

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

TIME AND PLACE: **Thursday, September 15, 2022, @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC21-26> (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2313 348 7689 (audio participation & listen)
Via YouTube: <https://www.youtube.com/c/DCOfficeofZoning> (to watch)
Instructions: <https://dcoz.dc.gov/release/virtual-public-hearings>
Witness Sign Up: <https://dcoz.dc.gov/service/sign-testify>

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 22-11 (MCRT Investments LLC – Consolidated PUD & Related Map Amendment from the MU-12 Zone to the MU-10 Zone, 807 Maine Avenue, S.W. (Square 439S, Lot 15))

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*. **On the day of the hearing**, call 202-727-0789 to sign up to testify.
- 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*.

THIS CASE IS OF INTEREST TO ANC 6D

MCRT Investments LLC (the “Applicant”) filed an application (the “Application”) on March 7, 2022, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve a consolidated planned unit development (“PUD”) and a related Zoning Map amendment from the MU-12 to the MU-10 zone.

PROPERTY

The subject property is an irregular, triangular shaped parcel located in the southwest quadrant of the District located at premises 807 Maine Avenue, S.W., and is more particularly known as Lot 15 in Square 439-S (the "PUD Site"). The PUD Site contains approximately 23,664 square feet (±0.54 acres) of land area, and is generally bounded by 7th Street on the east, Maine Avenue to the south, and the Thomas Jefferson Middle School Academy to the north/northwest. Of note, to the southwest of the PUD Site are three lots that are owned by the District of Columbia that are not included in the Application – e.g., Lots 812 (abutting), 813, and 814 (abutting) in Square 439S.

The PUD Site is located in the northwestern portion of the Southwest-Waterfront neighborhood. The character of the area surrounding the PUD Site is defined by a mix of uses, such as residential, retail, hotel, and a mix of densities, including medium- and high-density buildings, including The Wharf development to the south. The PUD Site currently is improved with an office building known

as the Denvel D. Adams National Service and Legislative Headquarters for Disabled American Veterans.

PROPOSED PROJECT

The Applicant proposes to redevelop the PUD Site with a new mixed-use project that will provide a total of approximately 204,457 square feet of gross floor area ("GFA") (8.64 FAR) and a maximum building height of 110 feet. The building will contain approximately 198,852 square feet of GFA devoted to residential use and approximately 5,585 square feet of GFA devoted to ground floor retail use (the "Project"). The Applicant is making an affordable housing proffer that amounts to 15% of the overall residential GFA, with a majority of the affordable units set aside at 60% of the median family income ("MFI"). The PUD also will provide additional benefits and amenities, including environmental and sustainable benefits, streetscape and landscape improvements in an effort to enhance the pedestrian experience, and a public art feature. The Applicant requests various forms of design flexibility and zoning flexibility from the applicable maximum lot occupancy, minimum rear yard, and minimum side yard requirements.

EXISTING AND PROPOSED ZONING

The PUD Site is currently zoned MU-12. The MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront. (11-G DCMR § 500.3.) The maximum permitted density in the MU-12 zone is 2.5 FAR, with up to 3.0 FAR for IZ projects, and with a maximum non-residential FAR of 1.0. (11-G DCMR § 502.1.) The maximum permitted building height in the MU-12 zone is 45 feet, with up to 50 feet for IZ projects. (11-G DCMR § 503.1.)

The Applicant proposes to rezone the PUD Site to the MU-10 zone. Some of the specific goals of the MU-10 zone are to: (i) permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; (ii) require a level of public space at the ground level. (11-G DCMR § 400.9.) Under a PUD the MU-10 zone permits a maximum FAR of 8.64, with up to 4.02 FAR permitted for non-residential use, and a maximum building height of 110 feet. (11-X DCMR §§ 303.3, 303.4, and 303.7.)

COMPREHENSIVE PLAN

The Generalized Policy Map of the Comprehensive Plan ("CP") designates the PUD Site as a Neighborhood Conservation Area, in which new development should be compatible with the existing scale, natural features, and character of the area, with densities guided by the CP's Future Land Use Map ("FLUM") and CP policies. The PUD Site is also in a Resilience Focus Area, which is an area that will be the subject of a future study to ensure resilience to flooding for new development and infrastructure projects. The FLUM designates the PUD Site as Mixed Use (Medium-Density Commercial / Medium-Density Residential).

SETDOWN

The Office of Planning ("OP") filed a report dated May 2, 2022, marked as Exhibit 14 in the case record (the "OP Setdown Report"), recommending that the Commission setdown the Application for a public hearing.

At its May 12, 2022, 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 May 13, 2022.

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=22-11.

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 (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 call (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, JOSEPH S. IMAMURA, AND PETER G. MAY----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.