

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

TIME AND PLACE: **Wednesday, May 14, 2008, 6:30 P.M.**
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. 03-12F/03-13F (Square 769, LLC & DCHA -- Modifications to PUD @ Square 769, Lots 18, 20, & 21)

THIS CASE IS OF INTEREST TO ANC 6D

On December 28, 2007, the Office of Zoning received an application from Square 769, LLC and the District of Columbia Housing Authority (collectively, the "Applicant"), the owners of Lots 18, 20, and 21 in Square 769 (the "Property"). The Applicant is requesting modifications to the planned unit development approved pursuant to Zoning Commission Order No. 03-12C/03-13C. The Office of Planning provided its report on January 7, 2008, and the case was set down for hearing on February 11, 2008. The Applicant provided its prehearing statement as part of its application on March 7, 2008.

On May 14, 2007, the Zoning Commission voted 5-0-0 to approve Zoning Commission Case No. 03-12C/03-13C, a case concerning second-stage approval of the Applicant's proposed office building with ground floor retail at 250 M Street, S.E. Zoning Commission Order No. 03-12C/03-13C allows the Applicant to develop the Property with an office building built to a height of 110 feet (plus roof structure of an additional 18 feet, 6 inches) with a gross floor area of 207,785 square feet and an FAR of 7.20. The original overall Capper/Carrollsbury PUD provided for a maximum building height of 110 feet and a maximum gross floor area of 236,000 square feet under C-3-C zoning.

The Applicant is now seeking a modification to: (1) increase the measured building height from 110 feet to 130 feet; and (2) increase the gross floor area of the approved building from 207,785 square feet to 234,182 square feet. With respect to building height, the building was initially approved at a height of 110 feet, plus a mechanical penthouse measuring 18 feet, 6 inches above the roof. The Applicant has redesigned the building to include an 11th floor as well as a mechanical penthouse to be located on the 10th floor roof. The mechanical penthouse has a height of 18 feet, 6 inches and is set back one-to-one from each exterior wall of the roof upon which it is located. The Applicant is requesting the increased building height so that the building can come closer to achieving the gross floor area approved by the Zoning Commission. The Applicant proposes to increase the gross floor area of the building from 207,785 square feet to 234,182 square feet, which is 1,818 square feet less than the permitted gross floor area of 236,000 square feet.

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.

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 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, 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.