

Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S. Schellin *SS*
Acting Secretary to the Zoning Commission

DATE: March 8, 2006

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on March 17, 2006:

- 1 Z C Notice of Filing (Case No. 06-14),
- 2 Z C Notice of Emergency and Proposed Rulemaking (Case No. 06-06),
- 3 Z.C Notice of Public Hearing (Case No. 06-06), and
- 4 Z C Notice of Public Hearing (Case No. 06-03)

Attachments

Office of
Documents and
Administrative
Issuances
2006 MAR -8 PM 4:51

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

TIME AND PLACE: **Thursday, May 25, 2006, @ 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 06-03 (Capitol Gateway Overlay District Review @ Square 743N, Lots 58-61, 63-66, 801-805, 813 and pt. 822 – 100 M Street, SE)

THIS CASE IS OF INTEREST TO ANC 6D

On February 1, 2006, the Office of Zoning received an application from 100 M St SE, L L.C (the "Applicant"), on behalf of Square 743, Inc. et al, owners of the property. The Applicant is requesting review and approval of new development along M Street, S E, pursuant to the Capitol Gateway Overlay District provisions set forth in Section 1604. In addition, the Applicant seeks special exception approval, pursuant to 11 DCMR § 1604.9, from the rear yard requirements set forth in § 774 and variance approval, also pursuant to 11 DCMR § 1604.9, from the court requirements of §776.

The property which is the subject of this application consists of approximately 26,400 square feet of land area and is located at 100 M Street, S E (Square 743N, Lots 58-61, 63-66, 801-805, 813 and pt. 822 and a portion of the public alley to be closed). The property is bounded to the east by a public alley, to the south by M Street, S.E., to the west by 1st Street, S E, and to the north by adjacent property. The property is currently vacant and is zoned C-3-C, a district in which office uses are permitted as a matter-of-right.

The Applicant proposes to redevelop the property with a new twelve-story office building with ground floor retail. Four levels of below-grade parking will be provided. The floor area ratio ("FAR") of the property will be approximately 9.96 FAR. The building height will measure approximately 130 feet. The property will be extensively landscaped. Vehicular access to required parking will be provided from 1st Street, S E.

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

Interested persons or representatives of organizations will be heard at the public hearing. **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

*This hearing was originally scheduled to be held on April 6, 2006, as indicated in a public hearing notice published in the February 17, 2006, edition of the *D C Register*."

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 Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person 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 and address,
- (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, and
- (f) 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 such person, or in which the person has an interest, that will be affected by the action requested of the Commission,
 - (2) The legal interest such person has in such 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 environmental, 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,
 - (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 Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission

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shall grant party status only if the person requesting party status has clearly demonstrated 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

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record

The Zoning Commission hereby gives notice of the following procedures applicable to this case
Any person requesting to appear as a party to this application shall submit the following additional information.

- 1 A summary of the testimony of each witness
- 2 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 of qualifications of the proposed experts
3. The total amount of time being requested to present the case.

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 above relating to the hearing procedures. The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply

1	Applicant	60 minutes
2	Other Parties	15 minutes
3	Organizations	5 minutes
4	Individuals	3 minutes

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. 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

Information should be forwarded to the Director, Office of Zoning, Suite 200, 441 4th Street, N.W., Washington, D C 20001. Please include the number of this particular case and your

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daytime telephone number. **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, 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.