

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

TIME AND PLACE:

**Monday, September 22, 2014, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

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FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 03-12Q/03-13Q (Capper Carrollsburg Venture, LLC and D.C. Housing Authority – Modification to 1st-Stage PUD @ Squares 739, 767, and 768)

THIS CASE IS OF INTEREST TO ANCs 6B and 6D

On December 31, 2013, the Office of Zoning received an application from Capper Carrollsburg Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively, the "Applicant"). The Applicant is requesting a modification to the first-stage planned unit development ("PUD") and related zoning map amendment approved for Squares 739, 767, and 768 (the "Subject Property"), pursuant to Z.C. Order No. 03-12/03-13, as modified by 03-12H/03-13H. The Subject Property is part of a larger PUD, approved pursuant to Z.C. Order No. 03-12/03-13, effective October 8, 2004, that included 707 public housing replacement units.

The Office of Planning provided its set down report on January 31, 2014. At its February 10, 2014 public meeting the Commission set down the modification for a public hearing. The Commission also deferred consideration of a companion time extension request made in Z.C. Case No., 03-12R/03-13R until its consideration of final action under this case. The Applicant provided its prehearing statement on April 29, 2014.

In the Applicant's application materials, dated January 2, 2014, the Applicant sought a modification to the first-stage approval to reallocate the location and distribution of the remaining required Annual Contribution Contract ("ACC") units to provide 99 ACC units in Square 739; 48 ACC units in Square 767; 59 ACC units in Square 768; and 30 ACC units off-site in Lot 77 in Square 737. In the Applicant's subsequent prehearing submission materials, dated April 29, 2014, the Applicant revised its request so that rather than identifying Squares 739, 767, and 768 as the location for the remaining 206 on-site ACC units, the Applicant sought the flexibility to construct these units anywhere on the undeveloped squares within the PUD boundaries without identifying the number of units per square at this time.

The overall PUD site consists of approximately 33 acres of land area and is generally bounded by 2nd Street on the west, 7th Street on the east, Virginia Avenue on the north, and M Street on the south, all in the southeast quadrant of the District (the "PUD Site"). The PUD Site is within the boundaries of Advisory Neighborhood Commission 6D. The requested modification will maintain the approved total number of 707 public housing units proposed for the PUD Site. Instead of providing 695 ACC units on the PUD Site and 12 ACC units off-site, as approved in Z.C. Order No. 03-12/03-13, the modified development will provide 665 ACC units on the PUD Site and 42 ACC units on off-site locations. The requested modification does not change any of the zoning parameters for the approved PUD.

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

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EXHIBIT NO. 59

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>. Any documents filed in this case must be submitted through the Interactive Zoning Information System (IZIS) found on the Office of Zoning website.**

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).

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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 E. 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.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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