

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

TIME AND PLACE: **Wednesday, July 31, 2019, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 18-19 (Poplar Point RBBR, LLC d/b/a/ Columbian Quarter Holdings – Zoning Map Amendment @ Squares 5860 & 5861 [Howard Road, S.E.]

THIS CASE IS OF INTEREST TO ANC 8A and 8C

On October 10, 2018, Poplar Point RBBR, LLC d/b/a/ Columbian Quarter Holdings (the “Applicant”) filed a petition with the Office of Zoning requesting approval of a Zoning Map Amendment for Lots 97, 1025-1031, 1036, and 1037 and an adjacent alley in Square 5860, and Lots 991 and 89 in Square 5861 (the “Property”) from the current MU-14 zone to the Northern Howard Road (“NHR”) zone.¹ The Property consists of approximately 348,737 square feet of land area located on either side of Howard Road, S.E. in between Interstate 295 and South Capitol Street, S.E.

The MU-14 zone is intended to permit high-intensity mixed-use development generally in the vicinity of the waterfront. The MU-14 allows a maximum height of 90 feet (100 feet for Inclusionary Zoning (“IZ”) developments), a maximum lot occupancy of 75% (80% for IZ developments), and a maximum floor area ratio (“FAR”) of 6.0 (7.2 for IZ developments).

The NHR-1 zone is a new zone proposed by the Office of Planning in Z.C. Case No. 18-18, in which the Zoning Commission (the “Commission”) took proposed action to adopt the new zone at its June 6, 2019 special public meeting. The NHR zone is intended to encourage development of Howard Road, S.E. for a mixture of residential and commercial uses, including ground-level retail and service uses along Howard Road, S.E., with superior architecture of buildings and publicly-accessible outdoor spaces and increased height and density associated with increased affordable housing.

The NHR zone would allow a maximum height of 130 feet, a maximum 100% lot occupancy, and a maximum density of 9.0 FAR. The NHR zone imposes design and use requirements for street frontage along Northern Howard Road and a mandatory design review approval for all new buildings or structures or substantial alteration of the exterior of existing buildings or structures.

¹ Although all of the Property except for Lot 89 in Square 5861 was rezoned to the MU-9 zone as part of a Planned Unit Development authorized by the Zoning Commission in Z.C Case No. 16-29 (the “16-29 PUD”), the Commission approved the extinguishment of the 16-29 PUD, with the MU-9 zone designation, at its June 6, 2019 special public meeting.

The NHR zone also mandates enhanced IZ requirements, with the IZ requirement increased to 15% of a building's residential gross floor area instead of the standard 10% (the eight percent of penthouse habitable spaces is the same for both MU-14 and NHR zones), and the IZ units reserved for the 50% and 60% of median family income ("MFI"), significantly deeper than the standard IZ requirements of 60% MFI level for rental units and 80% for ownership units. The NHR zone also requires that 25% of IZ units be three-bedroom units. For all of the Property but Lot 89 in Square 5861, the NHR zone proposes additional higher sustainability, IZ, and stormwater management requirements.

The Generalized Policy Map in the Comprehensive Plan locates the Property in a "Land Use Change Area", while the Future Land Use Map identifies the Property for mixed use in the High Density Residential, High Density Commercial, and Institutional, land use categories.

OP submitted its report in support of setting the petition down for a public hearing on October 15, 2018. On November 19, 2018, the Commission voted to set down the petition for a public hearing as a rulemaking. The Applicant submitted its prehearing statement on November 26, 2018. On June 6, 2019, the Commission reconsidered its decision to set down the case as a rulemaking and instead decided to conduct the public hearing as a contested case. At the June 6, 2019 special public meeting, the Commission waived, pursuant to Subtitle Z § 101.9 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations) the 40-day notice period required Subtitle Z § 402.1 of the Zoning Regulations to allow a 30-day notice period prior to the public hearing at which this map amendment application will be considered.

The Commission has determined that this public hearing will be conducted in accordance with the contested case provisions of the Commission's Rules of Practice and Procedure, Chapter 4 of Subtitle Z of the Zoning Regulations.

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.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1 of the Commission's Rules of Practice and Procedure.

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. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for an 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 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 of the Zoning Regulations 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 § 406.3 of the Commission's Rules of Practice and Procedure, if an ANC wishes to participate in the hearing, it 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.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, 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 mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission.

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

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, 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.

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