

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



September 6, 2012

ANC 7C
4651 Nannie Helen Burroughs Ave., N.E. #2
Washington, D.C. 20019

Commissioner Mary L. Gaffney
ANC/SMD 7C05
328 62nd Street, N.E. #201
Washington, D.C. 20019

ANC 7E
5001 Hanna Place, S.E.
Washington, D.C. 20019

Re: Notice of Receipt of Z.C. Case No. 12-16 (CG Marketplace, LLC – Consolidated PUD & Related Map Amendment for Various Lots @ Squares 5276, 5272, 5277, and 5246)

Dear ANC Chairs & ANC/SMD Commissioner:

Pursuant to D.C. Official Code § 1-309.10 (b), the Zoning Commission for the District of Columbia hereby gives you notice of the receipt of an application from CG Marketplace, LLC (the “Applicant”) for approval of a consolidated PUD and related map amendment from R-2 and R-5-A to C-2-A for property located in the northeast quadrant on a site located along the north frontage of East Capitol Street, N.E., to the west and east of 58th Street, N.E., also known as various lots in Squares 5276, 5272, 5277, and 5246. Please note that this case was filed electronically through the Interactive Zoning Information System (“IZIS”). You can access and file your report for this case through IZIS at <http://app.dcoz.dc.gov>.

Pursuant to D.C. Official Code § 1-309.10(d)(2), the Zoning Commission must wait thirty days, excluding Saturdays, Sundays, and holidays before it can make its decision on this application. However, as a practical matter, the Commission cannot make a decision that soon, because it must first hold a public hearing and the National Capitol Planning Commission is thereafter given thirty days to review the application.

You will also receive notice of the hearing date at least 40 calendar days in advance. If your ANC wishes to participate as a party, then the written report must be received no later than seven days prior to the hearing date and contain the information required by 11 DCMR § 3012.5. Form 129 – Advisory Neighborhood Commission (ANC) Report, which is attached for your convenience, is the preferred mechanism to complete this Report. In the alternative, you can review § 3012.5, which states the required information for the written report, a copy of which is included at the bottom of this letter. Any written report received prior to the close of the record in this case that contains that information will be given “great weight.”

Great weight does not mean that the Zoning Commission must defer to an ANC’s view, but instead requires acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC’s issues and concerns. It is therefore important that the written report not only indicate

whether the ANC supports or opposes the application, but that is also identify each issue and concern that led to the recommendation made.

If you have any questions, please do not hesitate to contact me at (202) 727-6311..

Sincerely,



Sharon S. Schellin
Secretary to the Zoning Commission
Attachment

11 DCMR 3012.5

3012.5 If an Advisory Neighborhood Commission (ANC) wishes to participate in a contested case under § 3022, the ANC shall file a written report with the Zoning Commission at least seven (7) days in advance of the hearing. In a rulemaking under § 3021, there shall be no filing deadline as long as the record in that case is open. All written reports shall contain the following:

- (a) An identification of the application or petition;
- (b) When the public meeting of the ANC to consider the application or petition was held;
- (c) Whether proper notice of that meeting was given by the ANC;
- (d) The number of members of the ANC that constitute a quorum and the number of members present at the meeting;
- (e) The issues and concerns of the ANC about the application or petition, as related to the standards against which the application or petition shall be judged;
- (f) The recommendation, if any, of the ANC as to the disposition of the application or petition;
- (g) The vote on the motion to adopt the report to the Commission;
- (h) The name of the person who is authorized by the ANC to present the report; and
- (i) The signature of the ANC chairperson or vice-chairperson.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 12-16

**(CG Marketplace, LLC – Consolidated Planned Unit Development and Related Map
Amendment for Various Lots @ Squares 5276, 5272, 5277, and 5246)**

September 6, 2012

THIS CASE IS OF INTEREST TO ANCs 7C and 7E

On August 30, 2012, the Office of Zoning received an application from CG Marketplace, LLC (the “Applicant”) for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Square 5276, Lots 812, 813, and 23-121; Square 5272, Lot 51; Square 5273, Lot 67; Square 5277, Lots 22-23 and 805; and Square 5246, Lot 110 in Northeast Washington, D.C. (Ward 7), which comprise a site located along the north frontage of East Capitol Street, N.E., west and east of 58th Street. The property is currently split-zoned R-2 and R-5-A. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-2-A.

The Applicant proposes to develop two vacant D.C. Housing Authority sites with a Wal-Mart store (130,000 square feet), along with four additional smaller format buildings (totaling 15,900 square feet) on the east parcel and a smaller retail (8,800 square feet) on the west parcel. The maximum height will be 42 feet (for the Wal-Mart store). The development is the commercial component of the previously approved Capitol Gateway Estates PUD. The east parcel will provide 570 parking spaces (with 334 of the 570 locate in the Wal-Mart footprint) and the west parcel will provide 95 parking spaces.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”) , which can be accessed through <http://.dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.



**BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:		Case Name:	
Address or Square/Lot(s) of Property:			
Relief Requested:			

ANC MEETING INFORMATION

Date of ANC Public Meeting:	D	D	/	M	M	/	Y	Y	Was proper notice given?:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:													
Number of members that constitutes a quorum:										Number of members present at the meeting:			

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

AUTHORIZATION

ANC		Recorded vote on the motion to adopt the report (i.e. 4-1-1):	
Name of the person authorized by the ANC to present the report:			
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			
Signature of Chairperson/ Vice-Chairperson:			Date:

**ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.**

Revised 06/26/11

INSTRUCTIONS

Pursuant to 11 DCMR §§ 3012.6 and 3115.2, the Zoning Commission and Board of Zoning Adjustment shall give *great weight* to the written report of the affected Advisory Neighborhood Commission (ANC), as required by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000.

1. All ANC reports shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. Submission deadlines are as follows:

For Zoning Commission:

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a contested case under § 3022.
- b. ANCs may file this form as long as the case record is open, if they wish to participate in a rulemaking case under § 3021.

For Board of Zoning Adjustment:

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov * dcoz@dc.gov