

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

TIME AND PLACE: **Thursday, March 17, 2022, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the Office of Zoning website by 12:00 noon on the Hearing Date

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 21-11 (Abraham & Laura Lisner Home for Aged Women – Map Amendment @ Square 1663, Lot 9)

THIS CASE IS OF INTEREST TO ANC 3E

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/> – 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.*

Abraham & Laura Lisner Home for Aged Women (the “Applicant”) filed an application (the “Application”) on July 23, 2021, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve an amendment to the Zoning Map for Lot 9 in Square 1663 (the “Property”) from the R-2 zone to the RA-2 zone.

PROPERTY

The Property consists of approximately 236,590 square feet (5.4 acres) of land area in Square 1663 at 5425 Western Avenue, N.W. The Property is generally bounded by Western Avenue, N.W. to the north, 42nd Street, N.W. to the east, Military Road, N.W. and three detached homes to the south, and an eight-story condominium building to the west. One block to the west is the Friendship Heights Metro Station and the Friendship Heights commercial corridor along Wisconsin Avenue, N.W. One block to the east is the Chevy Chase Recreation Center. The Property is currently improved with a three-story building that is used as a community residential facility, an assisted living residence, and a nursing facility serving primarily low-income or very low-income senior residents.

COMPREHENSIVE PLAN

The Comprehensive Plan Future Land Use Map (“FLUM”) indicates that the site is generally appropriate for Moderate Density Residential and Institutional uses. The Plan states that Moderate Density Residential defines neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-

3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply. The Generalized Policy Map indicates that the site is designated Institutional Uses. The Plan states that Institutional includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions.

The proposed rezoning from the R-2 zone to the RA-2 zone would not be inconsistent with the Comprehensive Plan’s maps. The RA-2 zone would permit moderate-density residential development with a maximum FAR of 1.8 and up to 2.16 for the provision of IZ units. The proposed zone would allow for a range of residential uses, including single-family homes, flats, and multi-story apartment houses. This range of permitted residential uses under the subject property’s FLUM designation is more consistent with the RA-2 zone than the R-2 zone, which is limited to only detached and semi-detached single-family homes. The RA-2 zone would also permit several more institutional uses as a matter-of-right than the R-2 zone.

EXISTING AND PROPOSED ZONING:

The Application’s proposed rezoning for the Property to the RA-2 zone would expand opportunities for multifamily development and certain institutional uses at the Property. The proposed rezoning would also change the development standards for the Property, including the following:

	Existing Zone: R-2	Proposed Zone: RA-2
Permitted Uses:	Detached and Semi-detached Single Household Dwellings ¹	Single Household Dwellings, Flats, and Apartment Houses ²
Lot Area:	4,000 sq. ft. min. (all other structures) 3,200 sq. ft. min. (IZ detached) 3,000 sq. ft. min. (semi-detached) 2,500 sq. ft. min. (IZ semi-detached)	None prescribed
Lot Width:	40 ft. min. (all other structures) 32 ft. min. (IZ detached) 30 ft. min. (semi-detached) 25 ft. min. (IZ semi-detached)	None prescribed
Height:	40 ft. max./3 stories	50 ft. max./No story limit
Density:	1 dwelling unit per lot	None prescribed
FAR (floor-area-ratio):	None prescribed 0.4 equivalent for determining IZ Plus set-aside requirement	1.8 max. 2.16 max. with IZ
Penthouse Height:	10 ft max.	12 ft. max./1 story max. 15 ft. mechanical max./2 story max.

¹ These are general residential uses permitted in the R-2 zone. For a complete list of permitted uses, please refer to Subtitle U § 200.

² These are general residential uses permitted in the RA-2 zone. For a complete list of permitted uses, please refer to Subtitle U § 400.

	Existing Zone: R-2	Proposed Zone: RA-2
Lot Occupancy:	60% max. (places of worship) 40% max. (all other structures)	60% max.
Rear Yard:	20 ft min.	4 in. per 1 ft. of principal building height but not less than 15 ft.
Side Yard:	8 ft min.	8 ft. min. for detached or semi-detached buildings with one or two dwelling units
Vehicle Parking:	1 space per single household dwelling	1 space per single household dwelling 1 space per 2 dwelling units (flat) 1 space per 3 dwelling units in excess of 4 dwelling units (apartment house)
Bike Parking:	None prescribed for single family houses or flats 1 space per 3 dwelling units for long-term parking (apartment house) 1 space per 20 dwelling units for short-term parking (apartment house)	
Pervious Surface:	30% min.	None prescribed
GAR:	None prescribed	0.3 min.

SETDOWN

The Office of Planning (“OP”) filed a report dated November 8, 2021 (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 Plan as it allows for mixed moderate-density residential and institutional uses, unlike the current R-2 zone, which is a low residential zone. Further, the Plan supports increasing density to permit more housing, including affordable housing, in proximity to transit and services in a high-opportunity area.

OP also found that the Property and rezoning request were appropriate for IZ Plus. Under IZ Plus, a property will be required to set aside a larger percentage of residential floor area for affordable housing than the regular IZ set aside. IZ Plus is based on the increased density resulting from the rezoning. Given the large increase in maximum FAR permitted by the map amendment, it is likely that the set-side requirement could be (or close) to 20%.

At its November 18, 2021 public meeting, the Commission voted to set down the Application for a public hearing as a contested case.

The Applicant submitted its prehearing submission on December 23, 2021.

The complete record in the case, including the Applicant’s filings and the OP Setdown Report, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at: https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=21-15.

The virtual public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations

of 2016, to which all references are made unless otherwise specified) as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as printed in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2021.

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.

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

- | | |
|-------------------------------------|-------------------------|
| 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, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** 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 IMOMURA ----- 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 5일전에 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.

ለመሳተፍ 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።