

Holland & Knight

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September 28, 2012

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RECEIVED
D.C. OFFICE OF ZONING
2012 SEP 28 PM 1:22

VIA HAND DELIVERY

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Zoning Commission Application No. 09-22
Revised Application for Review in the Capitol Gateway
Overlay District
Square 700, Lots 43 and 866 (the "Property")

Dear Members of the Commission:

On behalf of MR Ballpark 4 LLC, owner of the Property ("Owner"), we submit an original and twenty copies of the following materials, supplementing the application previously filed with the Zoning Commission and assigned Application No. 09-22:

- Completed revised application form (Form 120), including request for area variance relief from loading requirement;
- Supplemental filing fee of \$1,040.00 for requested additional variance, along with Form 126- Fee Calculator; and
- Revised architectural plans illustrating the project as revised - superseding the plans originally filed with the application.

Subsequent to the filing of its original application materials, Owner met with representatives from the DC Office of Planning and DC Department of Transportation to discuss its proposed plans for redevelopment of the Property. In response to issues raised in those discussions, Owner undertook further study of a number of aspects of the building's design, including parking and loading configurations, the proposed façade treatments along all four elevations of the building, the proposed use of vault space, and the efficiency of its building core and floor layout. Those refinements are reflected in the revised plans presented herein. With particular respect to the loading configuration, the Applicant has reduced the

ZONING COMMISSION
District of Columbia
CASE NO. 09-22
EXHIBIT NO. 7

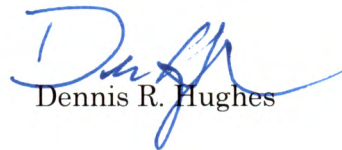
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number of loading berths (from three to two) and related loading platforms (also from three to two) in direct response to concerns raised regarding the size of curb cuts along Van Street, SE, that would be necessary to accommodate the amount of required loading. As the Applicant will demonstrate through evidence and testimony provided as part of the public hearing in this matter, the grant of variance relief from the Zoning Commission from this loading requirement is appropriate.

With these revisions to the original application, we believe that the application is complete, and we request that the Commission schedule a public hearing on the application.

Sincerely,

HOLLAND & KNIGHT LLP



Dennis R. Hughes

Enclosures

cc: Office of Planning
Advisory Neighborhood Commission 6D

#11580797_v2

**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

APPLICATION (Amended)

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance – Use Variance Special Exception	Section No(s).
	700	43, 866	CG/CR	Special Exception	1610
	"	"	"	Area Variance	1605.5
	"	"	"	Area Variance	2201.1

Present use(s) of Property:	Vacant		
Proposed use(s) of Property:	Twelve-story office building with ground floor retail uses		
Owner of Property	MR BALLPARK 4 LLC	Telephone No:	202-777-2000
Address of Owner:	1700 K Street, N.W., Ste 600, Washington, DC 20006		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice: Application of MR BALLPARK 4 LLC, pursuant to 11 DCMR §§ 1610 and 3104, for special exception review and approval by the Zoning Commission of new construction pursuant to the requirements of the Capitol Gateway (CG) overlay, and pursuant to 11 DCMR §§ 1605.5, 2201.1 and 3103.2, for area variance relief from the street-wall setback requirements for new construction along South Capitol Street, S.E. and from loading requirements, to allow construction of a twelve-story office building with ground floor retail uses in a CG/CR District (Square 700, Lots 43 and 866).

Estimated construction cost		Advisory Neighborhood Commission Single-Member District(s)	6D-07
Date:	9/28/12	Signature:	 Applicant*

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing to act on his/her behalf shall accompany the notice of application.

**To be notified of hearing and decision:
(Owner or Authorized Agent*)**

Name:	Dennis R. Hughes				
Address:	Holland & Knight LLP, 800 17 th Street, N.W., Suite 1100, Washington, DC 20006				
Phone No.:	(202) 955-3000	Fax No.:	(202) 955-5564	E-Mail:	dennis.hughes@hklaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.



BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	1	\$1,040
TOTAL FOR VARIANCES:			\$1,040

SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		
TOTAL FOR SPECIAL EXCEPTIONS:			

APPEAL:			
NCP/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			
GRAND TOTAL:			\$1,040

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Name: Dennis R. Hughes

Signature: 

Exhibit No. _____

Last Revised (10/18/10)

Case No. 09-22