

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

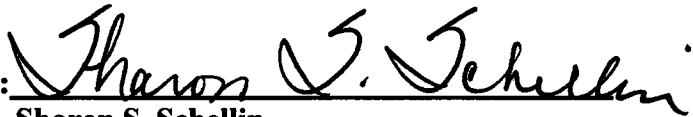


Z.C. CASE NO.: 07-17

As Secretary to the Commission, I hereby certify that on **JUN 29 2007** 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. <i>D.C. Register</i> | 7. Councilmember Tommy Wells |
| 2. Allison Prince, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 8. Office of Planning (Harriet Tregoning) |
| 3. Jacques D. DePuy
Greenstein DeLorme & Luchs
1620 L Street, N.W.
Washington, D.C. 20036 | 9. DDOT (Ken Laden) |
| 4. Robert Moffatt, Chair
ANC 6D
25 M Street, SW
Washington, DC 20024 | 10. Acting Zoning Administrator
(Matthew LeGrant) |
| 5. Commissioner Robert Siegel
ANC/SMD 6D07
919 5th St SE
Washington, DC 20003 | 11. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 6. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 12. Office of the Attorney General
(Alan Bergstein) |
| | 13. Property Owners Within 200 Feet
(see attached list provided by
Applicant) |
| | 14. MLK Library (30 Copies) |

ATTESTED BY:



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

ZONING COMMISSION
District of Columbia

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001
Telephone: (202) 727-6311

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E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

CASE NO. 07-17
EXHIBIT NO. 22

ZONING COMMISSION
District of Columbia
CASE NO. 07-17
EXHIBIT NO. 22

Square 742 LLC
c/o Spaulding & Slye Services, LP
1100 New Jersey Avenue SE
Washington, DC 20003-3302

Trinette Smith
112 Canyon Place
Capitol Heights, MD 20743-2645

District of Columbia Housing Authority
1133 North Capitol Street NE Suite 210
Washington, DC 20002-7549

Washington Navy Yard
1014 N Street SE
Washington, DC 20374-5001

Federal Center LP
1730 K Street NW Suite 1204
Washington, DC 20006

United States of America
301 7th St SW
Washington, DC 20407-0001

Square 769 LLC
William C Smith & CO.
1100 New Jersey Ave SE #1000
Washington, DC 20003-3302

First & M Street LLC
c/o Floyd E. Davis CO.
1629 K ST NW STE 900
Washington, DC 20006-1638

Cofeld LLC
6000 Executive Blvd
Rockville, MD 20852-3803

100 M St SE LLC
2099 Gaither Rd
Rockville, MD 20850-4044

Cofeld LLC
47811 Montrose Road Suite 500
Potomac, MD 20854

NJA Associates LLC
2101 Wisconsin Avenue NW
Washington, DC 20007-2232

Wells Reit II 80 M Street LLC
Marvin Poer & Co.
4 Executive Park W
Atlanta, GA 30329-2245

Welch Family Limited Partnership
1220 L Street New Suite 100
Washington, DC 20005-4033

WMATA
600 5th St NW
Washington, DC 20001-2610

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

Anacostia Waterfront Corporation
1100 New Jersey Avenue SE Suite 700
Washington, DC 20003

Square 743 Inc.
1215 Fort Myer Dr # 00101
Arlington, VA 22209-3506

Michael P Meisel
Axent Realty Group
47811 Montrose Road Suite 500
Potomac, MD 20854

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

TIME AND PLACE: Thursday, July 26, 2007, @ 6:30 P.M. (2nd Case)
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. 07-17 (Southeast Federal Center Overlay District Review @ Southeast Federal Center: Square 744, Lot 806; Square 771, Lot 800; Square 827; and portions of Potomac Avenue, S.E. to be closed)

THIS CASE IS OF INTEREST TO ANC 6D

On June 1, 2007, the Office of Zoning received an application from Forest City SEFC, LLC, (the "Applicant"), on behalf of United States of America, General Services Administration, owners of the property. The Applicant is requesting review and approval of four (4) temporary parking lots within the Southeast Federal Center site, pursuant to the Southeast Federal Center Overlay District provisions set forth in Section 1803.2(o) and 1804.2(g). The Zoning Commission will review this application in accordance with the standards specified in 11 DCMR § 1808.

The property which is the subject of this application consists of approximately 303,985 square feet of land area, consisting of four (4) sites and is located within the Southeast Federal Center (Square 744, Lot 806, Square 771, Lot 800, Square 827 and portions of Potomac Avenue, S.E. to be closed). The property is generally bounded to the west by First Street, S.E., by adjacent property and Tingey Street, S.E. to the north, the U.S. Navy Yard to the east and adjacent property and Reservation 248 to the south. The property is currently vacant and is zoned SEFC/CR, SEFC/R-5-E and SEFC/R-5-D, all districts in which temporary parking lots are permitted for a maximum period of five (5) years after review and approval by the Zoning Commission.

The Applicant proposes to construct four (4) temporary parking lots, each for a maximum period of five (5) years, to be used by the tenants and visitors of office, retail and residential buildings to be constructed within the Southeast Federal Center by the Applicant, employees and visitors of the Navy Yard and U.S. Department of Transportation, as well as patrons and employees of the new Baseball Stadium, upon completion of its construction. The parking lots will be landscaped and illuminated by pole lighting. Vehicular access to the parking lots will be provided from 1st Street, New Jersey Avenue, Tingey Street and 4th Street, S.E.

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

*This Public Hearing Notice was previously published with the incorrect hearing date of July 26, 2006.

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 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 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 daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**Z.C. PUBLIC HEARING NOTICE
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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.