

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 12-05A

MAY 24 2013

As Secretary to the Commission, I hereby certify that on _____ 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:

1. D.C. Register (via e-mail)
2. John Epting, Esq.
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1999 K Street, N.W., 5th Floor
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3. Commissioner Ed Kaminski
6D02@anc.dc.gov 5/22/13
4. ANC 6D
1101 4th Street, S.W. Suite W130
Washington, D.C. 20024
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
6. Councilmember Tommy Wells
7. Office of Planning (Harriet Tregoning)
8. DDOT (Jamie Henson)
9. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
Washington, D.C. 20024
10. Office of the Attorney General (Alan Bergstein)
11. Property Owners Within 200 Feet (see attached list provided by Applicant)
12. MLK Library (30 Copies)

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 12-05A

EXHIBIT NO. 7

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ZONING COMMISSION
District of Columbia
CASE NO.12-05A
EXHIBIT NO.7

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

TIME AND PLACE: Monday, July 15, 2013, @ 6:30 P.M.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 12-05A (Ballpark Square, LLC - Modification to Capitol Gateway Overlay District Review @ Square 701, Lot 169 (formerly Lots 155 and 156) and Lot 170 (formerly Lots 33-41, 48-61, 131-136, 157-160, 816-817, 822, 823, 828-830, 832-834, and 854-856)

THIS CASE IS OF INTEREST TO ANC 6D

On May 9, 2013, the Office of Zoning received an application from Ballpark Square, LLC (the "Applicant"). The Applicant is requesting the review and approval of a modification to the residential structure previously approved as part of the new development along 1st and M Streets, S.E., pursuant to Z.C. Order No. 12-05 based on the Capitol Gateway Overlay District provisions set forth in 11 DCMR § 1604. The Applicant is also maintaining its request for Zoning Commission approval for the use of Combined Lot Development rights ("CLDs") for development over 8.5 FAR pursuant to 11 DCMR § 1602.1(e). The Applicant is maintaining its previously approved special exception relief approval, pursuant to § 2116.5, from the location of parking spaces requirements, and variance relief approval from the loading requirements of § 2201.1 and the rear yard requirement of § 636 for the residential and hotel structures.

The property which is the subject of this application consists of approximately 77,209 square feet of land area. The property is comprised of two parcels – a north parcel of approximately 73,591 square feet of lot area (the "Main Parcel") and a south parcel of approximately 3,618 square feet of lot area (the "South Parcel"). The property is bound by M Street, S.E. to the north, 1st Street, S.E. to the east, Cushing Place, S.E. and an adjacent property owner's land to the west, and N Street to the south. The property is currently vacant and is zoned CG/CR, a district in which residential, hotel, retail and office uses are permitted as a matter-of-right.

The Applicant's modification request seeks an increase in the number of units and gross rentable area of the project and a reduction of the retail use within the residential component,. If granted, the residential component would be enlarged from approximately 260,240 square feet (approximately 292 units) to 303,993 square feet (approximately 326 units) while the retail use within the residential component would be reduced from approximately 28,063 square feet to 26,529 square feet. Also, the total retail use provided by the Project would be reduced from approximately 46,467 square feet to approximately 45,033 square feet. The hotel and office components, along with the ground retail elements of those structures, and the two story retail structure on Lot 169 remain unchanged in this modification. The Project will still contain approximately 170 hotel rooms, 223,819 square feet of office use, and 370-380 parking spaces. As a result of the proposed enlargement of the residential component, the total square footage would be increased from 653,159 square feet (8.89 FAR) to approximately 695,625 square feet (9.46 FAR). The total building height will still be approximately 130 feet.

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

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 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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