

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE:

Monday, October 5, 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 Nos. 08-24 and 08-24A/04-25 (Abdo Development, LLC and The Trustees of the Catholic University of America – Consolidated Review and Approval of a Planned Unit Development, Zoning Map Amendment and Amendment to an Approved Campus Plan)

THIS CASE IS OF INTEREST TO ANC 5C

On September 8, 2008, the Office of Zoning received an application from Abdo Development, LLC and the Trustees of the Catholic University of America seeking review and approval of a consolidated planned unit development ("PUD"), a proposed amendment to the Zoning Map of the District of Columbia, and a proposed amendment to The Catholic University Campus Plan. The Zoning Commission set the case down for a public hearing at its April 27, 2009, public meeting.

The property that is the subject of this application is located generally south of Michigan Avenue, N.E., north of Kearny Street, N.E., east of the Dominican House of Studies and west of the railroad tracks. It is more particularly known as Square 3654, Lots 4, 5, 6, 10, 12, 15, 16, 17, 801, 802, 803, 804, 805, 806, 811; Square 3655, Lot 1; Square 3656, Lot 800; Square 3657, Lots 805, 821, 826; Square 3831, Lot 818 ("Subject Property"). The Subject Property is located in the Brookland neighborhood of Ward 5 and has an approximate land area of 8.9 acres. The Applicant requests a Zoning Map amendment to the C-2-B Zone District for the portions of the Subject Property along Michigan Avenue and Monroe Street. The properties that are located in the southwest corner of the Subject Property are proposed to be rezoned to the R-5-B Zone District. The small property at the southeast corner of 8th and Monroe Streets, N.E. is proposed to remain in the C-M-1 Zone District.

The Applicant proposes the construction of 725-825 residential units and approximately 75,000-85,000 square feet of retail space. The project will have a floor area ratio of 2.31, a maximum height of 70 feet, and a lot occupancy ranging from 33% to 77% on each parcel.

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

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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 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 maximum time limits for oral testimony shall be adhered to 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 |

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 200/210-S, 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 RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF ZONING

441 4th STREET, N.W. SUITE 200-S/210-S

WASHINGTON, D.C. 20001

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