

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

OFFICE OF THE SECRETARY
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To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin
Secretary to the Zoning Commission
Date: October 7, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 17, 2008:

1. Corrected Notice of Public Hearing (Case No. 08-21); and
2. Notice of Public Hearing (Case No. 84-19A).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 08-21
EXHIBIT NO. B

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: **Monday, December 1, 2008, @ 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. 08-21 (Athena Group, LLC – Consolidated Review of a Planned Unit Development and Related Map Amendment @ Square 1356)

THIS CASE IS OF INTEREST TO ANC 3D

On November 8, 2007, the Office of Zoning received an application from Athena Group, LLC, through Saimac Development LLC, together with Washington MacArthur Associates (the “Applicant”) seeking approval to modify a PUD previously approved pursuant to Zoning Commission Order No. 21. On June 9, 2008, the Zoning Commission dismissed the PUD modification application, but with the Applicant’s consent, set the project described in the application down on June 9, 2008, as a new PUD application and assigned it Case No. 08-21. On July 28, 2008, the Applicant simultaneously submitted an application for consolidated review and approval of a PUD and related map amendment to the R-5-A Zone District from the underlying split zoning of R-1-B and R-5-A, and its pre-hearing statement for the project.

The property that is the subject of this application is located at 4460 MacArthur Boulevard and is more particularly known as Square 1356, Lots 28, 929, 932, and 933 (the “Subject Property”). The Subject Property is located in the Palisades neighborhood of Ward 3 and has an approximate land area of 121,000 square feet. The Applicant proposes the construction of 37 residential units consisting of approximately 118,250 square feet of gross floor area. The project will have a maximum height of 48 feet, a lot occupancy of 30%, and a floor area ratio of .98. The Applicant seeks relief from the rear and side yard setback requirements. It also seeks approval to establish theoretical lots for the residential units.

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

¹ Corrects the ANC (3D instead of 6D) this case is of interest to. No other changes were made.

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 pre-hearing 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:

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| 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 |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210, 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.,
MICHAEL G. TURNBULL, AND PETER G. MAY ----- ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA,
DIRECTOR AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING
COMMISSION.**