

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin ¹³
Secretary to the Zoning Commission

Date: October 19, 2006

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 27, 2006:

1. Z.C. Notice of Public Hearing (Case No. 04-22A); and
2. Z.C. Notice of Public Hearing (Case No. 05-17A/05-32A).

Attachment

Office of
Documents and
Administrative
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ZONING COMMISSION
District of Columbia

CASE NO. 05-17A/05-32A

EXHIBIT NO. 9

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ZONING COMMISSION
District of Columbia
CASE NO. 05-17A/05-32A
EXHIBIT NO. 9

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

TIME AND PLACE: **Wednesday, December 6, 2006, 6:30 PM (1st Case)**
 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. 04-22A (Broadway Capitol, LLC – Modification of Approved Planned Unit Development)

THIS CASE IS OF INTEREST TO ANC 6C

On July 12, 2006, the Office of Zoning received an application from Broadway Capitol LLC (the "Applicant") requesting consent calendar approval of a modification to an approved planned unit development ("PUD") and Zoning Map amendment application at 220 H Street, NE (Square 751, Lots 802 and 803, the "Property"). The original PUD Order, Order No. 04-22, became final and effective on May 6, 2005 and approved an all residential project that included 465-500 residential units and provided for the adaptive reuse and rehabilitation of the former home of the National Capital Children's Museum. The proposed modification request is related to façade modifications and a revised roof plan for the two new residential structures on the Property. Because the proposed changes went beyond the degree of flexibility afforded the Applicant in the PUD Order, the Commission, at its public meeting of October 16, 2006, removed the item from the consent calendar and set down the case for a public hearing.

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.

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.

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, JOHN G. PARSONS, MICHAEL G. TURNBULL, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.