Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 05-36

As Director of the Office of Zoning, I herby certify that on NOV 22 2005 copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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2. John Ray, Esq.
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3. Joseph V. Fengler, Chair
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4. Commissioner Joseph Fengler
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7. Office of Planning (Ellen McCarthy)

8. Ken Laden, DOT

9. Zoning Administrator

10. Property Owners Within 200 Feet (see attached listed provided by Applicant)

11. 30 copies to MLK Library

12. Office of the Attorney General

13. Julie Lee
General Counsel
941 North Capitol Street, N.E.
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ZONING COMMISSION
District of Columbia
CASE NO. 05-36
EXHIBIT NO. 9

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

ZONING COMMISSION
District of Columbia
CASE NO.05-36
EXHIBIT NO.9

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, January 5, 2006, 6:30 P.M.**
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. 05-36 (First Stage and Consolidated PUD & Related Map Amendment – 200 K Street, N.E.)

THIS CASE IS OF INTEREST TO ANC 6C

200 K Street Limited Partnership ("Applicant") requests approval of a first stage and a consolidated Planned Unit Development ("PUD") and related Zoning Map Amendment. This application is derived from a related case, Zoning Commission Case No. 01-28TE, in which the Applicant sought a time extension and modification to a Consolidated Planned Unit Development and Map Amendment on the same site. On November 17, 2005, the Zoning Commission denied the time extension requested by the Applicant in Case 01-28TE, but voted to set down the proposed modified project as a new case. The Commission also agreed to treat the Office of Planning report submitted March 4, 2005, as its preliminary report and OP's September 23, 2005 report, as its final report for the new case, and the pre-hearing statements submitted by the Applicant on April 25, 2005 and September 29, 2005 as the pre-hearing statement for the new case.

The property that is the subject of this application consists of approximately 101,082 square feet of land area, and is located at 200 K Street, N.E. (Square 749, Lots 2-8, 18, 23-26, 31-42, 57, 63, 66, 804, 805, 806-809, 812-815, 818, 819, 820, 822). The subject property is zoned C-M-3 and C-2-B.

A description of the area that comprises the first stage application and a description of the area that comprises the second stage will be provided by the Applicant at the hearing.

The Applicant proposes to construct a mixed use project with residential and retail components, built in two phases. When completed, the project will be a single building. The building will have a maximum height of 130 feet, will include 831,841 square feet of residential space, 17,497 square feet of retail space (including a 3,449 square feet of day care facility), and will contain 702 parking spaces.

The Applicant requests that the subject properties be rezoned C-3-C.

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 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.

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;

(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 pre-hearing 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.

When it set down this case, the Zoning Commission elected to treat the report submitted by Advisory Neighborhood Commission (ANC) 6C on November 14, 2005 in connection with Case No. 01-28TE as the written report described in § 3012.5. ANC 6C is therefore not required to file another report to participate in the hearing. However, if ANC 6C wishes to file a report supplementing its November 14, 2005 report, the ANC must submit the written report no later than seven (7) days before the date of the hearing.

Time limits.

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

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.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, MICHAEL G. TURNBULL, FAIA, AND GREGORY N. JEFFRIES ---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.