

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

**TIME AND PLACE: Monday, September 29, 2008, @ 6:30 PM (2nd Case)
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 05-38A (Marina View Trustee LLC – Modification of Approved Consolidated Planned Unit Development)

THIS CASE IS OF INTEREST TO ANC 6D

On June 5, 2008, the Office of Zoning received an application from Marina View Trustee LLC (the “Applicant”) requesting consent calendar (“minor modification”) approval of a modification request of the planned unit development (“PUD”) that was approved in Zoning Commission Case No. 05-38 (which became final and effective on October 26, 2007). At the Zoning Commission’s July 14, 2008 public meeting, the Zoning Commission removed the item from its consent calendar, and instead set it down for a public hearing as a regular modification request.

The Office of Planning provided a report on this modification request (dated July 3, 2008) and ANC 6D provided a resolution in support of this modification request (dated June 10, 2008). The Applicant’s minor modification application statement shall serve as its pre-hearing statement.

The property that is the subject of this application is bounded by M, 6th and K Streets, S.W., and is known as Square 499, Lot 61 (also known as Lots 855, 856, 857, 858, and 859) (the “Subject Property”). The Subject Property is located in the Southwest neighborhood of Ward 6 and consists of approximately 135,263 square feet of land area. The original PUD Order approved up to 570 residential units spread among four residential buildings (including the two existing buildings designed by noted architect I.M. Pei), 16,000 square feet of workforce affordable housing (approximately 18 units), and 8,900 square feet of retail use along M Street, S.W.

The Applicant’s modifications to the approved PUD include: (i) refinements of some of the facades and roof structures of the various buildings, (ii) removal of the for-sale component; (iii) relocation of a pool from inside the Amenities Building to outside, adjacent to the Great Lawn; (iv) an increase in the maximum number of units in the project to 580 (an increase of less than 2%); and (v) modifications to the community amenities package.

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 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;
 - (2) The legal interest the person has in said 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 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.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR.,
MICHAEL G. TURNBULL, AND PETER G. MAY ----- ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR
AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**