

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-15

As Secretary to the Commission, I hereby certify that on NOV 13 2008 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> | 6. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Phil Feola
Pillsbury
2300 N Street, N.W.
Washington, D.C. 20037 | 7. Councilmember Mary M. Cheh |
| 3. Nancy MacWood, Chair
ANC 3C
4024 Brandywine Street, N.W.
Washington, DC 20016 | 8. Office of Planning (Harriet Tregoning) |
| 4. Commissioner Trudy Reeves
ANC/SMD 3C06
3816 Porter Street, N.W.
Washington, DC 20016 | 9. DDOT (Karina Ricks) |
| 5. Commissioner Richard Rothblum
ANC/SMD 3C07
3810 Macomb Street, N.W.
Washington, D.C. 20016 | 10. Zoning Administrator (Matthew LeGrant) |
| | 11. General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 12. Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY:



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

ZONING COMMISSION
District of Columbia

CASE NO. 08-15

EXHIBIT NO. 26

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

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE:

**Thursday, February 19, 2009, @ 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. 08-15 (Friendship-Macomb SC Inc. – Consolidated PUD Approval & Related-Map Amendment – Square 1920, Lot 813 and Square 1920-N, Lots 1 and 2)

THIS CASE IS OF INTEREST TO ANC 3C

On May 16, 2008, the Office of Zoning received an application from Friendship-Macomb SC Inc. (the “**Applicant**”) requesting consolidated review and approval of a planned unit development (“**PUD**”) and related map amendment for the property located in Square 1920, Lot 813 and Square 1920-N, Lots 1 and 2 (the “**Property**”). The requested map amendment would change the zoning for approximately 152,848 square feet of the Property from MW/C-1 and R-5-A to C-2-A. The balance of the Property, approximately 25,388 square feet, will remain in the R-5-A Zone District.. The Office of Planning provided its report on July 18, 2008, and the case was set down for a public hearing on July 28, 2008. The Applicant submitted its prehearing statement on October 27, 2008.

The property that is the subject of this application is located along Wisconsin Avenue in Ward 3 and consists of approximately 178,236 square feet of land area. Existing uses on the site include a Giant supermarket and additional retail and commercial uses, as well as surface parking for those uses. The proposed PUD will replace the shopping center with a mixed-use development featuring a new Giant grocery store:

- South of Newark Street, the Applicant will construct a two-story building that contains the new Giant supermarket as well as a mix of ground-floor retail and second-story commercial and residential uses. The Applicant will also construct eight townhouses along Idaho Avenue.
- North of Newark Street, the Applicant will construct a new five-story building featuring ground-level retail uses and approximately 124 apartment units above.

In total, the PUD will feature a total of 354,820 square feet of gross floor area (1.99 FAR) and have a maximum height of 61 feet. It will contain approximately 535 parking spaces.

The R-5-A Zone District allows residential uses. A PUD in the R-5-A Zone District is permitted a maximum height of 60 feet and a maximum FAR of 1.0. The C-2-A Zone District allows

residential, commercial and retail uses. A PUD in the C-2-A Zone District is permitted a maximum height of 65 feet and a maximum FAR of 3.0.

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:

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| 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.**

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



Fairlea Sheehy
3244 38th Street NW
Washington, DC 20016-3729

Yvonne Thayer
3308 Idaho Avenue, NW
Washington, DC 20016-3738

Thomas P. Higgins
3433 Wisconsin Avenue, NW
Washington, DC 20016-3005

John Daniel
5500 MacArthur Boulevard NW
Washington, DC 20016-2536

Donna E. Slingluff
3304 Idaho Avenue, NW
Washington, DC 20016-3738

George J. Sotos
6212 Kilcullen Drive
McLean, VA 22101-3225

Philip Montalto
3321 Idaho Avenue NW
Washington, DC 20016-3737

Mary E Warfield
3310 Idaho Avenue, NW
Washington, DC 20016-3738

Sylvia T. Miller
3411 Wisconsin Avenue, NW
Washington, DC 20016-3008

Lloyd & Ninetta Feldman Trustees
7916 Maryknoll Avenue
Bethesda, MD 20817-2925

District of Columbia
Department of Admin. Services
441 4th Street NW; Room 700-S
Washington, DC 20001

Lisa Tsai
4500 Drummond Avenue
Bethesda, MD 20815-5435

Louis and Josephine Balla Trustees
4835 Sedgwick Street, NW
Washington, DC 20016-2323

Vaughn Mclean LLC
C/O Capital Properties LLC
717 5th Avenue Floor 20
New York, NY 10022-8109

Yeh-Yeng Kuo
5600 Springfield Drive
Bethesda, MD 20816-1240

James Hogan
3311 Idaho Avenue, NW
Washington, DC 20016-3737

President/Director Condo Association
3800 Porter Street, NW
Washington, DC 20016-2946

Bruce A. Ottati
3515 35th Street, NW
Washington, DC 20016-3113

Thomas J. Haines
3315 Idaho Avenue, NW
Washington, DC 20016-3737

President/Director Condo Association
3401 38th Street, NW
Washington, DC 20016-3038

John Gerachis
3419 Wisconsin Avenue, NW
Washington, DC 20016-3008

Kate S. Woodward
3821 Macomb Street, NW
Washington, DC 20016-3739

Susan M. Seligmann
3613 Norton Place, NW
Washington, DC 20016-3169

Frances Gerachie
3421 Wisconsin Avenue, NW
Washington, DC 20016-3008

Frances A. Sclafani
3815 Macomb Street, NW
Washington, DC 20016-3739

Heon Evangelia
3427 Wisconsin Avenue, NW
Washington, DC 20016-3005

Sau Wah
3626 Norton Place, NW
Washington, DC 20016-3170

Yavalar Hudai
4731 Massachusetts Avenue, NW
Washington, DC 20016-2345

Selig R. Kainer
3622 Ordway Street, NW
Washington, DC 20016-3176

Shew Fong Hom. Trustees
3626 Norton Place, NW
Washington, DC 20016-3170



Peter L. Spurney Jr.
3622 Norton Place NW
Washington, DC 20016-3170

Peter Cokinos
C/O Macomb Properties #200
4740 Chevy Chase Drive
Chevy Chase, MD 20815-6461

Ruben New LLC
1828 L Street NW
Ste 500
Washington, DC 20036-5127

H Rubin & L Kramer, Trustees
C/O Polinger Shannon & Luchs
5530 Wisconsin Avenue Ste 1000
Chevy Chase, MD 20815-4330

Stephen Granger
3615 Macomb Street, NW
Washington, DC 20016-3163

Hersh Palmer LLC
C/O Ira J. Hensh
11 Argosy Court
North Potomac, MD 20878-2662

Beverly Enterprises
PO Box 447
Winter Park, FL 32790-0447

Melvin Gelman Trustee
Gelman Mgmt. Corp.
c/o Nick Pitsch
2120 L Street NW Ste 800
Washington, DC 20037-1549

Jonathan C. Olmstead
3614 Newark Street NW
Washington, DC 20016-3180

Jeffrey F. Adbow
5220 Sangamore Road
Bethesda, MD 20816-2322

Chesterfield Cooperative Inc. Tilton
Bernstein Mgmt.
1827 14th Street, NW
Washington, DC 20009-4425

ANC 3C
4025 Brandywine St, NW
Washington, DC 20016

Macomb Properties LLC
C/O Polinger/Shannon & Luchs
5530 Wisconsin, Avenue Ste.1000
Chevy Chase, MD 20815-4330

Kala Hale, LLC
PO Box 2155
Merrifield, VA 22116-2155

Michael B. Shirreffs
3247 38th Street, NW
Washington, DC 20016-3728

Michael Cook
9811 Mallard Drive
Laurel, MD 20708-3143