

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

TIME AND PLACE: **Thursday, September 17, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-30 (ANC 5D – Map Amendment @ Square 4494, Lots 38-55, 75-82, 85-90, 827, & 843; Square 4495, Lots 2-66; Square 4506, Lots 85-139, 141-166, 803, 805, 809, 811, 813, 817, 819, 821, & 823; Square 4507, Lots 89-101, 112-121, 123, 125-132, 138-164, 166-170, 935, 937², 938, 940, 943 & 944³; and Parcel 160/22 & 160/38 (southern portion))

THIS CASE IS OF INTEREST TO ANCs 5D, 6A & 7D

ANC 5D filed a petition on December 1, 2019 (Exhibit 1, revised on December 11, 2019 (Exhibit 1B), and on May 5, 2020 (Exhibit 17) (collectively, the “Petition”)), pursuant to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references are made unless otherwise specified) requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve an amendment to the Zoning Map to change the zoning for:

- The following properties from the RA-2 to the RF-4 zone (the “Proposed RF-4 Area”):
 - Square 4494: Lots 38-55, 75-82, 85-90, 827, and 843
 - Square 4495: Lots 2-66
 - Square 4506: Lots 88-139 and 141-163
 - Square 4507: 89-101, 112-118, and 143-164
- The following properties from MU-4 to the MU-5A zone (the “Proposed MU-5A Area”):
 - Square 4506: Lots 85-87, 164-166, 803, 805, 809, 811, 813, 817, 819, 821, and 823
 - Square 4507: Lots 119-121, 123, 125-132, 138-142, 166-170, 935, 937, 938, 940, 943, and 944
 - Parcel 160/22 and 160/38 (southern portion)

Proposed RF-4 Area

The Proposed RF-4 Area includes approximately 13.5 acres of land between 18th and 21st Streets, N.E. on both sides of H Street, N.E. and is characterized by two-story residential rowhouses.

The Comprehensive Plan the (“CP”) designates the Proposed RF-4 Area on the General Policy Map (“GPM”) as a Neighborhood Conservation Area, which the CP describes as generally residential neighborhoods with little vacant or underutilized land in which new development,

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 4, *How to participate as a witness – written statements.*)

² The Petition incorrectly identified Lot 937 as being in Square 4494 in the GIS table, but correctly identified it as being in Square 4507 in the list of addresses subject to the Petition.

³ Lots 943 and 944 are the assessment and taxation lots that correspond to record lots 122 and 124 listed by the Petition.

redevelopment and alterations should be compatible with the existing scale, natural features, and character of the neighborhood. The CP's Future Land Use Map (the "FLUM") designates the Proposed RF-4 Area, except for Lot 66 in Square 4495, for Moderate Density Residential uses, which the CP contemplates for neighborhoods with mostly rowhouses and low-rise garden apartment complexes. The CP identified both the current RA-2 zone and the proposed RF-4 zone as consistent with the Moderate Density Residential category. The FLUM designates Lot 66 in Square 4495 for Medium Density Residential, which the CP contemplates for neighborhoods composed generally of mid-rise apartment buildings, although pockets of low or moderate density housing may be included. The CP identifies the RA-3 zone as consistent with Medium Density Residential uses, although other zones may also be consistent.

The current RA-2 zoning of the Proposed RF-4 Area is intended to provide for areas development with predominantly moderate-density residential. The RA-2 zone has no limits on residential units; no minimum lot dimensions; a maximum building height of 50 feet; a maximum lot occupancy of 60%; and a maximum floor area ratio ("FAR") of 1.8 (2.6 for developments subject to Inclusionary Zoning ("IZ")).

The proposed RF-4 zone is intended to provide for areas predominantly developed with row houses of three (3) or more stories, within which may also exist a mix of apartment buildings, and to promote the continued row house character and appearance of these areas as well as the residential use of larger row house buildings. The RF-4 zone has a maximum of three residential units; a minimum lot area of 1,800 square feet ("sf") for row dwellings or flats, 3,000 sf for semi-detached dwellings, and 4,000 sf for all other structures (1,500 sf for IZ developments) and minimum lot width of 18 ft for row dwellings or flats, 30 ft for semi-detached dwellings, and 40 ft for all other structures (18 ft for IZ developments); a maximum building height of 3 stories and 40 feet; a maximum lot occupancy of 60%; and a maximum FAR of 1.8.

Proposed MU-5A Area

The Proposed MU-5A Area includes approximately 4.3 acres of land on the north side of Benning Road, N.E. between 17th and 21st Streets, N.E. and is characterized by a variety of two- and three-story residential rowhouses, three-story mixed-use buildings, low-rise retail uses, a gas station, and a decommissioned power plant.

The CP designates the western fourth of the Proposed MU-5A Area (Lots 127-132, 138-142, and 166-170 in Square 4507) on the GPM as a Neighborhood Conservation Area. The GPM designates the remainder of the Proposed MU-5A Area as a Main Street Mixed Used Corridor, which the CP describes as pedestrian oriented commercial business corridors with traditional storefronts, with upper-story residential or office uses. The FLUM designates most of the Proposed MU-5A Area for Moderate Density Residential uses, with the remaining eastern fourth designated for Medium Density Residential uses. Although the definitions of the Moderate and Medium Density Residential use categories do not specifically identify the current MU-4 zone or proposed MU-5A zone as consistent with these use categories, both use categories specify that other zones may apply.

The current MU-4 zoning of the Proposed MU-5A Area is intended to provide for moderate-density mixed-use development providing office, retail, and housing facilities in low- and

moderate-density residential areas with access to main roadways or transit stops. The MU-4 zone has a maximum height of 50 feet; a maximum lot occupancy for residential use of 60% (75% for IZ developments); and a maximum FAR of 2.5 (3.0 for IZ developments), with a maximum 1.5 non-residential FAR.

The proposed MU-5A zoning is intended to provide for medium-density mixed-use development with an emphasis on residential use providing office, retail, and housing facilities on arterial streets and rapid transit stops. The MU-5A zone has a maximum height of 65 feet (70 feet for IZ developments); a maximum lot occupancy for residential use of 80%; and a maximum FAR of 3.5 (4.2 for IZ developments), with a maximum 1.5 non-residential FAR.

The Office of Planning (“OP”) filed an April 14, 2020 report (the “OP Setdown Report”) recommending that the Commission setdown the Application for a public hearing. The OP Setdown Report concluded that the Application’s proposed map amendment would not be inconsistent with the CP for the Proposed RF-4 Area because the proposed RF-4 zoning would be consistent with the GPM’s Neighborhood Conservation Area designation as maintaining the current neighborhood character while allowing smaller apartment houses, as well as with the FLUM’s Moderate-Density Residential designation for most of the Proposed RF-4 Area. The OP Setdown Report also concluded that Application’s proposed map amendment for the Proposed MU-5A Area would not be inconsistent with the CP because the proposed MU-5A zoning would align with the GPM’s Main Street Mixed-Use Corridor designation for most of the Proposed MU-5A Area, echoed by the CP’s Upper Northeast Area Element and Small Area Plan, which together with the historic and current uses as a mixed-use neighborhood commercial corridor outweigh the FLUM’s Moderate- and Medium-Density Residential designation.

The Commission voted to set down the Petition for a public hearing as a rulemaking at its April 27, 2020, public meeting, and approved a revised setdown to add Lot 827 in Square 4494 to the Proposed RF-4 Area at its May 11, 2020, public meeting.

The complete record in the case, including the Petition and the OP report, as well as the video and transcript of the Commission’s public meetings can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>

The Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)) authorizes the Commission to consider and approved proposed amendments to the Zoning Map of the District of Columbia.

This virtual public hearing will be conducted in accordance with the rulemaking case provisions Subtitle Z, Chapter 5 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

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 Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系。电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።