

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
REVISED¹ NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, January 10, 2022, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided
On the Office of Zoning website by Noon on the
Hearing Date**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**CASE NO. 19-29 (UM 1348 4th Street NW, LLC and 1250 4th ST NE, LLC – Consolidated
PUD and Map Amendment @ Square 3587, Lots 3 and 7)**

THIS CASE IS OF INTEREST TO ANCs 5D & 5C

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/service/sign-testify> – see below: *How to participate as a witness – oral statements.*
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

UM 1348 4th Street NW, LLC and 1250 4th ST NE, LLC (“Applicant”) filed an application on November 26, 2019, as updated on December 23, 2020, requesting the Zoning Commission (“Commission”) approve a consolidated Planned Unit Development and amendment of the Zoning Map from the PDR-1 to the MU-9 (collectively, the “PUD Application”) pursuant to Subtitle X, Chapter 3 and Subtitle Z, § 300 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, “Zoning Regulations of 2016,” to which all subsequent references herein are made unless otherwise specified) for Lots 3 and 7 in Square 3587, which Lots have addresses of 1346-1348 4th Street, NE (the “Property”).

The Property consists of approximately 43,782 square feet in the District’s Northeast quadrant and is generally bounded by 4th Street, N.E., to the east and southeast, New York Avenue, N.E. to the northwest, a private alley to the west, and private property to the southwest. The Zoning Map amendment that is part of the PUD Application seeks to rezone the Property to the MU-9 zone.

Pursuant to the PUD Application, the Applicant proposes a project consisting of (i) approximately 430,289 square feet of rental multifamily residential units and retail and commercial lower level uses; (ii) up to three levels of below-grade parking with up to 276 parking spaces; and (iii) a package of additional public benefits. The Project’s public benefits, according to the Applicant, include: superior urban design and iconic architecture, and efficient planning; superior urban design; streetscape improvements along 4th Street, N.E. and New York Avenue, N.E.; approximately 379 new units of housing (±10%), which is in excess of the matter-of-right amount, and 13% of which will be reserved as affordable housing (11% at 60% MFI and 2% at 50% MFI)

¹ This notice was revised to add the language at the end of the paragraph at the top of page 2 (text is shown in **bold** and underlined text).

and approximately 10 to 15 units of three-bedroom housing; LEED v.4 Gold-level design; a shared street design along 4th Street, N.E. and other streetscape improvements; contributions to ANC 5D-requested bike system improvements and public space improvements and related events in Ivy City; and a package of PDR/Maker public benefits, including reserving 10% of the project's commercial gross floor area for PDR/Maker uses for five years and constructing 50% of the project's commercial gross floor area to PDR/Maker specifications. In addition, the Project will retain the PNC Bank use on the Property. **Finally, the PUD Application includes a request for special exception relief for rooftop eating and drinking establishment use.**

The Office of Planning (“OP”) filed reports dated June 1 and October 4, 2021, ultimately recommending that the Commission set the PUD Application down for a public hearing. At a public meeting on October 14, 2021, the Commission set down the PUD Application for a public hearing. The Applicant filed its prehearing statement in the PUD Modification case on October 22, 2021.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4 as well as the text adopted by the Commission on October 15, 2020 in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the *D.C. Register* on October 30, 2020.

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 Ron Barron 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, **all written comments and/or testimony must 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:

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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.

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 Ron Barron at (202) 727-0789 for further assistance.

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.

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 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 OZ 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 OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.**

“Great weight” to written report of ANC

Subtitle Z § 406.2 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, 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 A. SHAPIRO, PETER G. MAY, AND JOSEPH IMAMURA-----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። እንኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።