

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

OFFICE OF THE SECRETARY
ODAI
2008 DEC 22 P 2:20

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ³
Secretary to the Zoning Commission
Date: December 22, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on January 2, 2009:

1. Z.C. Corrected Notice of Public Hearing (Case No. 08-15).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 08-15
EXHIBIT NO. 30

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

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTED¹ 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 ~~843~~ **831** 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.

¹ This notice corrects a typographical error that listed an incorrect lot number for Square 1920. The incorrect lot number is shown in strikethrough lettering and the correct lot number is shown in bold and underlined lettering. Nothing else was changed in this hearing notice.

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

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- (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, 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.