

Government of the District of Columbia
OFFICE OF ZONING



Z.C. CASE NO.: 05-19

As Secretary to the Commission, I hereby certify that on **DEC 12 2005** 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:

- | | |
|---|--|
| 1. <i>D.C. Register</i> | 8. Zoning Administrator (Bill Crews) |
| 2. Allison C. Prince, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 9. Office of the Attorney General
(Alan Bergstein) |
| 3. Karen Archer, Chair
ANC 4C & ANC/SMD 4C07
4426 9 th Street, NW
Washington, DC 20011 | 10. 30 Copies to MLK Library |
| 4. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 11. Julie Lee
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 5. Councilmember Adrian Fenty | 12. Property Owners Within 200 Feet
(see attached list provided by
Applicant) |
| 6. Office of Planning (Ellen McCarthy) | |
| 7. Ken Laden, DDOT | |

ATTESTED BY:

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

ZONING COMMISSION
District of Columbia

CASE NO. 05-19
EXHIBIT NO. 16

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

TIME AND PLACE: **Monday, February 6, 2006, 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. 05-19 (4100 Georgia Avenue, NW, Consolidated Approval of a PUD and Map Amendment - Neighborhood Development Company, LLC)

THIS CASE IS OF INTEREST TO ANC 4C

On June 21, 2005, the Office of Zoning received an application from The Neighborhood Development Company, LLC (the "Applicant"). The Applicant is requesting approval of a consolidated planned unit development and amendment to the Zoning Map of the District of Columbia. The Office of Planning provided its report on September 2, 2005, and the case was set down for hearing on October 17, 2005. The Applicant provided its prehearing statement on November 14, 2005.

The property that is the subject of this application consists of approximately 17,640 square feet of land area and is known as known as 4100 Georgia Avenue, NW, and 4101 Kansas Avenue, NW (Square 2910, Lots 35 and 803, and the alley in between them) to be known as The Residences at Georgia Avenue (4100 Georgia Avenue, NW). The subject property is zoned C-2-A. The property that is the subject of this application is formerly the site of Yabba Motors, a used car lot.

The Applicant proposes to rezone the property from C-2-A to C-3-A in order to construct approximately 72 new affordable residential units comprising approximately 68,593 square feet and a ground floor retail space comprising approximately 10,624 square feet. The total gross floor area included in the proposed PUD is approximately 79,217 square feet. It will provide approximately 36 parking spaces. This building will have a height of 72 feet, an FAR of approximately 4.5, and a lot occupancy of 65%.

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The C-2-A District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 60% for residential use, a maximum FAR of 2.5, with a limit of 1.5 of non-residential FAR, and a maximum height of 50 feet. Under Chapter 24, the guideline for height in a PUD is 65 feet and the guideline for FAR in a PUD is 3.0, with a limit of 2.0 of non-residential FAR. The C-3-A District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 75% for residential use, a maximum FAR of 4.0, with a limit of 2.5 of non-residential FAR, and a maximum height of 65 feet. Under Chapter 24, the guideline for height in a PUD is 90 feet and the guideline for FAR in a PUD is 4.5, with a limit of 3.0 of non-residential FAR.

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:

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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 S. SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.

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