

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



MEMORANDUM

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**To:** Office of Documents and Administrative Issuance (via-email)  
**From:** Sharon S. Schellin <sup>3</sup>  
Secretary to the Zoning Commission  
**Date:** May 26, 2009  
**Re:** Publication for the Office of Zoning

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Please publish the following in the *D.C. Register* on May 29, 2009:

1. Z.C. Notice of Public Hearing (09-08).

Attachment

ZONING COMMISSION  
District of Columbia  
CASE NO. 09-08  
EXHIBIT NO. 16

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

**TIME AND PLACE:**                      **Thursday, July 23, 2009, @ 6:30 p.m.**  
                                                 **Office of Zoning Hearing Room**  
                                                 **441 4<sup>th</sup> Street, N.W., Suite 220-South**  
                                                 **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 09-08 (Brookland Artspace Lofts, LLC – Square 3831, Lot 47 and Square 3832, Lot 803)**

**THIS CASE IS OF INTEREST TO ANC 5C**

On April 20, 2009, the Office of Zoning received an application and pre-hearing statement from Brookland Artspace Lofts, LLC (the “Applicant”) seeking consolidated review and approval of a planned unit development (“PUD”) for property located at 3305-3313 8<sup>th</sup> Street, N.E. (Square 3831, Lot 47) and first-stage review and approval of a PUD for property located at 3225 8<sup>th</sup> Street, N.E. (Square 3832, Lot 803) and for a portion of Kearny Street east of 8<sup>th</sup> Street and west of the railroad tracks (collectively, the “Property”). The Applicant seeks a PUD-related map amendment to rezone the Property from the C-M-1 Zone District to the C-2-B Zone District. The Zoning Commission set the case down at its public meeting on May 11, 2009.

The property that is the subject of this application is located in Ward 5. It has an approximate land area of 25,017 square feet. The Applicant proposes the construction of 41 artist studios and apartments that will be affordable for individuals with an annual income no greater than 60% of the area median income. It will also develop the southern portion of the Property as a dance studio. The buildings will have a maximum height of 50 feet and the gross floor area of the project will be 67,840 square feet or 2.7 FAR. The project will have a lot occupancy of 74%. The project requires flexibility from the rear yard, parking, and roof structure requirements of the Zoning Regulations.

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 4<sup>th</sup> 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, WILLIAM W. KEATING, III, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**