

Government of the District of Columbia
OFFICE OF ZONING



Z.C. CASE NO.: 05-38

DEC 14 2006

As Secretary to the Commission, I hereby certify that on _____ 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> | 8. Ken Laden, DDOT |
| 2. Paul Tummonds Jr., Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 9. Bill Crews, Zoning Administrator |
| 3. Andy Litsky, Chair
ANC 6D
25 M Street, SW
Washington, DC 20024 | 10. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 4. Commissioner Max Skolnik
ANC/SMD 6D01
700 7th Street, SW #610
Washington, DC 20024 | 11. Office of the Attorney General
(Alan Bergstein) |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 12. Property Owners Within 200 Feet
(see list provided by Applicant) |
| 6. Councilmember Sharon Ambrose | 13. MLK Library (30 copies) |
| 7. Office of Planning (Ellen McCarthy) | |

ATTESTED BY: _____

Sharon S. Schellin

**Secretary to the Zoning Commission
Office of Zoning**

**ZONING COMMISSION
District of Columbia**

CASE NO. 05-38
EXHIBIT NO. 30

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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ZONING COMMISSION
District of Columbia
CASE NO.05-38
EXHIBIT NO.30

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

TIME AND PLACE: **Thursday, February 15, 2006, 6:30 PM**
 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. 05-38 (Marina View Trustee LLC – Consolidated Planned Unit Development and Related Map Amendment @ Square 499, Lots 50 & 853)

THIS CASE IS OF INTEREST TO ANC 6D

On November 30, 2005, the Office of Zoning received an application from Marina View Trustee LLC (the “Applicant”). The Applicant is requesting consolidated approval of a planned unit development (“PUD”) and related zoning map amendment. The Office of Planning provided its report on March 3, 2006 as well as a supplemental report on July 14, 2006, and the case was set down for hearing on July 24, 2006. The Applicant provided its pre-hearing statement on October 12, 2006.

The property that is the subject of this application is bounded by M, 6th and K Streets, SW, and is known as Square 499, Lots 50 and 853 (the “Subject Property”). The Subject Property is located in the Southwest neighborhood of Ward 6 and consists of approximately 135,263 square feet of land area.

The Subject Property is currently located in the R-5-D Zone District. The Zoning Map Amendment application requests a rezoning of the Subject Property to the C-3-C District to accommodate the height, density, and use of the proposed development plan.

The proposed PUD seeks consolidated approval to develop two new 112-foot buildings on the Subject Property and renovate two existing buildings. In total, the project will provide approximately 540-570 residential units (including approximately 11,541 square feet of workforce affordable housing) and approximately 8,900 square feet of ground floor retail space. The project will also feature a number of open spaces, including a landscaped green space in the center of the Subject Property, two new ‘vest pocket’ parks located between the existing buildings and the Applicant’s proposed residential buildings, and a new linear garden flanking 6th Street between the existing buildings. The proposed development provides 564 parking spaces.

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 |

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

CY-38

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