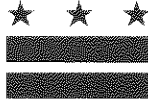


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



September 15, 2016

ANC 7D
4058 Minnesota Avenue, NE – DOES Building
First Floor
Washington, DC 20019

Commissioner Claude B. McKay
ANC/SMD 7D04
7D04@anc.dc.gov

Re: Z.C. Case No. 16-20 (3443 Benning, LLC – Consolidated PUD and Related Map Amendment @ Square 5017)

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 3443 Benning, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment to property located in the northeast quadrant of the District at 3450 Eads Street, NE, also known as Square 5017, Lots 839-842 and a portion of the public alley abutting Lots 839 and 840 to be closed. 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 <http://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 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, 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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 16-20

**(3443 Benning, LLC – Consolidated PUD and Related Map Amendment @ Square 5017,
Lots 839-842 and a Portion of the Public Alley Abutting Lots 839 and 840)
September 15, 2016**

THIS CASE IS OF INTEREST TO ANC 7D

On September 15, 2016, the Office of Zoning received an application from a 3443 Benning, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 839-842 in Square 5017 and a portion of a public alley abutting Lots 839 and 840 to be closed in northeast Washington, D.C. (Ward 7), on property located at 3450 Eads Street, N.E. The property is currently zoned R-3. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the MU-7 zone.

The Applicant proposes to construct an approximately 59-unit multifamily residential development with a maximum height of five stories (56 feet) and a maximum density of 5.76 floor area ratio (“FAR”). All of the units will be affordable at the 50% area median income (“AMI”) level, and the building will have underground garage parking

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.



**BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 130 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) SETDOWN FORM

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z §§ 400.7 and 400.8 of Title 11 DCMR Zoning Regulations, the ANC Setdown Form shall contain the following information:

IDENTIFICATION OF PETITION OR APPLICATION:

| | | | |
|------------------------|--|-----------------------|--|
| Case No.: | | Applicant Name: | |
| ANC (ex. 1A): | | Date Referred to ANC: | |
| Date Setdown Form Due: | | | |

ANC MEETING INFORMATION

| | | | | | | | | | | | |
|---|--|---|--|---|--|---------------------------|-----|--------------------------|--------------------------|--------------------------|--------------------------|
| Date of ANC Public Meeting: | | / | | / | | 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: | | | | | | | | | |
| Does the ANC recommend the application/petition to be set down for public hearing?: | | | | | | | | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Recorded vote on the motion to adopt the report (i.e. 4-1-1): | | | | | | | | | | | |

MATERIAL SUBSTANCE

Please provide feedback below on whether the above case should be set down for hearing or not (*a separate sheet of paper may be used*):

AUTHORIZATION

| | | | |
|--|--|-------|--|
| Name of the Chairperson or Vice-Chairperson authorized to sign the form: | | | |
| Signature of Chairperson/ Vice-Chairperson: | | Date: | |

Revised 06/01/16

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.

If You See Something, Say Something Report Fraud, Waste, Abuse, and Mismanagement in the
Government of the District of Columbia to the Office of the Inspector General
717 14th Street, N.W., Suite 500 | Washington, D.C. 20005

CALLS ARE CONFIDENTIAL

Toll Free Hotline

1-800-521-1639 | 202-724-TIPS (8477) | Email: hotline.oig.dc.gov | Web Page: www.oig.dc.gov



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: | | / | | / | | 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*):

| |
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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*):

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| |

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.**

Revised 06/01/16

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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