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
Acting Secretary to the Zoning Commission

DATE: November 30, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on December 9, 2005:

1. Z.C. Notice of Proposed Rulemaking (Case No. 05-12);
2. Z.C. Notice of Public Hearing (Case No. 05-17);
3. Z.C. Notice of Public Hearing (Case No. 05-18);
4. Z.C. Notice of Public Hearing (Case No. 05-32).

Attachments

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Office Of Documents And Administrative Issuances

[redacted]
District of Columbia
05-32
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441 4th St., N.W., Suite 210-S, Washington, D.C. 20001
Telephone: (202) 727-6311 E-Mail Address: zoning_info@dcoz.dc.gov Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.05-32
EXHIBIT NO.3

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, January 26, 2005, 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. 05-32 (Broadway Atlantic One, LLC – Consolidated PUD)

THIS CASE IS OF INTEREST TO ANC 1B

On June 14, the Office of Zoning received an application from Broadway Atlantic One, LLC. The Applicant is requesting approval of a Planned Unit Development under the existing CR District. The Office of Planning provided its report on October 7, and the case was set down for hearing on October 17. The Applicant provided its prehearing statement on November 3.

The property that is the subject of this application consists of approximately 34,491 square feet of land area and is located in the vicinity of 9th Street and Florida Avenue, N.W. (Square 2873, Lots 232, 852, 853, 859, and 864). The subject property includes the following addresses: 937 Florida Ave., N.W.; 935 Florida Ave., N.W.; 933 Florida Ave., N.W.; and 2210 9th Street, N.W. The subject property is zoned CR.

The Applicant proposes to create a mixed use project comprising a single building that will include approximately 220 residential units, with approximately 10,347 square feet of affordable housing and approximately 8,839 square feet of ground floor retail. The total gross floor area of the building will be approximately 275,928 square feet, resulting in an FAR of 8.0. The height of the new building will be 100 feet. The building will contain approximately 238 parking spaces.

The CR 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 6.0, and a maximum height of 90 feet. Under Chapter 24, the guideline for height in a PUD is 110 feet and the guideline for FAR in a PUD is 8.0 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 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:

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.