second-Stage Planned Unit Development (“PUD”) pursuant to the First-Stage PUD approved by Z.C. Order No. 08-34 (the “Original Order”) to construct a mixed-use building (the “Project”).

THE PROPERTY

The Property is located in northwest Washington, D.C., with the western portion of the Property in Ward 2 and the eastern portion of the Property in Ward 6.

PRIOR APPROVALS

Original Order, effective July 1, 2011 – Approved (under the 1958 Zoning Regulations then in effect) a First-Stage PUD with a portion granted Second-Stage PUD approval as a Consolidated PUD (Platform and the North Block), together with a related map amendment to the C-4 zone for a three block area above the Center Leg Freeway including the Property to construct:

- A 13-story, 130-foot building with approximately 180,384 of gross floor area (“GFA”) with:
 - 150 residential units, including 50 affordable units at 80% MFI; and
 - Ground floor retail and facilities for the Holy Rosary Church; and

¹ Corrected per footnotes 3 and 5 on p. 2.

² The Office of Tax and Revenue, on March 31, 2021, created Lot 864 by reducing Lots 861’s land area by approximately 68 square feet but that did not otherwise impact the lot configuration.

- A 12-story, 130-foot³ building with approximately 297,311 GFA with office and ground floor retail.

Z.C. Order No. 08-34K⁴, effective Oct. 30, 2020 – Approved a Modification of Significance of the Original Order to add lodging and college/university educational uses to the permitted uses in the approved commercial building in the Center Block.

THE APPLICATION

The Application proposes to develop the Property consistent with the Original Order, as modified by Z.C. Order No. 08-34K, with a single building comprised of a residential tower and a hotel tower built atop a shared ground floor podium consisting of:

- The shared ground floor podium would include:
 - Approximately 20,567 square feet of retail space; and
 - Amenity and lobby space for the residential and hotel towers;
- The residential tower would include:
 - Approximately 178,627 square feet of residential GFA; and
 - Approximately 166 residential units, including 50 affordable units as required by the Original Order; and
- The hotel tower would include:
 - Approximately 234,837 square feet of GFA devoted to hotel use, comprised of approximately 221 hotel rooms; and
 - A bar/restaurant use in the penthouse.

The Application requests design flexibility from the requirement to construct the proposed Second-Stage PUD according to the final plans for the following aspects of the proposed building:

- The use of the proposed podium⁵;
- The exterior courtyards and rooftop;
- The retail square footage;
- The retail uses; and
- The number of residential units and hotel rooms.

In addition to the Second-Stage PUD, the Application requests the Commission grant a special exception pursuant to Subtitle C § 1500.3(c) and Subtitle X §§ 303. 13 and 901.2 to authorize a restaurant, bar, or nightclub use in the hotel tower’s penthouse. The Application requests this special exception on its own standards and not as PUD flexibility.

The Application does not:

- Request any PUD developmental incentives or zoning flexibility beyond that granted by the Original Order; or
- Propose to change the public benefits approved by the Original Order.

³ The originally published Public Hearing Notice for this case incorrectly stated that this 12-story building would only be 120 feet tall when the Original Order approved this building with a 130-foot tall height.

⁴ Z.C Order Nos. 08-34A through 08-34H did not affect the Property.

⁵ The originally published Public Hearing Notice for this case incorrectly stated that the Application requested flexibility for the use of the proposed podium when the request was for the use of the terrace above the proposed podium.

The Application requests that the Commission approve a proposed phasing plan that would provide flexibility for the timing of construction of the Project.

The Applicant filed its Prehearing Submission on July 14, 2021.

RESPONSES TO THE APPLICATION

The Office of Planning filed a May 28, 2021, report stating that:

- The Application would not be inconsistent with the First-Stage PUD approved by the Original Order or with the Comprehensive Plan; and
- OP therefore recommended that the Commission set down the Application for a public hearing.

At its June 10, 2021 public meeting, the Commission voted to set down the Application for a public hearing.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Sharon Schellin at (202) 727-0340 in order to ensure the success of the new virtual public hearing procedures.

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 Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. 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 Subtitle Z § 408.4, 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.

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case

number on your submission. If you are unable to use either of these means of submission, please contact Ron Barron at (202) 727-0789 for further assistance.

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 Subtitle Z § 404.1.

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 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 OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an 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, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from OZ at the address stated below.

“Great weight” to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, 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.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗?如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系。电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኳ አገልግሎቶች የሚሰጡት በነጻ ነው።