

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



December 10, 2019

ANC 5D
5D@anc.dc.gov

Commissioner Ryan Linehan
ANC/SMD 5D01
5D01@anc.dc.gov

ANC 5C (across the street)
5C@anc.dc.gov

Re: Z.C. Case No. 19-29 (UM 1348 4th Street NE, LLC and EAJ 401 New York Ave, LLC – Consolidated PUD, Related Map Amendment, and Airspace Development at Squares 3587, Lot 3 (1348 4th Street, N.E.), Square 3594, Lot 1 (401 New York Avenue., N.E.), and the Airspace Above the Portion of 4th Street, N.E. between the Two Lots.)

Dear ANC Chair & 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 UM 1348 4th Street NE, LLC and EAJ 401 New York Ave, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”), related Zoning Map amendment, and airspace development to property located in the northeast quadrant of the District at 1348 4th Street, N.E. (Square 3587, Lot 3) and 401 New York Avenue, N.E. (Square 3594, Lot 1), as well as the airspace above 4th Street, N.E. between the two properties. 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 <https://app.dcoz.dc.gov>.

Pursuant to Subtitle Z § 400.7, the ANC has the opportunity to file the attached Form 130 – ANC Setdown Report to provide feedback on whether or not the Zoning Commission should set down the case for public hearing. You have 30 days to file the ANC Setdown Form from the date the application was referred (Subtitle Z § 400.8).

Further, you will also receive notice of the hearing date at least 40 calendar days in advance. Pursuant to Subtitle Z § 406.3, if your ANC wishes to participate in the hearing, then its written report must be received at least seven days in advance of the public hearing. The report must contain the information required by Subtitle Z § 406.2, which is included at the bottom of this letter. That information is also included in Form 129 – Advisory Neighborhood Commission (ANC) Report, which is attached for your convenience and is the preferred mechanism to complete your report. Any written report received prior to the date of a Commission meeting to consider final action will be given “great weight.”

Pursuant to D.C. Official Code § 1-309.10(d)(2), the Zoning Commission must wait 30 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, for those cases that require proposed action to be taken, the National Capitol Planning Commission is thereafter given thirty days to review the application.

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

ZONING COMMISSION
District of Columbia
CASE NO.19-29
EXHIBIT NO.8

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 it also identify each issue and concern that led to the recommendation made.

If your ANC has not received a courtesy copy of the application from the Applicant, please notify us so we can assist you in obtaining a copy. 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

Subtitle Z § 406.2

- 406.2 The Commission shall give "great weight" to the written report of the ANC(s), pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuation thereof on the application. All written reports shall contain the following:
- (a) The case name and number;
 - (b) The date the public meeting of the ANC to consider the application occurred;
 - (c) A statement that proper notice of that public 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 public meeting;
 - (e) The issues and concerns of the ANC about the application, as related to the standards against which the application shall be judged;
 - (f) The recommendation, if any, of the ANC as to the disposition of the application;
 - (g) The outcome of 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. 19-29

**(UM 1348 4th Street NE, LLC and EAJ New York Ave, LLC – Consolidated PUD,
Related Map Amendment, and Airspace Development @ Squares 3587 and 3594
and the Airspace Above the Portion of 4th Street, N.E. between the Two Lots)
December 10, 2019**

THIS CASE IS OF INTEREST TO ANC 5D and 5C

On November 26, 2019, the Office of Zoning received an application from UM 1348 4th Street NE, LLC and EAJ 401 New York Ave, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”), a related map amendment, and airspace development for the above-referenced property.

The property that is the subject of this application consists of Lot 3 in Square 3587 (1348 4th Street, N.E.) and Lot 1 in Square 3594 (401 New York Avenue, N.E.) in northeast Washington, D.C. (Ward 5). The application also includes the airspace above the portion of 4th Street, N.E. between the two lots. The property is currently zoned PRD-1. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the MU-30 zone.

The Applicant proposes to construct a single mixed-use building with a mix of ground-floor retail, PDR Maker, service, and related commercial uses; 10 stories of upper-story office uses in the southern part of the building; and 12 stories of multifamily residential use in the northern portions of the building and four stories of multifamily residential use in the air rights portion of the building. The building will have a maximum height of 130 feet, density of 9.1 floor area ratio (“FAR”), and lot occupancy of 97.6%. The project will include 10% of the residential gross floor area as Inclusionary Zoning units, with 90% of the IZ units set aside for households earning no more than 60% of median family income (“MFI”) and the remaining 10% of the IZ units at the 50% MFI level. The Applicant will seek LEED Silver v4 certification.

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.

INSTRUCTIONS

1. The ANC Setdown Form 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. ANC reports and any accompanying documents must be submitted to the record by using:
 - a. The Interactive Zoning Information System (IZIS) at www.dcoz.dc.gov;
 - b. By email to zcsubmissions@dc.gov for the ZC; or
 - c. In person or by U.S. mail addressed to 441 4th Street, NW, Suite 200-S, Washington, DC 20001.
3. Submission deadline is as follows; the ANC must file the ANC Setdown form no later than thirty (30 days) after the date the application is referred. No late filings or waivers requesting acceptance of late filings of this form will be accepted.

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717 14th Street, N.W., Suite 500 | Washington, D.C. 20005

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Toll Free Hotline

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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



**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 Subtitle Z § 406.2 and Subtitle Y § 406.2 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 SUBTITLE Z § 406 AND SUBTITLE Y § 406.

INSTRUCTIONS

Pursuant to 11 DCMR Subtitle Z § 406.2 and Subtitle Y § 406.2, the Zoning Commission (ZC) and Board of Zoning Adjustment (BZA) 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. ANC reports and any accompanying documents must be submitted to the record by using:
 - a. The Interactive Zoning Information System (IZIS) at www.dcoz.dc.gov;
 - b. By email to zcsubmissions@dc.gov for the ZC or bzsubmissions@dc.gov for the BZA; or
 - c. In person or by U.S. mail addressed to 441 4th Street, NW, Suite 200-S, Washington, DC 20001.
3. Submission deadlines are as follows:
 - a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a public hearing under Subtitle Z § 406.3 and Subtitle Y § 406.3.
 - b. In all cases before the ZC or BZA, ANCs must file this form before the ZC or BZA makes a decision in order to receive great weight.

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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

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