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May 9, 2013

VIA HAND DELIVERY

Anthony Hood, Chairman
D.C. Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

ZONING COMMISSION
District of Columbia

CASE NO. 12-05A

EXHIBIT NO. 1

Re: Zoning Commission Case No. 12-05A – Zoning Commission Design Review and Special Exception and Variance Relief for Square 701, Lot 170¹ (the “Property”) – Proposed Modification of Capitol Gateway (“CG”) Overlay District Review

Dear Chairman Hood and Members of the Zoning Commission:

On behalf of Ballpark Square LLC (the “Applicant”), the applicant in Zoning Commission Case Nos. 12-05 and co-developer of the Property, we hereby submit an application for the modification to Zoning Commission Order No. 12-05 (“Order”). The Order granted approved the design of an approximately 661,545 square foot mixed-use development,

¹ Lot 170 in Square 701 has been created out of Lots 33-41, 48-61, 131-136, 155-160, 816-817, 822, 823, 828-830, 832-834, and 854-856. This application only affects the property that is comprised of Assessment and Taxation (“A&T”) Lot 868, which is the portion of Lot 170 on which the hotel and residential uses are proposed. Since A&T Lot 869 is not a part of this application, SCD Acquisitions, LLC and its affiliate (and current owner of A&T Lot 869) Ballpark Square 701, LLC, is not a party to this modification of Z.C. Order No. 12-05.

containing separate components for office, hotel, and residential uses tied together through a ground floor retail pedestal (the “**Project**”). The Applicant hereby requests a modification to Project approved by the Order to allow for the reorientation of the residential component, which results in changes to the residential building’s appearance on First Street, S.E. and a modest increase in the number of units and gross rentable area, among other small changes. The hotel and office components, along with the ground retail elements of those structures, and the two story retail structure on Lots 155 and 156 remain unchanged in this modification.

Enclosed please find the following:

- Modification Application Form.
- Statement in Support of the Application.
- Plan set (Exhibit A), including:
 - plans of the proposed building, including elevations, sections, landscape, and streetscape plans;
 - excerpt from the Zoning Map;
 - photographs of the site;
 - comparisons of approved plans with modified plans.
- A Copy of the Order (Exhibit B).
- Excerpt of Comprehensive Plan Map (Exhibit C).
- Property Owner List (Exhibit D).
- Authorization Letter Authorizing this Application (Exhibit E).
- The requisite filing fee for this request of One Thousand, Three Hundred Twenty-Four and 96/100 Dollars (\$1,324.96) in checks made payable to the DC Treasurer, in accordance with 11 DCMR §§ 1610.8 and 3040.4.

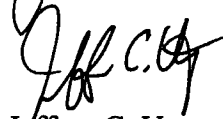
The Applicant requests that the Zoning Commission review this modification request at its earliest possible opportunity.

If you have any questions or comments regarding the proposed modification, please feel free to contact the undersigned.

Sincerely yours,



John T. Epting



Jeffrey C. Utz

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter and enclosures were hand-delivered to the following on May 9, 2013.

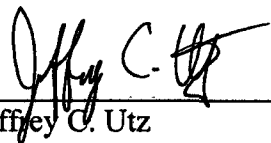
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