

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

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TIME AND PLACE:

**Thursday, July 30, 2015, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-04 (Comstock Sixth Street, LLC – Consolidated PUD and Related Map Amendment @ Square 3788, Lot 814)

THIS CASE IS OF INTEREST TO ANC 5A

On March 4, 2015, the Office of Zoning received an application from Comstock Sixth Street, LLC (the "Applicant"), contract purchaser of Lot 814 in Square 3788 on behalf of the Thos. Somerville Co., requesting approval of a consolidated PUD and a related zoning map amendment from R-2 and FT/C-M-1 to the R-4 Zone District. The Office of Planning provided its report on April 3, 2015, and the case was set down for hearing on April 13, 2015. The Applicant provided its pre-hearing statement on May 22, 2015.

The property which is the subject of this application consists of approximately 182,600 square feet of land area. The site is located within the boundaries of Advisory Neighborhood Commission ("ANC") 5A in the northeast quadrant of the District and is bounded to the north by the Emerson Park townhouse development, to the west by the Capital Area Food Bank, and to the south and east by a number of semi-detached dwellings fronting on 6th Place, N.E. and 7th Street, N.E., respectively. The property is split-zoned: the western portion is zoned C-M-1 and subject to the Fort Totten ("FT") overlay, and the eastern portion is zoned R-2. The proposed zoning is R-4.

The Applicant proposes to construct 40 three-story one-family row dwellings with single-car garage parking. An additional 17 parking spaces will be provided throughout the site. The floor area ratio ("FAR") of the property will measure approximately 0.49 FAR. The building height will measure approximately 40 feet. Total percentage of lot occupancy will be approximately 18%. Vehicular access to the property will be provided by a private access road from Sixth Street, N.E., to the south.

The R-2 Zone District permits detached and semi-detached one-family dwellings as a matter-of right. Detached dwellings require a minimum lot area of 4,000 square feet and a minimum lot width of 40 feet and semi-detached dwellings require a minimum lot area of 3,000 square feet and a minimum lot width of 30 feet. The maximum permitted height is three stories and 40 feet and the maximum permitted lot occupancy is 40%. Each dwelling requires a 20 foot rear yard and a minimum of one parking space.

The C-M-1 Zone District permits office, retail, service, wholesale, warehouse and light manufacturing, processing, fabricating and repair uses as a matter-of right, to a maximum height of three stories and 40 feet and a maximum FAR of 3.0. New residential development is not permitted. Under Chapter 24, the guideline for height in a PUD is 60 feet and the guideline for FAR in a PUD is 3.0. The FT Overlay provides additional restrictions and requirements.

The R-4 Zone District permits detached, semi-detached and row single family dwellings and flats as a matter-of-right. Detached dwellings require a minimum lot area of 4,000 square feet and a minimum lot width of 40 feet, semi-detached dwellings require a minimum lot area of 3,000 square feet and a

minimum lot width of 30 feet, row dwellings require a minimum lot area of 1,800 square feet and a minimum lot width of 18 feet. The maximum permitted height is three stories and 40 feet, and the maximum permitted lot occupancy is 60% for row dwellings and flats and 40% for other structures. Each dwelling requires a 20 foot rear yard and a minimum of one parking space.

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. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

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 contain the information indicated in § 3012.5 (a) through (i).

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |

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| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND
MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF
COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN,
SECRETARY TO THE ZONING COMMISSION.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF ZONING

441 4th STREET, N W SUITE 200-S/210-S

WASHINGTON, D C 20001

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