

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

TIME AND PLACE: Thursday, January 11, 2007, @ 6:30 P.M.
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. 06-46 (Capitol Gateway Overlay District Review @ Square 701, Lots 3, 98 – 118, 144 – 147, 161, 162, 167, 815 and 824 and public alleys proposed to be closed – 55 M Street, S.E.)

THIS CASE IS OF INTEREST TO ANC 6D

On November 3, 2006, the Office of Zoning received an application from MR N Street Southeast LLC, MR Ballpark 5 LLC and the Washington Metropolitan Area Transit Authority (collectively, the Applicants). The Applicants are requesting review and approval of new development along M Street, S.E., pursuant to the Capitol Gateway Overlay District provisions set forth in Chapter 16. In addition, the Applicant seeks special exception relief from the roof structure requirements set forth in §§ 630 and 411 with regard to setbacks and variance relief from the percentage of lot occupancy requirement set forth in § 634, the private residential recreation space requirement set forth in § 635, and the loading requirement set forth in § 2201.1. To the extent that proposed amendments to the CG Overlay District now pending are applicable, the Applicants also request review under the new regulations, including certain deviations from some of the proposed design requirements.

The property which is the subject of this application consists of approximately 102,494 square feet of land area and is located at 55 M Street, S.E. (Square 701, Lot 3, 98 – 118, 144 – 147, 161, 162, 167, 815 and 824 and public alleys proposed to be closed). The property is bounded to the east by Cushing Place, to the south by N Street, to the west by Half Street, and to the north by M Street. The property is zoned CG/CR.

The Applicant proposes to develop the property with a 748,600 square foot mixed-use development consisting of residential, office, hotel and retail uses. Three levels of below-grade parking will be provided. The floor area ratio ("FAR") of the property will be approximately 7.24 FAR. The building height will measure a maximum of 110 feet. Vehicular access to required parking and loading will be provided from Cushing Place, SE.

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

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

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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

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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

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

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS, 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.