

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 06-46

As Secretary to the Commission, I hereby certify that on NOV 30 2006 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*
2. Norman Glasgow, Jr., Esq.
Holland & Knight, LLP
2099 Pennsylvania Ave., N.W.
Washington, D.C. 20006
3. Andy Litsky, Chair
ANC 6D
25 M Street, SW
Washington, DC 20024
4. Commissioner Robert Siegel
ANC/SMD-6D07
919 5th Street, SE
Washington, DC 20003
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
6. Councilmember Sharon Ambrose
7. Office of Planning (Ellen McCarthy)
8. DDOT (Ken Laden)
9. Zoning Administrator (Bill Crews)
10. Jill Stern, Esq.
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002
11. Office of the Attorney General
(Alan Bergstein)
12. Property Owners Within 200 Feet
(see attached list provided by
Applicant)
13. MLK Library (30 Copies)

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

ZONING COMMISSION
District of Columbia

Mr. Ballpark 3 LLC
1155 Conn Ave., NW - Ste. 700
Washington, DC 20036-4313

First & M. Street LLC
c/o Floyd E. Davis Co.
1629 K St., NW - Ste. 900
Washington, DC 20006-1638

Cofeld LLC
7811 Montrose Rd. - Ste. 500
Potomac, MD 20854-3300

Mr. N. Street Southeast LLC
Monument Realty
1155 Connecticut Ave., NW Ste.
Washington, DC 20036-4313

First & M. Street LLC
c/o Floyd E. Davis Co.
1629 K St., NW - Ste. 900
Washington, DC 20006-1638

Barry Cohen
6000 Executive Blvd.
Rockville, MD 20852-3803

Welch Family LP Six
1220 L St., NW - Ste. 100
Washington, DC 20005-4018

Welch Family Ltd. Prtnrshp
1220 L St., NW - Ste. 100
Washington, DC 20005-4033

United States of America
5802 Georgia Ave., NW # N06
Washington, DC 20011-2931

Southeast Realty LLC
Lerner Corporation
11501 Huff Ct.
Kensington, MD 20895-1043

Mr. Ballpark 3 LLC
Monument Realty
1155 Conn Ave., NW 7th FL
Washington, DC 20036-4306

Michael P. Meisel
Marc L. Meisel
Axent Realty Group
7811 Montrose Rd. - Ste. 500
Potomac, MD 20854-3300

Cofeld LLC
Axent Realty Group
7811 Montrose Rd. - Ste. 500
Potomac, MD 20854-3300

Washington Metropolitan Area Transit Authority
(WMATA)
c/o Office Real Estate
600 5th St., NW
Washington, DC 20001-2610

Mr. Ballpark 5 LLC
1155 Conn Ave., NW - Ste. 700
Washington, DC 20036-4313

Welch Family Limited Ptnsp Twelve
1220 L St., NW
Ste. 100-560
Washington, DC 20005-4018

Welch Family LP Six
Axent Realty Group
7811 Montrose Rd. - Ste. 500
Potomac, MD 20854-3300

District of Columbia
1350 Pennsylvania Ave., NW
Washington, DC 20004-3001

United States of America
c/o GSA
1800 F St., NW - Ste. 6340
Washington, DC 20405

Wells Reit, II 80 M. Street LLC
Marvin Poer & Co/ - Ste. 100-Rav
4 Executive Park W.
Atlanta, Ga 30329-2245

Sun Oil Company
Tax Dept
1735 Market St. - Ste. L1
Philadelphia, PA 19103-7528

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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:

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