

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

TIME AND PLACE: **Thursday, March 29, 2007, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th 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 18th Street, SE, to the south by A Street, SE, and to the west by 17th Street, SE. The Property, consisting 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 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.

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ZONING COMMISSION
District of Columbia

CASE NO. 06-34

EXHIBIT NO. 41

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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;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;

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- (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 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.

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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:

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| 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 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.**

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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