

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-30

DEC 1 2008

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. <i>D.C. Register</i> | 7. Office of Planning (Harriet Tregoning) |
| 2. Paul Tummonds, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 8. DDOT (Karina Ricks) |
| 3. Robert Moffatt, Chair
ANC 6D
P.O. Box 71156
Southwest Station
Washington, DC 20024 | 9. Zoning Administrator (Matthew LeGrant) |
| 4. Commissioner Robert Siegel
6D07
919 5th St SE
Washington, DC 20003 | 10. General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 11. Office of the Attorney General
(Alan Bergstein) |
| 6. Councilmember Tommy Wells | 12. Property Owners Within 200 Feet
(see attached list provided by Applicant) |
| | 13. MLK Library (30 Copies) |
| | 14. DDOE (Corey Buffo) |

ATTESTED BY:

Sharon S. Schellin

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

ZONING COMMISSION
District of Columbia

08-30

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

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ZONING COMMISSION
District of Columbia
Web Site: www.dcoz.dc.gov

CASE NO.08-30
EXHIBIT NO.8

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

TIME AND PLACE: **Thursday, January 29, 2009 @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 08-30 Capitol Gateway Overlay District Review @ Square 700, Lots 33, 802, 840, 841, 850, 857, 864, 865, 868, 871, and 872)

THIS CASE IS OF INTEREST TO ANC 6D

On November 12, 2008, the Office of Zoning received an application from West Half 1, LLC; West Half 2, LLC; and West Half 3, LLC (collectively, the "Applicants"). The Applicants are requesting review and approval of new development along M Street, SE and Half Street, SE, pursuant to the Capitol Gateway Overlay District provisions set forth in Chapter 16 of the Zoning Regulations. In addition, the Applicants seek special exception relief from the roof structure requirements set forth in §§ 639 and 411 with regard to the number of roof structures and their varying heights. The Applicants also seek variance relief from the loading requirements set forth in § 2201, the ground floor retail requirements of § 1607, and the step back requirements of § 1607.

The property which is the subject of this application consists of approximately 87,989 square feet of land and is located at 25 M Street, S.E. (Square 700, Lots 33, 802, 840, 841, 850, 857, 864, 865, 868, 871, and 872). The property is bound to the north by M Street, S.E., to the south by N Street, S.E., to the west by Van Street, S.E. and to the east by Half Street, S.E. The property is located in the CG/CR Zone District.

The Applicants propose to develop the property with an approximately 700,000 square foot mixed-use development consisting of residential, office and retail uses. The floor area ratio of the project will be 7.9 and the building will have a maximum height of 110 feet. Vehicular access to required parking and loading will be provided from Van Street, SE.

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

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Commission. All requests and comments should be submitted to the Commission through Sharon S. Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, NW, Suite 200/210-S, Washington, D.C. 20001. Please include the case number on all correspondence.

Individuals and organizations wishing party status in this case must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with § 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 Applicants shall also provide the information indicated in (e) through (h) 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:

- | | |
|-------------------------------------|---|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition | 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, PETER G. MAY, AND
MICHAEL G. TURNBULL — ZONING COMMISSION FOR THE
DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND
BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

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Mr. Ball Park 2 LLC
Mr. Ball Park 4 LLC
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