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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ^{S3}
Secretary to the Zoning Commission
Date: July 21, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 1, 2008:

1. Z.C. Notice of Public Hearing (Case No. 08-04A).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 08-04A
EXHIBIT NO. 7

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO. 08-04A
EXHIBIT NO. 7

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

TIME AND PLACE: **Monday, November 17, 2008, 6:30 PM**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 08-04A (Forest City Washington – Southeast Federal Center Overlay District Review – Waterfront Park Phase II)

THIS CASE IS OF INTEREST TO ANC 6D

On July 11, 2008, the Office of Zoning received an application from Forest City Washington (the “Applicant”) on behalf of the United States of America, General Services Administration, the owner of the Property. The property that is the subject of the application is known as “Parcel P” of the Southeast Federal Center and is bounded by the DC Water and Sewer Authority facility to the west, the Washington Navy Yard to the east, proposed Water Street, S.E. and River Street, S.E. to the north, and the Anacostia River to the south (Square 771, Lots 801 and 802). The property is located in the SEFC/W-0 Zone District. Phase I of the waterfront park was approved by the Zoning Commission in Order No. 08-04, and the Applicant has requested that the record in that case be incorporated into the record of this matter.

The Applicant is requesting review and approval of Phase II of its proposed waterfront park along the Anacostia River, pursuant to § 1805.11 of the Zoning Regulations. In addition, as permitted under § 1809.1 of the Regulations, the Applicant also requests the following areas of special exception approval: pursuant to § 925, for multiple retail and service uses in the W-0 Zone District; pursuant to § 1805.6, for uses in the Open Space area of the SEFC/W-0 Zone District; pursuant to § 411, for roof structure relief, and pursuant to § 2120.6, for relief from the parking requirements for an addition to an historic structure. The Applicant also requests variance relief from the lot requirement of § 3203.2. Finally, the Applicant requests variance relief from the height requirement of § 930 and the waterfront setback requirement of § 938 for a proposed public art tower within the park.

The Applicant proposes the construction of a series of improvements that will bring retail and service uses to the waterfront park approved in Phase I. Phase II consists of the renovation and improvement of the existing two-story historic Lumberyard Building, the construction of two new two-story retail pavilions connected to the historic building, and the proposed uses within the new building. In conjunction with the approval of the retail pavilions, the Applicant also seeks approval of the proposed uses for the waterfront kiosks. Finally, the Applicant seeks design approval for a proposed public art tower that will be located within the park.

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

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. 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. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

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 Zoning Regulations.

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 fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (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;
- (f) A summary of the testimony of each witness;
- (g) 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 or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) 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 the person, or in which the person has an interest, that will be affected by the action requested of the Commission;

- (2) The legal interest the person has in said 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 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; and
- (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 applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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| 1. | Applicant | 60 minutes collectively |
| 2. | Other Parties | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G. MAY, 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.