

Government of the District of Columbia
OFFICE OF ZONING



Z.C. CASE NO.: 05-17A/05-32A

As Secretary to the Commission, I hereby certify that on **NOV - 2 2006** copies of this Z C Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following.

- | | | | |
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| 5 | Gottlieb Simon
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(see list provided by Applicant) |
| | | 12 | Office of the Attorney General
(Alan Bergstein) |
| | | 13 | MLK Library (30 copies) |
| 6. | Councilmember Jim Graham | | |

ATTESTED BY:


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 05-17A/05-32A
EXHIBIT NO. 1(1)

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

TIME AND PLACE. **Wednesday, December 6, 2006, 6:30 PM (2nd 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. 05-17A/05-32A (Broadway Atlantic One, LLC – Modification of Approved Planned Unit Development)

THIS CASE IS OF INTEREST TO ANC 1B

On September 1, 2006, the Office of Zoning received an application from Broadway Atlantic One, LLC (the “**Applicant**”) requesting consent calendar approval of a modification to an approved planned unit development (“**PUD**”) for property located in the vicinity of the intersection of Florida Avenue, 9th Street, and V Street, N W (Square 2873, Lots 1, 232, 852, 853, 859 and 864, Square 2875, Lots 1106, 1107, 2012, 2026, 2030) (the “**Property**”) The Applicant filed a subsequent revised request for modification on September 25, 2006 The original PUD Order, Order No 05-17/05-32, became final and effective on June 2, 2006 and approved a mixed-use development of up to 700 residential units and approximately 15,000 square feet of retail space The Applicant now requests to modify the façade of the building on Parcel C, to increase the unit count of the PUD to 724 units, to remove Parcel D from the PUD, to reduce the parking ratio on Parcel C, and to increase the amount of retail space on the ground level of the building on Parcel C Because the proposed changes to the façade went the 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 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

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	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



05-17A/0-324

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