Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 02-05

As Secretary to the Zoning Commission, I herby certify that on MAY 7 2002 copies of this Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. D.C. Register (Alberto P. Bastida)

2. The Washington Times (Kathy Wright)

3. Applicant(s)/Petitioner(s) Cynthia A. Giordano, Esq.
Arnold & Porter
555 Twelfth Street, N.W.
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4. All property owners within 200 feet (per addresses provided by applicant – see attached)

5. All lessees of the subject property, if necessary

6. ANC Chairperson s Angela Thompson-Murphy
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ANC 7C
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Washington, D.C. 20019

7. Office of Advisory Neighborhood Commissions
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

8. City Councilmember Councilmember Kevin P. Chavous (Ward 7)

ZONING COMMISSION
District of Columbia
Case 02-05
Exhibit 17

ZONING COMMISSION
District of Columbia
CASE NO.02-05
EXHIBIT NO.17

9. Office of Planning (Ellen McCarthy)

10. Department of Transportation (Ken Laden)

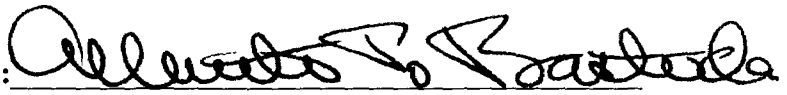
11. Zoning Administrator

12. 30 copies to MLK Library (Sheryl Thorpe)

13. Alan Bergstein, Office of Corporation Counsel

14. Office of Zoning Bulletin Board

15. Reminder Schedule to Protective Service Security

ATTESTED BY: 

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, July 11, 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. 02-05 (First Stage PUD and Map Amendments – New East Capitol) for a large site to the north and south of East Capitol Street near the Maryland boundary, Lots 51-56 and 67-78 in Square 5246; Lot 51 in Square 5272; Lot 53 in Square 5279; Lots 99-114 and 118-204 in Square 5280; and Lots 36-92, 96-98 and 101-139 in Square 5281.

THIS CASE IS OF INTEREST TO ADVISORY NEIGHBORHOOD COMMISSIONS 7A AND 7C.

On January 30, 2002, the Office of Zoning received an application from the D.C. Housing Authority and the associated private development team of A&R/THC LLC and East Capitol Street Gateway LLC for the first stage of a two-stage planned unit development (PUD) to construct a large residential development. The proposed new residential community will include several building types, a mixture of household incomes, and will also include a community center that will provide various social, educational, vocational and day care services.

The property is currently unzoned, and the application requests R-5-A zoning for all of the lots indicated above. The R-5-A zone is a low-density general residential zone that allows detached and semi-detached dwellings as a matter of right and row dwellings and multi-family dwellings, including apartment buildings, with approval as a special exception or within a planned unit development. With a PUD, the maximum permitted building height is sixty feet (60') and the maximum floor area ratio, or FAR, is 1.0. The Applicant contends that this zoning is consistent with surrounding uses and densities and consistent with District of Columbia policies for the subject area.

The property that is the subject of this application is located in the East Capitol area of Northeast Washington. The project site is generally oriented to the north and south of East Capitol Street and is bounded by 61st Street, N.E. and Southern Avenue, S.E. to the east; Central Avenue, S.E. to the south; 56th Place, S.E. and 57th Place, N.E. to the west;

and Clay Street, N.E. and the Watts Branch stream valley to the north. It is noted that not all of the property within these general boundaries are part of the application. The project site has a total land area of approximately 25 acres and is primarily improved with townhouses, walk-up apartment buildings, and high-rise apartment buildings.

The development team plans to demolish these buildings and redevelop the site with 365 dwelling units and a community center building. The approximate breakdown of dwelling units by type is as follows:

Low-Rise Apartment Building	120 units
Townhouses – some ownership, some rental	102 units
Semi-Detached Houses	92 units
Single-Family Detached Houses	15 units
Grand Houses - 9 buildings with 4 units each	36 units
Total	365 Dwelling Units

The overall goal is a stable, mixed-income residential neighborhood with integrated supportive social and economic services. The development is designed to revitalize the area and create an attractive gateway into the District of Columbia from Prince George's County, Maryland. A detailed relocation plan and related services plan has been prepared in conjunction with the existing residents, the D.C. Housing Authority, and the U.S. Department of Housing and Urban Development.

The architect for the Applicant is Sorg and Associates and the land use counsel is Arnold & Porter, both of Washington, D.C.

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, 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.

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 applicant shall also submit the information cited above. 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 DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above. 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