

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

TIME AND PLACE: **Thursday, June 7, 2007, 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. 02-38A (Applications for a Modification to a First-Stage PUD, a Second-Stage PUD, and a Zoning Map Amendment)

THIS CASE IS OF INTEREST TO ANC 6D

On November 15, 2006, the Office of Zoning received an application from Waterfront Associates, LLC and RLA Revitalization Corporation (collectively the "Applicant"). The Applicant is requesting a modification to an approved first-stage Planned Unit Development ("Approved First-Stage PUD") for the entire site, second-stage review and approval of a Planned Unit Development ("PUD") for the central portion of the site, and a change to the District of Columbia Zoning Map. The Office of Planning provided its report on February 2, 2007, and the case was set down for hearing on February 12, 2007. The Applicant provided its prehearing statement as part of its application on March 30, 2007.

The subject property (the "PUD Site") is located at 401 M Street, S.W., known as Lot 89 in Square 542. The PUD Site contains approximately 13.42 acres and is on the north side of M Street, S.W., between 3rd and 6th Streets, S.W. The PUD Site is currently improved with the Waterside Mall and two high-rise towers. The PUD Site is currently split zoned C-3-B/C-3-C under the Approved First-Stage PUD. As part of this application, the Applicant requests that the entire PUD Site be rezoned to C-3-C.

The Applicant proposes to construct a mixed-use project of office, residential and retail uses, including an option for a grocery store. The modification to the Approved First-Stage PUD proposes a project containing approximately 2,526,500 square feet of gross floor area, having an aggregate FAR of 4.33, with approximately 1,296,895 square feet of gross floor area, or 2.22 FAR, devoted to office and retail uses and approximately 1,229,605 square feet of gross floor area, or 2.11 FAR, devoted to residential uses. The modification application requests the flexibility to convert one residential building to office use. The PUD contemplates that the structure that occupies the former 4th Street right of way will be demolished and that the District will improve and reopen the street at its own expense. The project provides a minimum of 110,000 square feet of ground floor retail along the proposed 4th Street right-of-way and M Street. The overall FAR of the proposed modification is the same as that approved in the Approved First-Stage PUD; however, the modification incorporates more residential use.

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The maximum height of the buildings on the south and north ends of the PUD Site are 114 feet. The office buildings in the center of the PUD Site abutting the area of the contemplated 4th Street, S.W. right-of-way, (referred to as the East and West 4th Street Office Buildings) have a maximum height of 94 feet, while the existing buildings on either side, formerly used as offices and now proposed as apartment houses (referred to as the East and West Residential Towers), will maintain their existing height of 130 feet.

The second-stage PUD application requests approval for the central portion of the Site, including the East and West Residential Towers as well as the East and West 4th Street Office Buildings.

The C-3-B District permits mixed-use development, including office, retail, and residential uses, with a maximum permitted height of seventy feet and six stories. The maximum permitted floor area ratio ("FAR") for residential uses is 5.0, and the maximum permitted FAR for all other uses is 4.0. Under Chapter 24, the guideline for height in a PUD is ninety feet and the guideline for FAR in a PUD is 5.5, of which no more than 4.5 may be commercial.

The C-3-C District permits mixed-use development, including office, retail and residential uses, as a matter-of-right, with a maximum permitted height of ninety feet. The maximum FAR is 6.5 for any permitted use. Under Chapter 24, the guideline for height in a PUD is 130 feet and the guideline for FAR in a PUD is 8.0 for any permitted use.

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.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS 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.