

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



MEMORANDUM

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**To:** Office of Documents and Administrative Issuance  
**From:** Sharon S. Schellin *SS*  
Secretary to the Zoning Commission  
**Date:** April 11, 2007  
**Re:** Publication for the Office of Zoning

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Please publish the following in the *D.C. Register* on April 20, 2007:

1. Z.C. Notice of Public Hearing (Case No. 02-38A);
2. Z.C. Notice of Public Hearing (Case No. 07-01); and
3. Z.C. Notice of Public Hearing (Case No. 07-12).

Attachment

ZONING COMMISSION  
District of Columbia

CASE NO. 07-4

EXHIBIT NO. 13

2007 APR 11 PM 2:55

Office of  
Documents and  
Administrative  
Issuances

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ZONING COMMISSION  
District of Columbia  
CASE NO. 07-01  
EXHIBIT NO. 13

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

**TIME AND PLACE:           Monday, June 4, 2007, @ 6:30 PM  
Office of Zoning Hearing Room  
441 4th Street, N.W., Suite 220  
Washington, D.C. 20001**

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

**Case No. 07-01 (Heritage Foundation – Rezoning Request for 208 Massachusetts Avenue, N.E. Square 755, portion of Lot 3 from CAP/R-4 to CAP/CHC/C-2-A)**

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

On January 3, 2007 the Office of Zoning received an application from the Heritage Foundation (“Applicant”). The Applicant, in accordance with Section 102 of the Zoning Regulations, requests an amendment to the Zoning Map of the District of Columbia. The Office of Planning provided its report on March 2, 2007 and the case was set down for hearing on March 12, 2007.

The property that is the subject of this application is 208 Massachusetts Avenue, N.E., located in Square 755, Lot 3 (the “Property”). The Property is improved with a mixed-use building that occupies almost the entire site and is split-zoned. As a result of the split-zoning, the building is subject to two different zoning districts. The front portion of the Property is subject to the CAP/CHC/C-2-A and the rear portion of the Property is subject to the CAP/R-4 zone. The Applicant is requesting that the zone district boundary dividing its Property be adjusted so that the lot is in a single zone.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022. Pursuant to § 3020.2 of the Regulations, the Commission will impose time limits on the testimony of all individuals.

**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 is 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;

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- (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. The information shall be filed no later than fourteen (14) days before the date of the hearing.

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.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> 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, GREGORY N. JEFFRIES, JOHN G. PARSONS, AND 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.**