

Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S. Schellin *SS*
Acting Secretary to the Zoning Commission

DATE: November 9, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 18, 2005:

1. Z.C. Corrected Notice of Proposed Rulemaking (Case No. 04-27);
2. Z.C. Notice of Public Hearing (Case No. 05-24);
3. Z.C. Order No. 949-B (Case No. 00-36CP);
4. Z.C. Order No. 955B (Case No. 01-09A);
5. Z.C. Order No. 03-22 (Case No. 03-22);
6. Z.C. Order No. 03-27 (Case No. 03-27);
7. Z.C. Order No. 03-30 (Case No. 03-30); and
8. Z.C. Order No. 04-02 (Case No. 04-02).

Office of
Documents and
Administrative
Issuance

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Attachments

~~ZONING COMMISSION~~
~~District of Columbia~~

CASE NO. 05-24
EXHIBIT NO. 15

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

TIME AND PLACE: **Thursday, January 12, 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. 05-24 (Eastgate Family Housing - Consolidated PUD)

THIS CASE IS OF INTEREST TO ANC 7E

The District of Columbia Housing Authority ("DCHA") and A&R/THC II, LLC, a joint venture between A&R Development Corporation and The Henson Development Company ("Applicant") seek approval of a consolidated Planned Unit Development ("PUD") to authorize development of a new residential community in Southeast Washington. The existing R-5-A zoning of the subject property will accommodate the development as proposed. The Application was filed on July 28, 2005, and the Zoning Commission set down the case for public hearing at its meeting of October 17, 2005. On October 18, 2005, the Office of Zoning received a Pre-Hearing Submission and materials for the case.

The property that is the subject of this application is located in Southeast Washington on the now-vacant site of the former Eastgate Gardens public housing complex. This property is in the Marshall Heights neighborhood and is within the boundaries of Advisory Neighborhood Commission 7E. The project site is bounded generally by Fitch Street on the south, Benning Road on the west, F Street and Drake Place on the north and 51st Street on the east, all S.E. (the "PUD Site"). The PUD Site has a land area of 745,560 square feet, or 17.12 acres. It is legally identified as Lots 9-20 in Square 5318, Lots 19-37 in Square 5319 and Lots 29-36 in Square 5320. The proposed development is a new, mixed-income residential community of 186 dwelling units, distributed as follows:

- 158 townhouses;
- 20 detached single-family homes; and
- 2 grandhomes with 4 units in each building.

Sixty-one of the dwelling units will be rental units, and all of them will be affordable to households at or below 60% of Area Median Income ("AMI"). The residents will only need to pay 30% of their income for rent. Of the homeownership units, 23 will be offered for sale at or below 60% AMI, 38 between 60-80% AMI, and 59 at market rate.

The PUD Site is a rolling landscape, steeply sloping in part and partly tree covered. A total of 2.88 acres will be preserved as common open space totaling. The proposed density is 0.53 FAR and approximately 11 dwelling units per acre. Maximum building height will be 40 feet.

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 | 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, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.