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84116	Submitted to ODAI	Public Hearing	Zoning Commission Notice of Public Hearing: Case No. 06-08B	12/11/2009 Vol 56/50	12/3/2009 10:07:39

ZONING COMMISSION
District of Columbia

CASE NO. 06-08B

EXHIBIT NO. 10

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

TIME AND PLACE: **Monday, February 1, 2010, 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. 06-08B (Fort Lincoln/Gateway Village, LLC – PUD Modification @ Square 4325)

THIS CASE IS OF INTEREST TO ANC 5A

On October 15, 2009, the Office of Zoning received an application from Fort Lincoln/Gateway Village, LLC (the “Applicant”) The Applicant is requesting approval of a modification of an approved consolidated planned unit development The Applicant requested that the Zoning Commission approve the modification as a consent calendar item On November 9, 2009, the Zoning Commission decided to hold a public hearing on the proposed PUD modification application The Applicant provided its prehearing statement on November 16, 2009

The property that is the subject of this application consists of approximately 23 acres of land area and is bound by Fort Lincoln Drive, N E to the west and south, Fort Lincoln Drive North, N E to the east, and Commodore Joshua Barney Drive, N E to the north The subject property is zoned R-5-D

The Applicant proposes to amend the Zoning Commission’s approval of the Village at Washington Gateway townhouse and townhouse condominium project approved in Zoning Commission Order Nos 06-08 and 06-08A The proposed modified project will include 334 residential units, rather than the originally approved 357 units The modification application requests the ability to return to the original PUD’s design scheme of having consistent townhouse widths in each string of townhouses The Applicant is also requesting the flexibility to develop the project in three phases

The proposed modifications to the approved PUD project **do not** impact the approved PUD’s amenities package (including the amount of workforce affordable housing), building heights (as approved in Zoning Commission Order No 06-08A), Low-Impact Development (LID) components, Community Green and Mews Green, or the tot lot

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 maximum time limits for oral testimony shall be adhered to and no time may be ceded

1	Applicant and parties in support	60 minutes collectively
2	Parties in opposition	60 minutes collectively
3	Organizations	5 minutes each
4	Individuals	3 minutes each

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents

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.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.