

RECEIVED

D.C. OFFICE OF ZONING

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

EXHIBIT - 5 PM 12: 20

TIME AND PLACE:

Thursday, December 7, 2006, @ 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

ZONING COMMISSION
District of Columbia

CASE NO. 03-12C/03-13C

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

EXHIBIT NO. 21

CASE NO. 03-12C/03-13C (Square 769 LLC and the D.C. Housing Authority)

THIS CASE IS OF INTEREST TO ANC 6D

On April 21, 2006, the Office of Zoning received an application from Square 769 LLC and the D.C. Housing Authority (collectively, the Applicants). The Applicants are requesting final approval of Phase II of a planned unit development (PUD). The Office of Planning provided its report on June 30, 2006, and the case was set down for hearing on July 10, 2006. The Applicants provided their prehearing statement as part of their application on August 4, 2006.

The property that is the subject of this application is part of the larger PUD approved in Z.C. Order No. 03-12/03-13 for the redevelopment of the Capper/Carrollsborg project. This portion of the PUD consists of approximately 27,960 square feet of land area and is located in the block bounded by 2nd, 3rd, L and M Streets, S.E. The property fronts on the north side of M Street between 2nd and 3rd Streets and is known as Square 449, parts of lots 18, 20 and 21. The subject property is currently zoned CG/C-3-C. No change of zoning is requested.

The Applicants propose to construct a commercial development consisting of an office building with ground floor retail and service uses. The building will have a maximum height of approximately 110 feet. The total gross floor area of the project is approximately 200,780 square feet; the proposed overall floor area ratio (FAR) of the project is 7.18. The project will contain a total of approximately 238 parking spaces.

The C-3-C District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 100%, a maximum FAR of 6.5 and a maximum height of 90 feet. Under Chapter 24, the guideline for height in a PUD is 130 feet and the guideline for FAR in a PUD is 8.0.

The Capitol Gateway (CG) Overlay adds requirements and restrictions beyond those provided in the underlying zones, as set forth in 11 DCMR Chapter 16.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

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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.

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:

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- (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;
- (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 |

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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.**

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 S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.