

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**Z C CASE NO 05-24B**

**APR - 7 2008**

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this 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  | DDOT (Karina Ricks)   |
| 2 | Cynthia Giordano Esq<br>Arnold & Porter LLP<br>555 12 <sup>th</sup> Street, N W<br>Washington, D C 20004-1206 | 9  | Zoning Administrator (Matt LeGrant)   |
| 3 | David Inour, Chair<br>ANC 7E<br>5001 Hanna Place, SE<br>Washington, DC 20019                                  | 10 | Jill Stern, Esq<br>General Counsel – DCRA<br>941 North Capitol Street, N E<br>Suite 9400<br>Washington, D C 20002 |
| 4 | Commissioner Rosa Hamlett<br>ANC/SMD 7E03<br>503 53rd Street SE<br>Washington, DC 20019                       | 11 | Office of the Attorney General<br>(Alan Bergstein)  |
| 5 | Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N W<br>Washington, D C 20004                               | 12 | MLK Library (30 copies)   |
| 6 | Councilmember Yvette M Alexander  | 13 | Property Owners Within 200 Feet<br>(see attached list provided by<br>Applicant)                                   |
| 7 | Office of Planning (Harriet Tregoning)  |    |   |

ZONING COMMISSION  
District of Columbia  
CASE NO. 05-24B  
EXHIBIT NO. 11

ATTESTED BY

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

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

**TIME AND PLACE**

**Monday, June 2, 2008, 6 30 P M  
Office of Zoning Hearing Room  
441 4<sup>th</sup> Street, N W , Suite 220-South  
Washington, D C 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING**

**Z C CASE NO 05-24B (Modification to Consolidated PUD -- Eastgate Family Housing)**

**THIS CASE IS OF INTEREST TO ANC 7E**

On February 2, 2008, the Office of Zoning received an application from A&R/THC II LLC (the "Applicant") The Applicant requested a minor modification to the planned unit development approved by Z C Order No 05-24B The Office of Planning provided its report on February 6, 2007 The Zoning Commission determined that the modification is not minor, and the case was set down for hearing on March 24, 2008

The property that is the subject of this application consists of approximately 16 03 acres of land area (698,382 square feet) in the Marshall Heights neighborhood The site is bounded by Fitch Street, 51<sup>st</sup> Street, Queen's Stroll Place (Drake Place), and Benning Road, S E It is rolling hillside that changes in grade by approximately 80 feet, rising from Benning Road and Fitch Street to the level of the rest of the neighborhood at its north and east ends The property is identified as Lots 9-20 in Square 5318, Lots 20-36 in Square 5319, and Lots 29-36 in Square 5320 (the "PUD Site") No change in the existing R-5-A zoning was requested

The approved PUD consists of 186 dwelling units, including 158 townhouses, 20 detached single-family dwellings, and eight units in two grandhomes (each having four units) The overall goal is to create a stable, mixed-income residential community, with the emphasis on affordable housing Eighty units (43 percent [43%]) will be in the low-income range, 42 units (23 percent [23%]) will be in the moderate-income range and 64 units (34 percent [34%]) will be market rate

The applicant proposes to modify the previously approved PUD by substituting 45 townhouses for the approved 20 detached houses The Applicant is also requesting flexibility as to whether off-street parking will be provided for the 45 additional townhouses

R-5-A is a low-density apartment house zone that allows a variety of residential building types within a height limit of forty feet (40' or three stories) and a maximum density of 0 9 floor area ration ("FAR") , With a PUD, the maximum permitted building height is sixty feet (60') and the maximum density FAR is 1 0 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 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 modification request 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 4<sup>th</sup> Street, N W , Washington, D C 20001 **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311**

**ANTHONY J HOOD, GREGORY JEFFRIES, CURTIS ETHERLY, JR., PETER G MAY, 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**

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