

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

TIME AND PLACE: Thursday, October 18, 2007, 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

-6 AM 10:32

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 05-23A (NoMa West Residential I, LLC – Square 3576, Lot 815)

THIS CASE IS OF INTEREST TO ANC 5C

On June 7, 2007, the Office of Zoning received an application from NoMa West Residential I, LLC, on behalf of CSX Realty Development, Inc. (the "Applicant"). The Applicant is requesting a modification to the planned unit development approved by Z.C. Order No. 05-23. The Office of Planning provided its report on July 20, 2007, and the case was set down for hearing on July 30, 2007. The Applicant provided its prehearing statement as part of its application on August 7, 2007.

The property that is the subject of this application consists of approximately 187,958 square feet of land area and is located on the east side of Eckington Place, N.E. and on the north and west sides of Harry Thomas Way, N.E., in Square 3576, Lot 815. The zoning approved for the property by Zoning Commission Order No. 05-23 is C-3-C. As part of the application, the Zoning Commission will consider rezoning the property to the C-3-A District.

The approved PUD consists of approximately 739,951 square feet of residential area and 15,084 square feet of retail. The residential uses consist of 585 to 636 units located in three large buildings, 27 piggyback townhouse units and 5 four-story single family townhouses. The approved PUD will have a total gross floor area of approximately 755,035 square feet and a density of 4.01 FAR. The building heights will range from 40 feet for the townhouses to 110 feet for the larger buildings. The project will have a lot occupancy of 47.43% and a residential parking ratio of 1.2 to 1.3 spaces per unit. Approximately 46 parking spaces are proposed for the retail uses.

The applicant proposes to modify the previously approved PUD by constructing a multi-family project that consists of approximately 617,318 square feet of floor area. The modified PUD will have approximately 600 dwelling units housed in three buildings. Building 100 will have approximately 118,793 square feet of gross floor area, and a maximum height of 57 feet, 6 inches; Building 200 will have approximately 252,589 square feet of gross floor area and a maximum height of 64 feet, 7 inches; and Building 300 will have approximately 245,936 square feet of gross floor area and a maximum of height of 61 feet. The modified PUD will have a density of 3.3 FAR and a lot occupancy of 63%. The parking ratio will be a minimum of .8 spaces per unit.

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The C-3-C District permits mixed residential and commercial development as a matter of right, to a maximum lot occupancy of 100%; a maximum FAR of 6.5; and a maximum height of 90 feet. Under Chapter 24, the guideline for height in a PUD is 130 feet and the guideline for FAR in a PUD is 8.0 residential or non-residential.

The C-3-A District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 75%; a maximum FAR of 4.0, of which no more than 2.0 may be devoted to other than residential uses; 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, of which no more than 3.0 may be commercial.

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.

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