*Government of the District of Columbia*
Office of Zoning

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**MEMORANDUM**

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OFFICE OF DOCUMENTS AND ADMIN. ISSUANCES

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

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

**DATE:** November 13, 2003

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

Please publish the following in the *D.C. Register* on November 21, 2003:

1. Z.C. Notice of Public Hearing (Case No. 03-03/02-05).

Received By

Date 11/13

Attachments

ZONING COMMISSION
District of Columbia
Case 03-03
Exhibit 18

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
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ZONING COMMISSION
District of Columbia
CASE NO.03-03
EXHIBIT NO.18

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

**TIME AND PLACE:** **Thursday, January 8, 2004, @ 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 NO. 03-03/02-05 (Second-Stage PUD – Capitol Gateway Estates)**

**THIS CASE IS OF INTEREST TO ANCs 7C and 7E**

In Z.C. Order No. 02-05, dated September 9, 2002, effective upon its publication in the *District of Columbia Register* on November 29, 2002, the Zoning Commission approved the first-stage of this PUD, for the multi-family and single-family components. On May 19, 2003, the Office of Zoning received a Pre-Hearing Submission and materials constituting the application for the second-stage PUD. The Applicant is requesting approval of the second-stage PUD for the plans and site plans depicting fifteen (15) single-family detached houses, ninety-two (92) semi-detached houses, 102 townhouses and nine (9) "grandhouses" containing four (4) units in each building. The plans for the Community Building are also part of this application. The existing high-rise apartments on Lot 52 in Square 5279 are not included in this case. The Office of Planning provided its report on July 21, 2003, and the Zoning Commission set the case down for hearing at its July 31, 2003, meeting.

The property that is the subject of this application consists of approximately 23.14 acres of land area. It is a multi-parcel, multi-square site including much of the land area within the following boundaries: 61st Street and Southern Avenue, S.E. on the east; Central Avenue, S.E. on the south; 56th Place, S.E. and 57th Place, N.E. on the west; and Clay Street, N.E. and the Watts Branch stream valley on the north. The subject property was zoned R-5-A in the first-stage PUD.

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 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 prehearing 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 | 75 minutes collectively |
| 2. | Parties | 15 minutes each (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 210, 441 4th Street, N.W., Washington, D.C. 20001. **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.**