

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

TIME AND PLACE: **Thursday, January 10, 2013, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 09-08B: (DC Wheel Productions, Inc./dba Dance Place – 2nd Stage PUD @ Square 3832, Lot 803)

THIS CASE IS OF INTEREST TO ANC 5C

On May 23, 2012, the Office of Zoning received an application from DC Wheel Productions, Inc./dba Dance Place (“Applicant”) for approval of a second-stage planned unit development (“PUD”) for property located in Ward 5 in Square 3832, Lot 803 (“Property”). The Office of Planning provided its report on July 20, 2012, and the case was set down for hearing on July 30, 2012. The Applicant provided its prehearing statement on September 24, 2012.

The Property is located on the east side of Eighth Street, N.E. immediately south of Kearny Street and approximately two blocks south of Monroe Street.

Dance Place was part of a first-stage and consolidated PUD and related Zoning Map amendments submitted by Brookland Artspace Lofts, LLC for both the adjacent properties located at 3305-3313 8th Street N.E., Washington, DC (Square 3832, Lot 47) and Dance Place located at 3225 8th Street N.E., Washington, DC (Square 3832, Lot) (collectively, “PUD Site”). The Zoning Commission through Z.C. Order No. 09-08 granted a consolidated PUD and related map amendment to the adjacent properties and first stage approval for the Dance Place Property. Condition No. 6 of the Order provided that the related map amendment from the C-M-1 Zone District to the C-2-B Zone District for the Dance Place Property and for the adjacent one-block portion of Kearney Street “shall not be effective until approval of an application for a second-stage PUD and upon recordation of a PUD Covenant pursuant to 11 DCMR § 3028.9.”

The adjacent portion of Kearney Street was included within the PUD Site because the Applicant indicated that it would request the Council of the District of Columbia to close the area so that it could serve as a plaza between the two PUD portions.

Condition No. 7 of Z.C. Order No. 09-08 provided:

An application for second-stage PUD approval shall address the status of closing Kearny Street. If Kearny Street is not closed by the time of the public hearing for the second-stage PUD, the Commission shall address the implications of removing Kearny Street from the Property.

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According to the Applicant's May 20, 2012 Statement in Support of its application, it has decided not to pursue the street closing. *See* Exhibit No 1 at page 2.

The first stage approval envisioned that Dance Place would replace its existing facility with a state-of-the-art dance studio. The Applicant no longer intends to replace its existing facility, but instead proposes to replace a previous rear addition with a larger addition, and to construct a second story addition over an existing one-story structure on the north side of the facility. The resulting addition of 3,469 square feet will be used to increase the size of the dressing rooms at the rear of the building, expand office space, and create a new dance studio on the rear of the building,

The public hearing for this case 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.

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 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 the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

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To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for 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 contain the information indicated in § 3012.5 (a) through (i).

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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| 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 § 3020.3, 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.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 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, MARCIE I. COHEN, ROBERT MILLER, PETER G. MAY, 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.