

Government of the District of Columbia
OFFICE OF ZONING



Z.C. CASE NO.: 05-26

As Secretary to the Commission, I hereby certify that on APR - 6 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:

- | | |
|---|--|
| 1. <i>D.C. Register</i> | 7. Office of Planning (Ellen McCarthy) |
| 2. Phil Feola, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 8. Ken Laden, DDOT |
| 3. Catherine Wiss, Chair
ANC 3F
Capital Memorial Church
4401-A Connecticut Ave., NW
Box 244
Washington, DC 20008 | 9. David Rubenstein, Esq.
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 4. Commissioner Daniel Klibanoff
ANC/SMD 3F07
3801 Connecticut Ave., NW
Washington, DC 20008 | 10. Zoning Administrator |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 11. Property owners within 200 feet
(see attached list provided by applicant). |
| 6. Councilmember Kathleen Patterson | 12. Office of the Attorney General
(Alan Bergstein) |
| | 13. MLK Library (30 copies) |

ATTESTED BY:


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

Tilden Hall Corporation
c/o Daro Realty, Inc.
4301 Connecticut Avenue, NW, Suite 149
Washington, DC 20008-2326

Tilden Gardens LLC
c/o Clark Realty Capital
2 Bethesda Metro Center
Mezzanine Level, Suite 250
Bethesda, MD 20814

Mr. John Parsons, Director
Cooperative Activities
National Park Service
1100 Ohio Drive, SW
Washington, DC 20024

Riki M. Alexander
2943 Tilden Street, NW
Washington, DC 20008-1150

Ted A Wolfe
120 S. Houghton Road, Suite 138
Tucson, AZ 85748-2155

Collot Guerard
2951 Tilden Street, NW
Washington, DC 20008-1150

Conan D. Owen
2955 Tilden Street, NW
Washington, DC 20008-1150

Ann A. Poist
2938 Bellevue Terrace, NW
Washington, DC 20016-5411

Anne Patricia C. Boler
9422 Thrush Lane
Potomac, MD 20854-3991

James P. Wilmer
c/o Juanita J. Wilmer
39M Ridge Road
Greenbelt, MD 20770-0723

B. Franklin Kamm, Trustees et al.
c/o Wash Real Estate Investment Trust
6110 Executive Boulevard, Suite 800
Rockville, MD 20852-3927

Embassy of the State of Kuwait
2940 Tilden Street, NW
Washington, DC 20008-1149

X Renaudiere
2941 Tilden Street, NW
Washington, DC 2008-1150

Bryan P. Wilson Trustee
Sylvia E. Wilson Trustee
28 Muzzey Street
Lexington, MA 02421-5206

G. Green
2949 Tilden Street, NW
Washington, DC 20008-1150

Thomas M. McDermott
2953 Tilden Street, NW
Washington, DC 20008-1150

A.J. Dougherty
2957 Tilden Street, NW
Washington, DC 20008-1150

Mary C. Falvey
7418 Arrowood Road
Bethesda, MD 20817-2823

David Westphal
2921 Tilden Street, NW
Washington, D.C. 20008-1150

Zigurs Liepins
2925 Tilden Street, NW
Washington, D.C. 20008-1150

Jeffrey Sosland
2927 Tilden Street, NW
Washington, D.C. 20008-1150

Jacob & S. Gillespie Revocable Trust
2931 Tilden Street, NW
Washington, D.C. 20008-1150

Russell L. Wade
2933 Tilden Street, NW
Washington, D.C. 20008-1150

S. P. Belcher, Jr.
2935 Tilden Street, NW
Washington, D.C. 20008-1150

Phillip Galbreath
2903 Tilden Street, NW
Washington, D.C. 20008-1150

Concettina M. Tripoli
2905 Tilden Street, NW
Washington, D.C. 20008-1150

Mario Tripoli
Via C. Pompea 223
Ganzirri Messina, FC 98165

Edward K. Lee
2630 Woodley Place., NW
Washington, D.C. 20008-1523

Patricia Boler
9422 Thrush Lane
Potomac, MD 20854-3991

Condominium Association Board of Directors
4007 Connecticut Avenue, NW
Washington, D.C. 20008-1146

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

TIME AND PLACE: **Monday, June 5, 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. 05-26 (2950 Tilden Street, NW, Consolidated Approval of a PUD and Map Amendment – Tilden 800 LLC)

THIS CASE IS OF INTEREST TO ANC 3F

On July 29, 2005, the Office of Zoning received an application from Clark Realty Capital, LLC, on behalf of Tilden 800 LLC (the “**Applicant**”) requesting approval of a consolidated Planned Unit Development (“**PUD**”) and amendment to the Zoning Map of the District of Columbia. The Office of Planning provided its report on December 27, 2005, and the case was set down for hearing on January 9, 2006. The Applicant provided its prehearing statement on March 13, 2006.

The property that is the subject of this application consists of approximately 34,686 square feet of land area and will be known as 2950 Tilden Street, NW (Square 2234, Lot 800). The subject property is zoned R-2 and is currently a vacant lot.

The Applicant proposes to rezone the property from R-2 to R-5-C in order to construct approximately 49 new residential units comprising approximately 97,370 square feet. It will provide between 100 and 120 parking spaces. This building will have a height of 67 feet, a floor area ratio (“**FAR**”) of approximately 2.8, and a lot occupancy of 57%.

The existing R-2 Zone District permits matter-of-right development of residential uses for detached or semi-detached structures with a maximum height of 40 feet, to a maximum lot occupancy of 40%. There is no prescribed FAR in the R-2 District. Under Chapter 24, in the R-2 District, the guideline for height in a PUD is 40 feet and the guideline for FAR in a PUD is 0.4. The R-5-C District permits residential development as a matter-of-right, to a maximum lot occupancy of 75%, a maximum FAR of 3.0, and a maximum height of 60 feet. Under Chapter 24, in the R-5-C District, the guideline for height in a PUD is 75 feet and the guideline for FAR in a PUD is 4.0.

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.

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.

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 |

**Z.C. PUBLIC HEARING NOTICE
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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.