Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 04-11

As Secretary to the Commission, I herby certify that on OCT 0 1 2004 copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

2. Whayne S. Quin, Esq.
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2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

3. Norma M. Broadnax, Chair
ANC 5A & ANC/SMD 5A03
Slowe School Demountable
14th & Irving Streets, N.E.
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4. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

5. Councilmember Vincent B. Orange, Sr.

6. Office of Planning (Ellen McCarthy)

7. Ken Laden, DDOT

8. Zoning Administrator

9. Corporation Counsel

10. MLK Library (30 copies)

11. Property Owners Within 200 Foot Radius (list provided by applicant)

ATTESTED BY: Alberto T. Bastida
Alberto P. Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION
District of Columbia
CASE NO. 04-11
EXHIBIT NO. 17

441 4th St., N.W., Suite 210-S, Washington, D.C. 20001
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ZONING COMMISSION
District of Columbia
CASE NO.04-11
EXHIBIT NO.17

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, November 22, 2004, @ 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. 04-11 (PUD and Related Map Amendment @ Square 3788, Part of Lot 811 - 611 Emerson Street, NE)

THIS CASE IS OF INTEREST TO ANC 5A

On April 16, 2004, the Office of Zoning received an application from Rocky Gorge at Fort Totten, LLC (the "Applicant"), owner of Lot 811 in Square 3788. The Applicant is requesting approval of a consolidated PUD and related Map Amendment for a portion of Lot 811 in Square 3788. This matter was referred to the Office of Planning (OP) on April 20, 2004; OP provided its report on June 4, 2004; the case was set down for hearing on June 14, 2004. The Applicant provided its supplemental statement as part of its application on September 8, 2004.

The property, which is the subject of this application, consists of approximately 255,975 square feet of land area and is located at 611 Emerson Street, NE (Square 3788, Lot 811). The property is irregularly shaped and bounded to the north by Emerson Street, to the west by CSX tracks, to the south by the Thos. Somerville Co. property and to the east by a strip of properties fronting on 7th Street, NE, which are owned by the Applicant. The property is currently occupied by an abandoned concrete plant. The underlying zoning of the property is a combination of R-2, FT/M, and FT/C-M-1. Residential uses are not permitted as a matter of right in the M and C-M Districts. A map amendment of the property is necessary to permit the proposed residential use. The proposed zoning is R-4.

The Applicant proposes to redevelop the property with construction of 75 three-story single-family row dwellings with garage parking, and an average of 1,725 finished square feet (excluding garage) per dwelling. Parking for a total of approximately 156 cars will be provided throughout the PUD Site. The floor area ratio ("FAR") of the property will be approximately 0.69 FAR. The building height will measure approximately 30 feet. The property will be extensively landscaped. Vehicular access to the PUD Site will be from Emerson Street, NE.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR, § 3022.

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 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 such person, or in which the person has an interest, that will be affected by the action requested of the Commission;

(2) The legal interest such person has in such 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;

(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 that 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 party status only if the person requesting party status has clearly demonstrated 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.

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 inclusions 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 being requested 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 fourteen (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 information cited above relating to the hearing procedures. 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 90 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, GREGORY N. JEFFRIES, KEVIN L. HILDEBRAND ——————— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.