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Government of the District of Columbia
Office of Zoning

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MEMORANDUM

2004 SEP 24 PM 10 14

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

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

DATE: September 23, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on October 1, 2004

1 Z C Notice of Public Hearing (Z C Case No 04-19)

Linda Jenkins
Received By

9-23-04
Date

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 04-19
EXHIBIT NO. 14

441 4th St , N W , Suite 210-S, Washington, D C. 20001
Telephone (202) 727-6311 E-Mail Address zoning_info@dcoz dc gov Web Site www dcoz dc gov

ZONING COMMISSION
District of Columbia
CASE NO.04-19
EXHIBIT NO.14

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, November 18, 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. 04-19 (Consolidated PUD and Area Variance – D.C. Water and Sewer Authority (Egg-Shaped Digesters Facility)

THIS CASE IS OF INTEREST TO ANC 8B

The District of Columbia Water and Sewer Authority requests approval of a consolidated PUD and an associated variance for a new biosolids reduction and stabilization facility known as the Egg-Shaped Digesters Facility (Digesters) at the Blue Plains Advanced Wastewater Treatment Plant (Blue Plains) located at 5000 Overlook Avenue, S.W. The proposed PUD project includes eight Egg-Shaped Digesters and four Gas Storage Tanks (Silos) as well as the following smaller, auxiliary buildings and structures: a Digester Gas Building, a Digester Control Building, two electrical control buildings, two Gas Holders and up to three enclosed Waste Gas Flares The Digesters complex is proposed to be constructed on a site that has been cleared of a former outdoor sludge composting facility in the south-central section of Blue Plains. The subject property is zoned C-M-3, and no change of zone classification is requested.

The zoning flexibility sought in the PUD application involves a waiver of the requirement that a principal structure must be located on a single lot of record (11 DCMR § 3202.3) Currently there are no record lots at Blue Plains. In additon, flexibility is sought with respect to various setback requirements, as are detailed in the Applicant's Pre-Hearing Submission dated September 21, 2004

In addition to the PUD approval, a variance is sought from the 90 foot maximum permitted height in the C-M-3 zone (11 DCMR § 840). The variance seeks a maximum height of 118 feet for the Digestors as well as for the Gas Storage Tanks (Silos).

The PUD Application was filed on June 14, 2004, and the Zoning Commission set down the case for public hearing at its public meeting of September 13, 2004 At that time, the Zoning Commission also authorized advertisement of any variances requested by the Applicant On September 21, 2004, the Office of Zoning received a Pre-Hearing Submission and materials for the case, together with an application for the above-described variance

The requested variance will be considered by the Zoning Commission simultaneously with as the PUD, but will be heard and decided pursuant to the standards set forth in 11 DCMR § 3103 2 for the granting of variances

This consolidated public hearing on the two applications 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

1.	Applicant and parties in support	60 minutes collectively
2.	Parties	15 minutes
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, KEVIN HILDEBRAND, AND GREGORY JEFFRIES, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.