

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 06-34

MAR - 8 2007

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Notice of Rescheduled Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |   |  |
|---|--|
| 1. D.C. Register  | 7. Office of Planning (Harriet Tregoning)  |
| 2. Dennis Hughes, Esq.<br>Holland & Knight, LLP<br>2099 Pennsylvania Ave., N.W.<br>Washington, D.C. 20006 | 8. DDOT (Ken Laden)  |
| 3. Julie Olson, Chair<br>ANC 6B<br>921 Pennsylvania Avenue, SE<br>Washington, DC 20003                    | 9. Zoning Administrator (Bill Crews)   |
| 4. Commissioner Francis Campbell<br>ANC/SMD 6B10<br>1805 Burke Street, S.E.<br>Washington, DC 20003       | 10. Jill Stern, Esq.<br>General Counsel - DCRA<br>941 North Capitol Street, N.E.<br>Suite 9400<br>Washington, D.C. 20002 |
| 5. Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004                      | 11. Office of the Attorney General<br>(Alan Bergstein)   |
| 6. Councilmember Tommy Wells  | 12. Property Owners Within 200 Feet<br>(see attached list provided by<br>Applicant)                                      |
|   | 13. MLK Library (30 copies)  |

ATTESTED BY: Sharon S. Schellin  
Sharon S. Schellin  
Secretary to the Zoning Commission  
Office of Zoning

ZONING COMMISSION  
District of Columbia

CASE NO. 06-34  
EXHIBIT NO. 31

District of Columbia  
c/o Office of Prp Mgmnt  
441 4th St., NW St 100s  
Washington, DC 20001

Margaret R. Morgan  
34 18th St., SE  
Washington, DC 20003-1605

Rosetta Price  
Ozzie P. Price  
32 18th St., SE  
Washington, DC 20003-1605

Gloria R. Brown  
James R. Brown, II  
30 18th St., SE  
Washington, DC 20003-1605

James E. Wallace  
28 18th St., SE  
Washington, DC 20003-1605

G. Richardson  
Wilbur Richardson  
26 18th St., SE  
Washington, DC 20003-1605

Carl V. Hylton  
24 18th St., SE  
Washington, DC 20003-1605

Tyra S. Yiare  
Dorothy B. Robinson  
22 18th St., SE  
Washington, DC 20003-1605

Michael J. Temchine  
20 18th St., SE  
Washington, DC 20003-1605

Charles E. C. Brailey  
18 18th St., SE  
Washington, DC 20003-1605

Evelyn B. Spears  
16 18th St., SE  
Washington, DC 20003-1605

Mary C. Yancey  
14 18th St., SE  
Washington, DC 20003-1605

S. O. M. E. Inc.  
c/o Fr John Adams  
71 O St., NW  
Washington, DC 20001-1258

Mt. Moriah Baptist Church  
1636 E. Capitol St., NE  
Washington, DC 20003-1619

Bryant Young Trustee  
Bryant Young Living Trust  
19 17th St., SE  
Washington, DC 20003-1602

Joel M. Georghegan  
Nicole L. Mays  
21 17th St., SE  
Washington, DC 20003-1602

Geraldine W. Bonds Revocable Trust  
3411 Cohasset Ave.  
Annapolis, MD 21403-4739

Marcia L. Hagood  
29 17th St., SE  
Washington, DC 20003-1602

Anthony R. Washington  
31 17th St., SE  
Washington, DC 20003-1602

Mary J. Lewis  
33 17th St., NE  
Washington, DC 20002-6600



Michelle D. Huff  
Roxana Y. Rucker  
6341 11th Rd. N.  
Arlington, VA 22205-1717

Soon S. You  
Soon Y. You  
1620 A St., SE  
Washington, DC 20003-1615

Francis D. Taplett  
c/o Barbara T. Anderson  
300 N. Willow St.  
Trenton, NJ 08618-4710

Brooke Bernold  
17 17th St., SE  
Washington, DC 20003-1602

Frances W. Smith  
27 17th St., SE  
Washington, DC 20003-1602

C. J. King  
D. W. Thorn  
PO Box 55253  
Washington, DC 20040-5253

Frances T. Smith  
27 17th St., SE  
Washington, DC 20003-1602

Bradley J. Ross, Sr.  
C. J. Ross  
1 18th St., SE # 303  
Washington, DC 20003-1608

Robert Vignerot  
13717 Avonshire Dr.  
Silver Spring, MD 20904-6708

Matte Karlson  
1716 Half A St., SE  
Washington, DC 20003

Willie L. Byrd  
1710 A St., SE  
Washington, DC 20003-1617

Edward J. Luna  
1712 A St., SE  
Washington, DC 20003-1617

Dechane Dorsey  
1714 A St., SE  
Washington, DC 20003-1617

Manuel S. Orozco  
Fran L. Buntman  
1714 1/2 A St., SE  
Washington, DC 20003-1617

Vonneva Pettigrew  
1722 A St., SE  
Washington, DC 20003-1617

Kristie Walton  
Gwendolyn Walton  
1717 1st St., NW  
Washington, DC 20001-1117

Secbrue Cambrel  
Gladys Cambrel  
1724 A St., SE  
Washington, DC 20003-1617

James Jones  
1728 A St., SE  
Washington, DC 20003-1617

Wanda Hart  
1730 A St., SE  
Washington, DC 20003-1617

J. G. Simpson  
Delois A. Simpson  
1734 A St., SE  
Washington, DC 20003-1617



Ronald G. Owens  
1732 A St., SE  
Washington, DC 20003-1617

Arlena Porter  
1700 A St., SE  
Washington, DC 20003-1617

Cindy D. Makins  
2 Sig Bde  
Apo Ae, NY 09086

Christopher A. Garza  
1704 A St., SE  
Washington, DC 20003-1617

Lisa S. Schock  
1706 A St., SE  
Washington, DC 20003-1617

Willie B. Flowers  
Michael R. Flowers, Jr.  
1708 A St., SE  
Washington, DC 20003-1617

Nell G. Roberts  
28 17th St., SE # 1001  
Washington, DC 20003-1601

Roosevelt Williams, Jr.  
1606 25th St., SE  
Washington, DC 20020-5362

Catherine Miles  
Louise Miles  
1736 A St., SE  
Washington, DC 20003-1617

Brian Cooper  
Joan Hay  
1720 A St., SE  
Washington, DC 20003-1617

Sheryl Stuckey  
1726 A St., SE  
Washington, DC 20003-1617

Yolanda V. Kerney  
7 18th St., SE - Apt. 101  
Washington, DC 20003-1696

Samuel E. Brown, Jr.  
7 18th St., SE - Apt. 102  
Washington, DC 20003-1696

Annette Naeimypour  
7 18th St., SE - Apt. 103  
Washington, DC 20003-1696

Karla Smith  
c/o Unit 104  
7 18th St., SE  
Washington, DC 20003-1655

Archie Rich  
7 18th St., SE - Apt. 105  
Washington, DC 20003-1696

Gregory D. Brown  
7 18th St., SE - Apt. 106  
Washington, DC 20003-1696

Rolando Sanchez  
7 18th St., SE - Apt. 107  
Washington, DC 20003-1696

Russell Ellerbe  
7 18th St., SE - Apt. 108  
Washington, DC 20003-1696

Veronica J. Jackson  
7 18th St., SE - Apt. 201  
Washington, DC 20003-1697





Pauline I. Marshall  
7 18th St., SE - Apt. 202  
Washington, DC 20003-1697

Jonathan Finger  
7 18th St., SE - Apt. 204  
Washington, DC 20003-1697

Marquita R. Williams  
7 18th St., SE - Apt. 205  
Washington, DC 20003-1697

Evangelina Spratt  
13402 Colwyn Rd.  
Ft Washington, MD 20744-2905

David J. Doward  
7 18th St., SE - Apt. 207  
Washington, DC 20003-1697

William Oglesby  
Psc 560 Box 380  
Apo, Ap 96376-0013

Matthew E. O'Hara  
1 18th St., SE  
Washington, DC 20003-1608

Shawn Bucholtz  
1 18th St., SE # 102  
Washington, DC 20003-1608

Gene Smith  
1 18th St., SE # 103  
Washington, DC 20003-1608

Jennifer L. Charnetski  
1 18th St., SE # 104  
Washington, DC 20003-1608

Karla Lewis  
1 18th St., SE # 201  
Washington, DC 20003-1608

Kiran Ahuja  
1 18th St., SE # 202  
Washington, DC 20003-1608

Gwen E. O'Donnell  
1 18th St., SE - Apt. 203  
Washington, DC 20003-6626

William A. McKelligott  
Marcela McKelligott  
1 18th St., SE # 204  
Washington, DC 20003-1608

Kevin A. Keene  
1 18th St., SE # 301  
Washington, DC 20003-1608

Barry S. Cohen  
1 18th St., SE # 302  
Washington, DC 20003-1608

John D. Brewer  
1 18th St., SE # 304  
Washington, DC 20003-1608



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF RESCHEDULED<sup>1</sup> PUBLIC HEARING**

**TIME AND PLACE:** **Monday, June 18, 2007, @ 6:30 P.M.**  
**Office of Zoning Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. CASE NO. 06-34 (Comstock East Capitol, L.L.C. – Consolidated PUD and Related Map Amendment @ Square 1096, Lots 51, 52, 53, 54, and 55)**

**THIS CASE IS OF INTEREST TO ANC 6B**

On June 23, 2006, the Office of Zoning received applications from Comstock East Capitol, L.L.C. (the "Applicant"), owner of Lots 51, 52, 53, 54 and 55 in Square 1096 (the "Property"), requesting approval of a consolidated planned unit development (PUD) and a related zoning map amendment from R-4 to R-5-B for the Property. The case was set down for hearing by the Zoning Commission at its November 13, 2006 public meeting. The Applicant provided its pre-hearing statement as part of its applications on November 28, 2006.

Square 1096 is bounded to the north by East Capitol Street, to the east by 18<sup>th</sup> Street, SE, to the south by A Street, SE, and to the west by 17<sup>th</sup> Street, SE. The Property, consisting of approximately 42,629 square feet of land area, fronts the south side of East Capitol Street and is bounded to the east by an existing apartment building owned by the Mt. Moriah Baptist Church, to the west by the Drummond Condominium, and to the south by a 20-foot wide public alley running through Square 1096. The Property is improved with a vacant apartment building that contained 80 dwelling units.

The Applicant proposes to demolish the existing building and construct a new apartment house on the Property containing 134 dwelling units and garage parking for a total of approximately 113 cars. The floor area ratio ("FAR") of the Project will be approximately 2.73 FAR. The building height will measure approximately 50 feet.

The R-4 District permits detached, semi-detached and row single family dwellings and flats as a matter-of-right, as well as the conversion to multi-family use of a building built prior to 1958. 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 and conversions to multifamily use requires a minimum lot area of 900 square feet per unit. The maximum permitted height is 3 stories and 40 feet and the

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<sup>1</sup> The hearing was previously scheduled for Thursday, March 29, 2007.

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maximum permitted lot occupancy is 60 percent for row dwellings and flats and 40 percent for other structures. Each dwelling requires a 20 foot rear yard and a minimum of 1 parking space.

The R-5-B District permits matter-of-right moderate density development of general residential uses, including single family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 60%, a maximum FAR of 1.8 and a maximum height of 50 feet. Under Chapter 24, the guideline for height in a PUD is 60 feet and the guideline for FAR in a PUD is 3.0.

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;

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- (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 than 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**



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**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         | 60 minutes |
| 2. | Any 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 4<sup>th</sup> 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, MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**