

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin ³
Secretary to the Zoning Commission

Date: January 23, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on February 2, 2007:

1. Z.C. 12-Month Schedule of Monthly Meeting Dates;
2. Z.C. Notice of Public Hearing (Case No. 06-45); and
3. Z.C. Notice of Final Rulemaking & Order No. 06-20 (Case No. 06-20).

The Final Rulemaking is also provided on the attached diskette.

Attachment

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

EXHIBIT NO.

CASE NO.

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ZONING COMMISSION
District of Columbia
CASE NO. 06-45
EXHIBIT NO. 24

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

TIME AND PLACE: **Thursday, April 26, 2007, at 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:

Z.C. CASE NO. 06-45 (Highlands Addition - Consolidated PUD & Related Map Amendment)

THIS CASE IS OF INTEREST TO ANC 8E

On November 3, 2006, the Office of Zoning received an application from the District of Columbia Housing Authority ("DCHA") and CEMI-NMI Highlands LLC, a joint venture between Crawford Edgewood Managers, Inc. and New Market Investors LLC. The Applicant is requesting approval of a consolidated planned unit development and related map amendment from R-5-A to R-5-B. The Office of Planning provided its report on December 29, 2006, and the case was set down for hearing on January 8, 2007. The Applicant provided its prehearing statement on January 11, 2007.

The property that is the subject of this application consists of approximately 286,295 square feet of land area, plus 116,728 square feet being dedicated to public streets and alleys. The property is bounded generally by Condon Terrace on the south, 8th Street and existing residences on the west, Valley Avenue on the north and 9th Street on the east, all S.E. This property is legally identified as Square 6123, Lots 78 and 80; Square 6125, Lots 20-25; and Square 6126, Lots 65-69 and 72. The subject property is zoned R-5-A.

The Applicant proposes to develop a new residential community of 142 dwelling units on the site, including single-family detached dwellings, semi-detached dwellings, row dwellings and stacked, three-unit buildings that consist of a ground-floor, accessible dwelling with two townhouses side-by-side on top. The project includes affordable units for low-and moderate income persons as well as market rate units. One hundred twelve units (112) will be for sale and thirty (30) units will be rental. All units will have either a garage or a parking pad, and the new street system will also accommodate on-street parking.

The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of fifty feet.

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 are 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.

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 | 60 minutes collectively |
| 2. | Parties in opposition | 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, MICHAEL G. TURNBULL, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.