

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

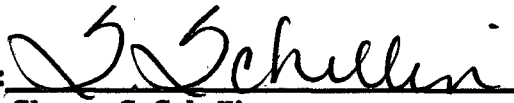


Z.C. CASE NO.: 09-13

As Secretary to the Commission, I hereby certify that on AUG - 4 2009 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. <i>D.C. Register</i> | 6. DDOT (Karina Ricks) |
| 2. All ANC Chairpersons – see attached list | 7. General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 8. Office of the Attorney General
(Alan Bergstein) |
| 4. All Councilmembers – see attached list | 9. MLK Library (30 Copies) |
| 5. Office of Planning (Harriet Tregoning) | |

ATTESTED BY:


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO.

09-13

EXHIBIT NO.

3

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.09-13
EXHIBIT NO.3

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

**TIME AND PLACE: Monday, October 26, 2009, @ 6:30 p.m.
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 09-13 (Text Amendment to Explicitly Allow for a BZA Consent Calendar)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning ("OP"), in a report dated July 17, 2009, petitioned the Zoning Commission for a text amendment to 11 DCMR § 3118. The proposed amendment would explicitly allow for a consent calendar for use by the Board of Zoning Adjustment ("BZA"). The consent calendar would be limited to certain cases that are routinely before the BZA and have a high probability of no opposition. The initial text proposes only §§ 223 (Additions to One-family Dwelling or Flats (R-1) and for New or Enlarged Accessory Structures) and 209 (Community Centers). The proposed text is intended to achieve the goals of: (1) reducing the BZA's hearing backlog by permitting the expedited consideration of unopposed and straightforward applications; and (2) lowering an applicant's costs to seek such relief by establishing a date (7 days prior to the hearing they have waived) when they will know that the hearing will not be held.

At its regular public meeting held July 29, 2009, the Zoning Commission setdown this case for a public hearing. The OP report served as the pre-hearing submittal for the case.

The proposed amendments to the Zoning Regulations are as follows:

CHAPTER 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by the additional of a new section 3118 as follows:

3118 CONSENT CALENDAR - WAIVER OF HEARING

3118.1 The purpose of this section is to create an expedited review process to be followed after an applicant waives their right to a hearing for an addition to one-family dwelling or flat or new or enlarged accessory structures pursuant to § 223; or for a park, playground, swimming pool, or athletic field pursuant to § 209.1.

- 3118.2 When an application indicates a waiver of hearing, it shall be placed on the consent calendar for the same date as the scheduled hearing and shall remain there unless, at least than ten (10) days prior to the hearing date:
- (a) Written opposition to the consent calendar placement is submitted by an affected ANC, the Councilmember representing the area in which the subject property is located, a person or entity requesting party status, or the owner or occupant of any property located within two hundred feet (200 ft.) of the subject property; or
 - (b) A Board member, including the member designated by the Zoning Commission, requests the Director to remove the item from the consent calendar.
- 3118.3 At least fourteen (14) days prior to each hearing date, the Office of Zoning shall provide each Board Member with the consent calendar for that date.
- 3118.4 Notices of public hearing shall indicate whenever an application has been placed on the consent calendar and describe the means by which it may be removed.
- 3118.5 At least seven (7) days prior to a hearing date, a list of all consent calendar items shall be posted on the Office of Zoning website.
- 3118.6 The consent calendar shall be called prior to any hearing.
- 3118.7 Applications on a consent calendar may be called and voted on together, and no discussion to approve the applications is required.
- 3118.8 Orders granting an application approved as a consent calendar item need not contain findings of facts or conclusions of law, but shall reflect the nature of the relief granted and any conditions imposed.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 09-13
PAGE 3**

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 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.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY – ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Vincent C. Gray, Chair
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 504
Washington, D.C. 20004

Michael A. Brown, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 406
Washington, D.C. 20004

Phil Mendelson, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 402
Washington, D.C. 20004

Jack Evans – Ward 2
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 106
Washington, D.C. 20004

Muriel Bowser – Ward 4
Council of the District of Columbia
Room 110
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Tommy Wells – Ward 6
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 408
Washington, D.C. 20004

Marion Barry – Ward 8
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 102
Washington, D.C. 20004

Kwame R. Brown, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 506
Washington, D.C. 20004

David A. Catania, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 404
Washington, D.C. 20004

Jim Graham – Ward 1
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 105
Washington, D.C. 20004

Mary M. Cheh – Ward 3
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 108
Washington, D.C. 20004

Harry Thomas, Jr. – Ward 5
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 107
Washington, D.C. 20004

Yvette M. Alexander – Ward 7
Council of the District of Columbia
Room 400
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Cliff Valenti, Chair
ANC 1A
2905 11th Street, NW
Washington, DC 20001

Brianne Nadeau, Chair
ANC 1B
P.O. Box 73710
Washington, DC 20056

Byran Weaver, Chair
ANC 1C
P.O. Box 21009
Washington, DC 20009

Angelina Scott, Chair
ANC 1D
P.O. Box 43529
Washington, DC 20010

Armando Irizarry, Chair
ANC 2A
West End Branch Library
1101 24th Street, NW
Washington, DC 20037

Mike Silverstein, Chair
ANC 2B
9 Dupont Circle, NW
Washington, DC 20036

Doris Brooks, Chair
ANC 2C
P.O. Box 26182
Washington, DC 20001

Dana Greenwald, Chair
ANC 2D
2126 Connecticut Avenue, NW #55
Washington, DC 20008

Ron Lewis, Chair
ANC 2E
3265 S Street, NW
Washington, DC 20007

Charles Reed, Chair
ANC 2F
5 Thomas Circle, NW
Washington, DC 20005

Melissa Lane, Chair
ANC 3B
P.O. Box 32312
Washington, DC 20007

Ann-Marie Bairstow, Chair
ANC 3C
4025 Brandywine Street, NW
Washington, DC 20016

Elizabeth Sandza, Chair
ANC 3D
P.O. Box 40846
Washington, DC 20016

Jonathan Bender, Chair
ANC 3E
Lisner Home
5425 Western Avenue, NW
Washington, DC 20015

Jane Solomon, Chair
ANC 3F
4401-A Connecticut Ave., NW - Box 244
Washington, DC 20008

Gary Thompson, Chair
ANC 3G
P.O. Box 6252
Washington, DC 20015

Stephen Whatley, Chair
ANC 4A
7600 Georgia Avenue, NW, Suite 404
Washington, DC 20012

Douglass Sloan, Chair
ANC 4B
6856 Eastern Ave., NW, #314
Washington, DC 20012

Joseph Martin, Chair
ANC 4C
P.O. Box 60847
Washington, DC 20039-0847

Robert Whyddon, Chair
ANC 4D
143 Kennedy Street, NW
Washington, DC 20011

Angel Alston, Chair
ANC 5A
1322 Irving Street, NE
Washington, DC 20017

William C. Shelton, Chair
ANC 5B
c/o Harbor Light Center
2100 New York Avenue, NE
Washington, DC 20002

Anita Bonds, Chair
ANC 5C
P.O. Box 77761
Washington, DC 20013

Joseph V. Fengler, Chair
ANC 6A
P.O. Box 75115
Washington, DC 20013

David Garrison, Chair
ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

Karen Wirt, Chair
ANC 6C
P.O. Box 77876
Washington, DC 20013

Andy Litsky, Chair
ANC 6D
P.O. Box 71156
Southwest Station
Washington, DC 20024

Pride Hiatt, Chair
ANC 7A
4201 D Street, SE
Washington, D.C. 20019

L. Yvonne Moore, Chair
ANC 7B
3200 S Street, SE
Washington, DC 20020

Khaliq Elhillali, Chair
ANC 7C
4651 Nannie Helen Burroughs Rd., NE #2
Washington, DC 20019

Willette Seaward, Chair
ANC 7D
3939 Benning Road, NE
Washington, DC 20019

Mary D. Jackson, Chair
ANC 7E
5001 Hanna Place, SE
Washington, DC 20019

Anthony Muhammad, Chair
ANC 8A
2100-D M.L.K. Jr. Avenue, SE
Washington, DC 20020

David S. Brewer, Chair
ANC 8B
P.O. Box 30949
Washington, DC 20030-0949

Mary Cuthbert, Chair
ANC 8C
3125 MLK Jr., Avenue, SE
Washington, DC 20032

Theresa Jones, Chair
ANC 8D
4601 M.L.K. Jr. Avenue, SW
Washington, DC 20032

Sandra Seegars, Chair
ANC 8E
P.O. Box 7050
Washington, DC 20032