

2008 JAN -8 PM 12:33 GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin^{S3}
Secretary to the Zoning Commission
Date: January 8, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on January 18, 2008:

1. Z.C. Notice of Public Hearing (Case No. 07-26); and
2. Z.C. Notice of Public Hearing (Case No. 07-30).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 07-26
EXHIBIT NO. 24

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

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

TIME AND PLACE: **Thursday, March 6, 2008, @ 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. 07-26 (O Street Roadside LLC -- Square 389, Lots 829 & 830)

THIS CASE IS OF INTEREST TO ANC 2C

On September 17, 2007, the Office of Zoning received applications from O Street Roadside LLC (the "Applicant") as owner of Lots 829 and 830 in Square 389. The Applicant is requesting consolidated review and approval of a planned unit development (PUD) on the subject property and a related map amendment from the C-2-A District to the CR or C-3-C District. The Office of Planning provided its report on October 5, 2007, and the case was set down for hearing on December 10, 2007. The Applicant provided its prehearing statement as part of its application on December 27, 2007.

The property that is the subject of these applications consists of Lots 829 and 830 in Square 389 (the "Subject Property"). The Subject Property has a combined land area of approximately 149,600 square feet of land area and is currently zoned C-2-A. Square 389 is located in the northwest quadrant of the District, and is bounded by P Street on the north, 7th Street on the east, O Street on the south, and 9th Street on the west. The Subject Property is bisected by the former 8th Street, N.W. right-of-way, which was legally closed in 1977.

The Applicant proposes to construct a mixed-use development consisting of housing, senior and affordable housing, a potential hotel, a grocery store and other retail uses on the Subject Property. The new development will contain approximately 770,780 square feet of gross floor area, with an overall floor area ratio ("FAR") of 5.15 and a maximum building height of 90 feet. Approximately 545,775 square feet will be devoted to residential uses, 115,115 square feet will be devoted to hotel and/or residential use, and 69,000 square feet will be devoted to retail uses. The project includes 580 off-street parking spaces.

The Applicant proposes to rezone the Subject Property to either the CR or C-3-C District. The CR District is designed to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial and other miscellaneous uses. The CR District permits a maximum height of 90 feet and a maximum FAR of 6.0, of which no more than 3.0 may be used for nonresidential purposes. Under Chapter 24, the guideline for height in a PUD is 110 feet and the guideline for FAR is 8.0, of which no more than 4.0 may be commercial. The C-3-C District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 100%, a maximum FAR of 6.5 and a maximum

height of 90 feet. Under Chapter 24, the guideline for height in a PUD is 130 feet and the guideline for FAR in a PUD is 8.0.

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.

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 fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (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 legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;

- (g) 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 or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) 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 said 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 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 interest 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 applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of 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 also contain the information indicated in (e) through (h) above.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 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, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G. MAY, AND MICHAEL G. TURNBULL, ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.