

DEPARTMENT OF HEALTH
NOTICE OF PUBLIC HEARING

Wednesday, April 27, 2005

6:00 p.m.

Department of Health
51 N Street, N.E. Washington, D.C.
3rd Floor Conference Room
New York Avenue Metro Stop

The Department of Health (DOH) invites the public to present its views on the proposed triennial revision of the water quality standards as required by the Water Pollution Control Act of 1984 and the federal Clean Water Act. The proposed rulemaking is available in the March 18, 2005 edition of the D.C. Register or may be obtained by contacting Ms. Jerusalem Bekele, Bureau of Environmental Quality, Water Quality Division, 51 N Street, N.E., 5th Floor, Washington D.C. 20002, or calling (202) 724-7694 between the hours of 9:00 am and 4:00 pm.

The proposed rulemaking revises the criteria for the classes of beneficial uses of the District waters by adding narrative criteria for Class C waters, adding numeric criteria for an additional 34 constituents including E. coli, and updating the numeric criteria for over 100 constituents. The amendment clarifies definitions for background water quality, current use, load or loading, primary contact recreation, and waters of the District. The amendment also adds new definitions for adverse natural conditions, anadromous, aquatic life, consumption of fish and shellfish, MPN, navigation, semi-anadromous, short term degradation, tidally influenced waters, and wildlife.

Persons who wish to testify are requested to furnish their names, addresses, telephone numbers, and the organization they represent, if any, in writing to the attention of Ms. Jerusalem Bekele at the DOH address above, by Monday, April 25, 2005. Others present at the hearing who wish to be heard may testify after those on the witness list have been called and heard. Persons making presentations are urged to address their statements to relevant issues. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Oral statements will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. All presentations shall be limited to five minutes. The hearing will end earlier if all persons wishing to make comments have been heard.

Persons may submit written testimony by mail to the Bureau of Environmental Quality, Water Quality Division, 51 N Street, N.E., 5th Floor, Washington D.C., 20002, Attention: Ms. Jerusalem Bekele, or by email to Jerusalem.Bekele@dc.gov. Such written testimony is to be clearly marked "2005 Triennial Review of Water Quality Standards" and received by May 11, 2005. DOH will consider all comments prior to publishing final rulemaking.

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTHNOTICE OF PUBLIC HEARING

**Correction: New Date for Public Hearing is Wednesday, May 4, 2005
6:00 p.m.**

**Department of Health
51 N Street, N.E. Washington, D.C.
3rd Floor Conference Room
New York Avenue Metro Stop**

The Department of Health (DOH) is rescheduling the public hearing on the Draft fiscal year (FY) 2005 Project Priority List (PPL) for the District of Columbia's Construction Grants Program to May 4, 2005. DOH invites the public to present its views on the Draft PPL. The PPL delineates projects likely to receive Federal and D.C. funds to construct and/or improve wastewater treatment facilities and other related infrastructures for FY 2005 and in future years.

Copies of the Draft FY 2005 PPL and additional information are on file and may be inspected at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, D.C. 20001, during normal business hours. In addition, the documents can be obtained by contacting Ms. Jerusalem Bekele, Bureau of Environmental Quality, Water Quality Division, 51 N Street, N.E., 5th Floor, Washington D.C. 20002, or calling (202) 724-7694 between the hours of 9:00 am and 4:00 pm.

Persons who wish to testify are requested to furnish in writing, their names, addresses, telephone numbers, and the organization they represent, if any, to the attention of Ms. Jerusalem Bekele at the address above, by Monday, May 2, 2005. Other persons present at the hearing who wish to be heard, may testify if there is time after those on the witness list have been called and heard. Persons are urged to submit duplicate copies of their written statements. All presentations shall be limited to five minutes. The hearing will end earlier if all persons wishing to make comments have been heard.

Persons may submit written testimony by mail to the address above. Such written testimony is to be clearly marked "PPL Public Hearing 2005," and received by Wednesday, May 18, 2005.

DOH will prepare a response to comments at the time a final decision is made.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MAY 17, 2005
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

A.M.

WARD THREE

17318
ANC-3G **Application of Ronald and Katherine Stewart**, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 403, the side yard requirements under section 405, the court requirements under section 406, and the nonconforming structure provisions under subsection 2001.3, to allow additions to a single-family dwelling in the R-1-B District at premises 3130 Worthington Street, N.W. (Square 2349, Lot 815).

WARD FIVE

17321
ANC-5A **Application of Darcy E. Flynn**, pursuant to 11 DCMR § 3103.2, for variances from the lot area and lot width requirements under section 401, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, a variance from the side yard requirements under section 405, and a variance from the off-street parking requirements under subsection 2101.1, to allow the construction of a new single-family detached dwelling in the R-2 District at premises 1000 block (south side) of Taussig Place, N.E. (Square 3890, Lot 117).

WARD

P.M.

WARD ONE

THIS APPEAL WAS CONTINUED FROM THE MARCH 8, 2005 PUBLIC HEARING SESSION AND WILL BE HEARD UNDER § 1803.03 of the DCRA CIVIL INFRACTION ACT OF 1985, D.C. Code § 2-1803.03 (2001)

03-0002 **Civil Infraction Appeal No. 03-OAD-2800G & 03-OAD-2801G of James McRae v. Department of Consumer and Regulatory Affairs for storage of vehicles without a certificate of occupancy permit in the R-4 District at premises rear of 3213 11th Street, N.W. (Square 2845, Lot 813).**

WARD TWO

17322 **Application of Intrepid 2501 Acquisition LLC, pursuant to 11 ANC-2A DCMR § 3104.1, for a special exception to allow the regulations applicable to that portion of the lot to be located in a less restrictive use district to be extended to that portion of the lot in a more restrictive use district under section 2514, and a special exception from the roof structure set-back requirements under subsection 411.11, and pursuant to 11 DCMR § 3103.2, a variance from the floor area ratio requirements under section 771, a variance from the lot occupancy requirements under section 772, a variance from the residential recreation space requirements under section 773, a variance from the rear yard requirements under section 774, and a variance from the court width requirements under section 776, for the construction of a mix-use residential/retail building in the C-2-C District at premises 2501 Pennsylvania Avenue, N.W. (Square 14, Lot 73).**

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title

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11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER, VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

PHN 5/17/05 rsn

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MAY 24, 2005
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

A.M.

WARD TWO

**THIS APPLICATION WAS CONTINUED FROM THE MARCH 15, 2005,
PUBLIC HEARING SESSION:**

17292 **Application of Geraldine Dalzell-Payne**, pursuant to 11 DCMR §
ANC-2E 3104.1, for a special exception to allow a two-story rear addition to
an existing single-family row dwelling under section 223, not
meeting the open court requirements (section 406), in the R-3
District at premises 3707 S Street, N.W. (Square 1308, Lot 57).

WARD ONE

17323 **Application of 2105 10th Street, N.W. LLC**, pursuant to 11 DCMR
ANC-1B § 3104.1, for a special exception from the roof structure set back
provisions (section 411) under subsection 770.6, and pursuant to 11
DCMR § 3103.2, a variance from the residential recreation space
requirements under section 773, a variance from the rear yard
requirements under section 774, and a variance from the slope of
parking ramp requirements under subsection 2117.8, to allow the
construction of a residential condominium in the Arts/C-2-B District
at premises 2105 10th Street, N.W. (Square 358, Lots 5, 6, and 802).

WARD EIGHT

17324 **Application of D.C. Department of Housing and Community**
ANC-8B **Development**, pursuant to 11 DCMR § 3104.1, for a special

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exception to extend a use permitted in a lesser restrictive zone into a more restrictive zone under section 2514, and pursuant to 11 DCMR § 3103.2, a variance to extend the lesser restrictive use into the more restrictive zone by more than 35 feet under subsection 2514.2(a), and a variance to allow the construction of two or more principal buildings or structures on a single subdivided lot that is located within 25 feet of a residence district under section 2517, to allow the construction of a new shopping center in the C-2-B, R-5-A and R-3 Districts at premises 1501 Alabama Avenue, S.E. (formerly Camp Simms Military Reservation) (Square 5912, Lot 804).

P.M.

WARD TWO

17310 **Appeal of Deidre O. Stancioff**, pursuant to 11 DCMR §§ 3100 and
ANC-2E 3101, from the administrative decision of the Zoning Administrator
of the Department of Consumer and Regulatory Affairs. Appellant
alleges that the Zoning Administrator erred by issuing building
permits for the construction of an addition to a single-family
dwelling that does not comply with the lot occupancy (section 403)
and side yard (section 405) requirements in the R-3 District at
premises 1812 35th Street, N.W. (Square 1296, Lot 802).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that

status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER, VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

PHN 5/24/05 rsn

BOARD OF ZONING ADJUSTMENT
CORRECTED PUBLIC HEARING NOTICE
TUESDAY, MAY 10, 2005
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001

Note: The underlined address represents a correction to application No. 17315 (below).

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

9:30 A.M. TO 12:00 P.M. MORNING SESSION

A.M.

WARD TWO

17319 **Application of William McKeever**, pursuant to 11 DCMR §
ANC-2B 3104.1, for a special exception to allow a rear addition to an existing
single-family row dwelling under section 223, not meeting the side
yard (section 405) and court (section 406) requirements in the DC/R-
5-B District at premises 1723 Riggs Place, N.W. (Square 153, Lot
104).

WARD TWO

17315 **Application of Todd Collins**, pursuant to 11 DCMR § 3103.2, for a
ANC-2C variance from the lot width and lot area requirements under section
401, and a variance from the use provisions under subsection 330.5,
to allow the construction of three three unit apartment houses and
five flats (two-unit dwellings) in the R-4 District at premises 1200
block (west side) of 4th Street, N.W. (Square 513, Lots 865, 866,
867, 869, 888, 904 and 905).

WARD SEVEN

17316 **Application of Randle Highlands Manor LP**, pursuant to 11
ANC-7B DCMR § 3103.2, for a variance from the lot occupancy requirements
under section 403, and a variance from the rear yard requirements
under section 404, and pursuant to 11 DCMR § 3104.1, for special

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exceptions under sections 353 (new residential development) and 2516 (theoretical lot), to allow the development of eleven single-family row dwellings on a single subdivided lot in the R-5-A District at premises 2700 R Street, S.E. (Square 5585, Lot 812).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER, VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

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residential buildings and expressed doubt as to whether the Church would so qualify. Therefore, the Applicant is proposing, in the alternative, that the 10,000 square feet would be additional residential units, hence the range of 21-30 total units. If the Commission determines that a use variance is required, it will consider granting such relief if the applicant submits an application for such relief. In any event, permitting a non-profit use, under any theory, will not be considered unless the Applicant indicates precisely what that use will be prior to the hearing.

The proposed gross floor area equals an FAR of 2.66, and lot occupancy is 61 percent. The application includes a requested zoning map amendment from the existing R-4 to the proposed R-5-C District. The Applicant requests some deviation or flexibility from the side and rear yard requirements, as well as roof structure standards, as allowed by the PUD regulations at 11 DCMR § 2405.5, based on "the exact circumstances of the project."

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 is 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.

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.

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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:

- | | | |
|----|----------------------------------|-------------------------------------------|
| 1. | Applicant and parties in support | 75 minutes collectively |
| 2. | Parties | 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, JOHN G. PARSONS, KEVIN HILDEBRAND, AND GREGORY JEFFRIES, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD MOY, ACTING SECRETARY TO THE ZONING COMMISSION.

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

TIME AND PLACE: Monday, May 16, 2005, @ 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. 05-11 (George Washington University – 2036 G Street, N.W.)

THIS CASE IS OF INTEREST TO ANC 2A

Application of the George Washington University, pursuant to 11 DCMR §§ 3104.1 and 210 for approval of an application for further processing pursuant to a Campus Plan to permit the renovation and addition to an existing university building to be used as a food service venue at premises 2036 G Street, N.W. (Square 103, Lot 816). The applicant proposes to use the building as a food service venue primarily for the use and enjoyment of the university population..

PLEASE NOTE:

- Failure of the applicant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission.
- Failure of the applicant to be adequately prepared to present the application or appeal to the Commission, and address the required standard of proof for the application or appeal, may subject the application or appeal to postponement, dismissal, or denial.

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3117.4 of the Regulations, the Commission may place time limitations on cross-examination and pursuant to § 3117.5, may grant more or less time than permitted under § 3117.4 for the presentation of testimony. The Chair is authorized to exclude unduly repetitious and irrelevant testimony. 11 DCMR § 3117.3(k).

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Commission. All requests and comments should be submitted to the Commission through Jerrily R. Kress, Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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 Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, the following information:

- (a) The person's name and address;
- (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 the legal counsel;
- (e) A list of witnesses who will testify on the person's behalf; and
- (f) 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 the 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 environmental, 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 interests 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 Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime number should it be necessary for the Office of Zoning to obtain

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additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.
2. 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 of qualifications of the proposed experts.
3. The total amount of time that will be required to present the case.

The information cited above shall also be submitted by the applicant. To the extent that the information is not contained in the applicant's prehearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than 14 days before the date of the hearing.

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY CLIFFORD MOY, ACTING SECRETARY TO THE ZONING COMMISSION.

ZONING COMMISSION ORDER NO. 960-B
ZONING COMMISSION CASE NO. 01-13A
(Modification to Approved Planned Unit Development for
International Monetary Fund HQ2)
March 14, 2005

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on January 6, 2005, to consider requested modifications from the International Monetary Fund to the Planned Unit Development approved in Zoning Commission Order No. 960. The Zoning Commission considered the modifications pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the requested modifications.

FINDINGS OF FACT

The Application, Parties and Hearing

1. On September 30, 2004, the International Monetary Fund (the "IMF") filed a Request for Minor Modifications to the approved Planned Unit Development ("PUD") and zoning map amendment for the development of the IMF's second headquarters' building at 1900 Pennsylvania Avenue, N.W. approved in Zoning Commission Case No. 01-13C. The IMF requested modifications to Condition No. 8(a) and Condition No. 8(e) of Zoning Commission Order No. 960 (Revised) (the "Order") and approval of the matter as a consent calendar item.
2. At its October 25, 2004, public meeting, the Zoning Commission removed the requested modifications from the consent agenda. The Zoning Commission determined that the substitute amenity proposed for Condition No. 8(a) could call into question the balance of the amenities and benefits and, therefore, set the case for a limited-scope hearing regarding the two requested modifications. The Zoning Commission waived the requirement of a report from the Office of Planning for set down.
3. After proper notice, the Zoning Commission held a public hearing on January 6, 2005.

ZONING COMMISSION ORDER NO. 960-A

Z.C. CASE NO. 01-13A

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4. The parties to the case were the IMF, Advisory Neighborhood Commission ("ANC") 2A, the ANC within which the Site is located, and the West End Citizens Association ("WECA"). The Zoning Commission determined the parties to the case at the January 6, 2005, public hearing.
5. At its January 13, 2005, public meeting, the Zoning Commission took proposed action by a vote of 4-0-1 to approve the requested modifications as amended.
6. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by action dated January 28, 2005, found that the proposed modification would not adversely affect the identified federal interests nor be inconsistent with the Comprehensive Plan for the National Capital.
7. The Zoning Commission took final action to approve the requested modifications on March 14, 2005, by a vote of 5-0-0.

The Requested Modification to Condition No. 8(a)

8. The IMF requested the Zoning Commission to modify Condition No. 8(a), which requires the IMF to replace forty-eight benches in the parks in the vicinity of the PUD Site with new, segmented benches previously approved by the National Park Service for Washington Circle. Condition No. 8(a) states that IMF shall install these benches prior to the issuance of certificate of occupancy for HQ2. Finding No. 44(d)(1) states that the estimated cost of this amenity was \$132,000.
9. The IMF was and is fully prepared to perform this amenity in accordance with the Order. However, when the IMF approached the National Park Service ("NPS") regarding replacement of the benches, the IMF was informed that the segmented benches installed in Washington Circle are no longer the NPS-approved bench. According to the NPS, a task force comprised of representatives of the NPS, the Commission of Fine Arts, the National Capital Planning Commission, and the Office of Planning had reviewed the standard NPS bench since the approval of the PUD and determined that a new bench needed to be designed. Furthermore, in discussions with the IMF, the NPS indicated that it no longer wanted to replace the benches, some of which are relatively new, in the Federal Reservations adjacent to the PUD Site. Accordingly, this amenity was no longer acceptable to the NPS, and the NPS would not allow the IMF to replace the benches.
10. The IMF and its representatives met with the NPS in an effort to identify a substitute amenity. As a result of those discussions, the IMF proposed to replace Condition No. 8(a) with the following language:

IMF shall expend the total sum of \$250,000 for (a) the design of a new, segmented park bench prototype; and (b) the ongoing

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enhanced maintenance and repair of the three (3) triangular parks immediately to the west and northeast of the Site along Pennsylvania Avenue, NW. IMF shall enter into an agreement with the National Park Service regarding the use of these funds prior to the issuance of a certificate of occupancy for HQ2.

11. The IMF agreed to expend \$250,000 – increased from the estimated \$132,000 for bench replacement – for the design of a new bench prototype and the enhanced maintenance of the parks in order to provide an amenity with a similar direct benefit to the immediate community. The NPS estimated that the \$250,000 would provide for enhanced maintenance in the three parks for 6.5 to 9.5 years. The enhanced maintenance program would include the following: sod replacement and erosion control; use of environmentally-sensitive pest management; more frequent grass mowing, weeding and edging of grass along pavement edges; more frequent trash removal; painting and cleaning of benches, light poles and trash receptacles; cleaning of walkways; and more frequent light bulb replacement. The maintenance program does not include the fourth triangular park immediately adjacent to the World Bank, which is currently maintained by the World Bank.
12. The IMF contended that the proposed replacement amenity served the same purposes as the previous amenity and, thus, was a similar benefit. First, the funds used for the design of the prototype bench would allow for benches to be installed throughout the immediate area to deter "long-term occupancy," which was the basis for the original amenity. Second, the maintenance agreement for the parks would enhance the environs immediately surrounding the PUD site.
13. John B. Schlichting, representative of CarrAmerica Development, Inc., the development manager for the project, testified that the amount of money to be devoted to this amenity had increased since the time the Order was issued. Specifically, in May 2004, sixty-seven benches – as opposed to forty-eight benches – were needed in the four triangular parks to match the amount of seating currently provided. Furthermore, Mr. Schlichting testified that the estimated cost of the each bench had increased from \$2,750 to \$3,500. Accordingly, the total proposed cost of the amenity had increased from \$132,000 to approximately \$234,500.
14. The NPS supported this proposed replacement amenity, as is indicated in the NPS letter of support filed with the Zoning Commission in the record at Exhibit 4. In addition, Vikki Keys, Superintendent of the National Mall and Memorial Parks, testified at the hearing in support of the replacement amenity.

Requested Modification to Condition No. 8(e)

15. The IMF also requests that the Zoning Commission modify the last sentence of Condition No. 8(e), which relates to the timing of the neighborhood beautification projects set forth in that condition.

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16. The IMF cannot complete the special neighborhood beautification projects required by Condition No. 8(e) within the timeframes provided therein due to the uncertainty with respect to the replacement of the benches in Condition No. 8(a). Specifically, the IMF cannot know the exact amount of the remaining funds until it knows the amount of money to be expended to satisfy Condition No. 8(a). Accordingly, the IMF is unable to comply with the timing set forth in Condition No. 8(e).
17. As recommended by the D.C. Department of Parks and Recreation, the IMF proposes making the contribution for the special neighborhood beautification projects to Green Spaces for D.C. Green Spaces for D.C. is a non-profit entity that has been set up to accept private funds for the purpose of constructing improvements in D.C. public parks pursuant to a Memorandum of Understanding between it and the D.C. Department of Parks and Recreation dated August 1, 2003. The IMF proposes entering into an agreement with Green Spaces for D.C. to contribute the remaining funds prior to the issuance of the certificate of occupancy.
18. The IMF proposes modifying the last sentence of Condition No. 8(e), which relates to the timing of the special neighborhood beautification projects, to read as follows:

The IMF shall enter into a letter agreement with Green Spaces for D.C. and deposit a payment with Green Spaces for D.C. for the special neighborhood beautification projects endorsed by the Department of Transportation or Department of Public Works prior to issuance of a certificate of occupancy for HQ2.

Office of Planning Report

19. By report dated December 27, 2004, the Office of Planning ("OP") recommended approval of the requested modifications. OP stated that the enhanced maintenance of the three triangular parks would enhance the environmental benefits of these parks and would enhance the limited care provided by the NPS. OP also stated that the transfer of responsibility for fulfillment of Condition No. 8(e) to Green Spaces for DC is an acceptable solution to the timing problem created by this modification and will ensure that the purposes of this benefit are fulfilled.
20. David McGettigan testified at the hearing on behalf of OP in support of the requested modifications.

ANC 2A Report

21. By letter dated October 22, 2004, ANC 2A opposed consideration of the requested modifications as minor modifications. In its letter, the ANC indicated that it voted unanimously at its October 14, 2004, regularly scheduled meeting to oppose the requested modifications. The ANC stated its strong opposition to the use of neighborhood amenity funds to subsidize NPS in its upkeep and equipment provision responsibilities in Federal parks. The ANC suggested that the funds be given to the Downtown Cluster of Congregations to hire a case manager for the

immediate vicinity of the IMF PUD site to work with the homeless persons in the parks. The ANC supported the IMF's request for a timing change in Condition No. 8(e).

22. At the hearing, Richard Price, ANC Commissioner for ANC 2A-02, testified in opposition to the requested modification to Condition No. 8(a). Mr. Price testified that improvement of the parks does not offer any amenity to the community. First, Mr. Price testified that the improvement to the parks through redesigned benches or upkeep is an amenity to the people who work at the IMF and the other people who work in that area. Second, Mr. Price stated that this amenity represents a subsidy to the Federal government. Third, Mr. Price testified that the problem with the parks is not their condition but rather the homeless residents who live in the parks.
23. The Zoning Commission finds that the improvement to the three NPS parks offers similar benefit to the community as compared to the replacement of the park benches. The Commission finds that the Zoning Regulations require public benefits and project amenities to benefit the immediate neighbors and occupants of the proposed PUD project, not just residents. The IMF's proposed replacement amenity provides benefit to immediate neighbors and occupants of the PUD project by providing enhanced maintenance, not just substitute maintenance for the three parks. Furthermore, the Commission finds that there is ample precedent for the appropriateness of the dedication of amenity funds to the NPS, as set forth in Findings 36 through 38. The Zoning Commission also finds that the ANC's recommendation for a replacement amenity goes beyond the IMF's request and is therefore not within the scope of this hearing.
24. The Zoning Commission afforded the views of the ANC 2A the "great weight" to which they are entitled.

Opposition from WECA

25. WECA was admitted as a party in opposition to these proceedings. Barbara Kahlow and Sarah Maddux testified on behalf of WECA.
26. Ms. Kahlow testified that the Comprehensive Plan requires that a substantial part of the amenities provided in a proposed PUD shall accrue to the community in which the PUD would have an impact. Ms. Kahlow stated that the special neighborhood beautification projects proposed by the IMF do not accrue to the community in which the PUD has an impact – namely, Foggy Bottom. The Zoning Commission finds that timing for completion of the special neighborhood beautification projects is the only issue before the Commission. The location and nature of the special neighborhood beautification projects are not a subject of the requested modification, and therefore, this issue is not properly before the Zoning Commission.
27. Ms. Kahlow testified regarding two alleged process problems. First, Ms. Kahlow testified that the IMF did not contact the WECA for advice regarding the special

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neighborhood beautification projects prior to filing the requested modifications. Second, Ms. Kahlow testified that the special neighborhood beautification projects were not included in the public notice advertisement. The Zoning Commission finds that timing for completion of the special neighborhood beautification projects is the only issue before the Commission. The location and nature of the special neighborhood beautification projects are not a subject of the requested modification, and therefore, this issue is not properly before the Zoning Commission.

28. Ms. Kahlow testified that she conducted extensive research on the use of segmented benches by multiple cities. Ms. Kahlow requested that her research be considered before the Zoning Commission determines that the amenity no longer includes segmented benches. Ms. Keys, the representative of the NPS, agreed to consider any information that the WECA provided to it. Accordingly, the Commission finds that this issue is properly between WECA and the NPS.
29. Ms. Maddux testified as to WECA's proposed alternative amenities that WECA believed would benefit the area south of Pennsylvania Avenue, which Ms. Maddux testified was the immediately impacted community. These alternative amenities include assistance to the residents during the annual meetings and solution for the homeless in the neighborhood. The Zoning Commission finds that WECA's recommendations for replacement amenities go beyond the IMF's request and are therefore not within the scope of this hearing.
30. WECA submitted two letters dated October 10, 2004, and October 17, 2004, in opposition to the requested modifications and consideration of the same. These letters set forth the same issues raised in WECA's testimony at the hearing.

CONTESTED ISSUES

Balance of Amenities

31. The Zoning Commission expressed concern that the requested modification to Condition No. 8(a) altered the balance of amenities. The IMF maintained that the balance of amenities did not change as a result of the requested modifications.
32. The IMF contended that the benefits and amenities approved for the project cover a wide variety of areas including monetary and non-monetary contributions. The total amount of money to be expended by the IMF for these benefits did not change by the requested modification.
33. The IMF further contended that the issue before the Zoning Commission is solely the allocation of dollars within the \$1,000,000 devoted to local community benefits.
34. The Zoning Commission finds that the balance of amenities is not upset so long as the total funds devoted to the NPS amenity in Condition No. 8(a) does not exceed

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the original estimate of \$132,000, rather than the \$250,000 offered, and will reflect this change in the wording of the modification approved.

Dedication of Amenity Funds to the National Park Service

35. ANC 2A testified that IMF amenity funds should not be expended to improve National Park Service property.
36. In response to a question from the Commission, Ms. Keys testified that there is a long history of the NPS receiving the benefit of amenity funds from the IMF.
37. The NPS and the Applicant submitted a copy of the relevant orders showing the precedents for the dedication of amenity funds to the National Park Service, including portions of Zoning Commission Order Nos. 512, 513, 513-A, 538, 556, 563 (Amended), 586, 629, 638, 639, and 642.
38. The Zoning Commission finds that there is ample precedent for the dedication of amenity funds to improve NPS property.

CONCLUSIONS OF LAW

1. Under § 2409.9 of the Zoning Regulations, any modification to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission. The proposed modification shall meet the requirements for a second-stage application, except for minor modifications and technical corrections as provided for in § 3030 of the Zoning Regulations. Because the Zoning Commission determined that the requested modifications were not minor modifications pursuant to § 3030 of the Zoning Regulations, the requested modifications were processed as a second-stage application.
2. The Zoning Commission finds the application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the consolidated approval. Accordingly, the Commission grants approval to this second-stage application in accordance with § 2408.6 of the Zoning Regulations.
3. The Commission is required under D.C. Code 2001 Ed. § 1-309.10(d) to give great weight to the affected ANC's recommendation. The Commission has carefully considered the ANC's opposition to the requested modification to Condition No. 8(a). The Commission has addressed each of the ANC's issues and concerns.
4. The requested modifications are subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the requested modifications to the PUD. The approval is subject to the following guidelines, conditions, and standards:

1. Condition No. 8(a) is revised to read as follows:

IMF shall expend the total sum of \$132,000 for (a) the design of a new, segmented park bench prototype and (b) the ongoing enhanced maintenance and repair of the three (3) triangular parks immediately to the west and northeast of the Site along Pennsylvania Avenue, NW. IMF shall enter into an agreement with the National Park Service regarding the use of these funds prior to the issuance of a certificate of occupancy for HQ2.

2. The last sentence of Condition No. 8(e) is revised to read as follows:

The IMF shall enter into a letter agreement with Green Spaces for D.C. and deposit a payment with Green Spaces for D.C. for the special neighborhood beautification projects endorsed by the Department of Transportation or Department of Public Works prior to issuance of a certificate of occupancy for HQ2.

3. The IMF shall record a "Notice of Modification" of Zoning Commission Order No. 960 with the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 960 and this Order (Zoning Commission Order No. 960-A), which the Director of the Office of Zoning has certified. Such covenant shall bind the IMF and all successors in title to the requirements of this Order or amendment thereof by the Zoning Commission.
4. After recordation of the Notice of Modification, the IMF shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Zoning Commission

Vote of the Zoning Commission taken at its public meeting on January 13, 2005: 4-0-1 (Carol J. Mitten, Anthony J. Hood, John G. Parsons, and Kevin Hildebrand in favor; Gregory Jeffries, not present, not voting).

The Order was adopted by the Zoning Commission at its public meeting on March 14, 2005, by a vote of 5-0-0 (Carol J. Mitten, Kevin L. Hildebrand, Anthony J. Hood, Gregory N. Jeffries, and John G. Parsons).

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In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on MAR 25 2005.