

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, January 8, 2024, @ 4:00 p.m. and, if needed,
Thursday, January 18, 2024, @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC23-02> (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2301 344 6437 (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. 23-02 [Map Amendment Submitted by Office of Planning to rezone from the MU-4 zone to the MU-10 zone the contiguous properties at 1617 U Street, N.W. (Square 175, Lot 826) and at 1620 V Street, N.W. (Square 175, Lot 827), and to apply IZ Plus]

THIS CASE IS OF INTEREST TO ANCs 1B AND 2B

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 – by 3:00 p.m.**, 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*.

On January 18, 2023, the Office of Planning (“OP”) filed a petition and set-down report (the “OP Report”) on behalf of the Office of the District of Columbia’s Deputy Mayor for Planning and Economic Development requesting that the Zoning Commission (the “Commission”) consider a proposed amendment of the Zoning Map (the “Map Amendment”) for lots fronting on Square 175, Lots 826 and 827 (the “Property”), from the current MU-4 zone to the proposed MU-10 zone.

¹ The hearing for this case was previously scheduled for November 20, 2023. However, the Public Hearing Notice did not include the correct language regarding participation as witness and how to apply for party status. Therefore, on November 20, 2023, the Commission opened the hearing, and decided to continue the hearing to allow time for a corrected notice to be mailed to 200 footers and published in the *D.C. Register* that states the correct information about participation as a witness or party. The Commission also decided to consider the five previously submitted party status applications at the beginning of the January 8th hearing. Because of the extensive previous notice of this case, and pursuant to 11-Z DCMR § 103.12, the Commission decided not to require that the revised public hearing notice be posted on the property.

The property contains approximately 81,981 square feet of land area. Lot 826 is occupied by Fire and Emergency Services (“FEMS”) Engine Company 9 and its related uses, and Lot 827 is occupied by the Metropolitan Police Department (“MPD”) Third District Police headquarters, its related parking garage, and by a fuel depot that serves users on both lots. Lot 826 is bounded by U Street on the south; a 15-foot-wide public alley on the west; a 4-foot-wide public path on the east; and by Lot 827 on the north. To the east of both lots, and within the property Square, there are row dwellings and moderate to medium-sized apartment buildings. Across the bounding streets are moderately-scaled commercial uses on U Street, two-story row houses on V Street, and two to three story primarily residential buildings on 17th Street.

February 23, 2023 Setdown as a Rulemaking Case

At its February 23, 2023 public meeting, the Commission voted to grant OP’s request and set the Petition down for a public hearing as a rulemaking case. The complete record in the case can be viewed online at the Office of Zoning’s Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

The OP report, dated January 18, 2023, stated that the proposal to rezone the subject properties from the MU-4 zone to the MU-10 zone is intended to implement the recommendations of the Comprehensive Plan (2021) and would not be inconsistent with the Comprehensive Plan.

IZ Plus

OP is recommending that the Map Amendment be subject to IZ Plus due to the disproportionately low amount of existing affordable housing currently in the Mid-City (Comprehensive Plan) Planning Area. However, because the property is owned by the District Government, any residential component on the site would be required to provide a higher percentage of affordable units, at more deeply affordable levels, than IZ plus. Disposition agreements that include multi-family residential units are required to reserve 30% of the units as affordable in perpetuity, at an affordability level greater than would be required by the IZ Plus requirements of Subtitle X § 502.1(b).

June 26, 2023 Setdown as a Contested Case

The Commission opened the June 26, 2023 public hearing, and considered a supplemental report from OP addressing questions raised about whether the case classification met the criteria of Subtitle Z § 201.7(a) for a rulemaking case or should the case be considered a contested case. Having reviewed the record to date, and after discussions with staff at the Office of Zoning’s Legal Division, and out of an abundance of caution, OP recommended the Commission re-advertise and re-notice the proposed map amendment to rezone Square 175, Lots 826 and 827 from the MU-4 zone to the MU-10 zone as a contested case, and that IZ Plus apply. The Commission concurred with OP and set the case down as a contested case and directed that a new notice of public hearing be issued.

Current Zoning

The current MU-4 zone is intended to provide for a mix of residential and commercial uses at a moderate density. The maximum permitted height is 50-feet. With Inclusionary Zoning the maximum lot occupancy is 100% for non-residential uses and 75% for residential uses, and the

maximum FAR is 3.0 , of which no more than 1.5 FAR may be for non-residential uses. Permitted uses are included in Subtitle U § 500.2's Use Group E.

Proposed Zoning

The proposed MU-10 zone is intended to provide for a mix of medium to high-density development with a balance of uses conducive to several types of users and to be applied to areas where such a mix of uses and densities would carry out elements of the Comprehensive Plan, particularly goals for population, transportation, public facilities, and the environment. With Inclusionary Zoning, the MU-10 zone permits a maximum height of 100 feet, 100% lot occupancy for non-residential uses, 80% lot occupancy for residential use, and 7.2 FAR, of which no more than 3.0 FAR may be for non-residential uses. Permitted uses are included in Subtitle U § 500.2's Use Group G.

Comprehensive Plan

The Comprehensive Plan Future Land Use Map ("FLUM") designates the properties for High Density Residential, Moderate Density Commercial, and Local Public Facilities. This designation became effective with the Council's acceptance of Amendment 8050 to the FLUM in 2021. The Framework Element of the Comprehensive Plan identifies the proposed MU-10 zone as a medium-density commercial zone but goes on to state that other zones may apply. The MU-10 zone is appropriate for the site because it would permit, among other uses, the continued presence of the existing low to moderate-density public facilities on the site while still accommodating medium-to high-density residential use and, possibly, other uses. As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map, the maps are intended to provide generalized guidelines for development decisions.

The Comprehensive Plan Generalized Policy Map ("GPM") designates the properties along U Street as a Main Street Mixed Use Corridor and along V Street as a Neighborhood Conservation Area.

The Comprehensive Plan's Framework Element describes a Main Street Mixed Use Corridor as a traditional commercial business corridor with a pedestrian-oriented environment, and traditional storefronts with upper story residential or office uses. Redevelopment of these corridors should foster economic and housing opportunities, serve neighborhood needs, support transit use, and enhance the pedestrian environment.

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, without precluding development consistent with the pattern of the neighborhood, not just the site or property square and, particularly, to address city-wide housing needs.

Additionally, the Comprehensive Plan's Mid-City Element Policy MC2.3.7 identifies the site for which the map amendment is proposed as one that should be used to create a significant amount of new affordable housing, establish space for cultural uses and provide for additional public facilities. While the site currently has public facilities on it, the maximum height and density

permitted by the existing zoning would not enable these uses to remain while also accommodating the goals for affordable housing and other uses the Comprehensive Plan has established for the site.

The Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, et seq. (2018 Repl.)) authorizes the Commission to consider and approve proposed amendments to the Zoning Map of the District of Columbia.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

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 Ella Ackerman 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 Ella Ackerman 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 must comply with the provisions of Subtitle Z § 404. **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, persons seeking party status must submit, a Form 140 – Party Status Application, through the Interactive Zoning Information System (“IZIS”).** This form may also 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 TAMMY STIDHAM ----- 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.

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። እንኳን አገልግሎቶች የሚሰጡት በነጻ ነው።

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

