*Government of the District of Columbia*
**OFFICE OF ZONING**

**MEMORANDUM**

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**TO:** Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

**FROM:** Alberto P. Bastida, AICP
Secretary to the Zoning Commission

**DATE:** October 3, 2002

**SUBJECT:** Publication for the Office of Zoning

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Please publish the following in the D.C. Register on October 11, 2002:

1. Z.C. Revised Notice of Public Hearing (Z.C. Case No. 01-28).

Received By

10/3/02
Date

Attachments

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
2002 OCT -3 PM 2:39

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ZONING COMMISSION
District of Columbia
Case 01-28
Exhibit

ZONING COMMISSION
District of Columbia
CASE NO.01-28
EXHIBIT NO.12

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

**TIME AND PLACE:** **Thursday, December 12, 2002 @ 6:30 P.M.**
**Office of Zoning Hearing Room**
**441 4th Street, N.W. - Suite 220**
**Washington, D.C. 20001**

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

**Case No. 01-28TE (Consolidated PUD & Map Amendment – Time Extension and Modification @ 200 K Street, NE)**

**THIS CASE IS OF INTEREST TO ANC 6A**

On October 24, 2001, the Office of Zoning received an application from 200 K Street Limited Partnership, requesting a two-year extension and modification of the previously approved planned unit development (PUD) of Zoning Commission Order No. 783-B under § 2406.10 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended. The application was referred to the Office of Planning on October 31, 2001; the Office of Planning report was received May 3, 2002; the case was approved for set down on July 8, 2002; and the petitioner filed its supplemental filing on August 6, 2002.

The PUD that is the subject of the request is located in Square 749, on lots 1 and 2. The approved PUD is a large mixed-use development in the area east of NOMA (east of the railroad tracks). The applicant is requesting a modification to the number of residential units. The original PUD approved 200 units and the requested modification is for 143 units with the option of maintaining the upper limit of 200 units due to the changing nature of the housing market.

This public hearing will be conducted in accordance with the provisions of § 3022 (Contested Case Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Interested persons or representatives of organizations will be heard at the public hearing. **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 Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person 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 and address;

(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 the legal counsel;

(e) A list of witnesses who will testify on the person's behalf; and

(f) 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 the 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 environmental, 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 interests 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 Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant part status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action that those of the other persons in the general public.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.

2. 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 of qualifications of the proposed experts.

3. The total amount of time that will be required to present the case.

The information cited above shall also be submitted by the Applicant. To the extent that the information is not contained in the applicant's prehearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than 14 days before the date of the hearing.

**If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the additional information cited above relating to the hearing procedures. However, the written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.**

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

1. Applicant.....60 minutes
2. Other Parties.....15 minutes
3. Organizations.....5 minutes
4. Individuals.....3 minutes

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. 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.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, PETER G. MAY, AND JAMES H. HANNAHAM ---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.**