# ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA NOTICE OF PUBLIC HEARING

TIME AND PLACE: Thursday, February 20, 2020, @ 6:30 p.m.

Jerrily R. Kress Memorial Hearing Room

441 4th Street, NW, Suite 220-South

Washington, D.C. 20001

#### FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-25 - Airdome, LLC – Map Amendment @ Square 982 (Lots 57, 65, 68, 70 & 823 [1101-1125 H Street, N.E.])

#### THIS CASE IS OF INTEREST TO ANC 6A

On October 30, 2019, Airdome, LLC (the "Applicant") filed an application (the "Application") requesting that the Zoning Commission (the "Commission") approve a Zoning Map amendment from the NC-16 and MU-4 zones to the NC-17 zone for Lots 57, 65, 68, 70, and 823 in Square 982 with an address of 1101-1125 H Street, N.E. (collectively, the "Properties"). The Properties occupy the entire block between 11<sup>th</sup> and 12<sup>th</sup> Streets, N.E. on the southern side of H Street. N.E., and include 32,667 square feet in total. Lots 57, 65, 68, and 823 are completely located in the NC-16 zone, as is the majority of Lot 70 except for the rear portion that is located in the MU-4 zone.

The NC-16 zone, which currently includes the majority of the Properties (all of Lots 57, 65, 68, and 823 and the majority of Lot 70) is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of retail uses; it allows for development with a maximum Floor Area Ratio ("FAR") of 2.5 (3.0 for developments subject to Inclusionary Zoning ("IZ")) of which no more than 1.5 FAR may be non-residential, a maximum height of 50 feet, and a maximum lot occupancy of 70% for residential uses (75% for IZ developments) and no limit on non-residential lot occupancy.

The MU-4 zone, which currently covers the rear portion of Lot 70, is intended to permit moderate-density mixed-use development including office employment, shopping, and moderate bulk mixed-use centers located in low- and moderate-density residential areas with access to main roadways or rapid transit stop. The MU-4 zone allows for development with a FAR of 2.5 (3.0 for IZ developments), of which no more than 1.5 FAR may be non-residential, a maximum height of 60 feet (70 ft. for IZ developments), and a maximum lot occupancy of 60% (74% for IZ developments).

The proposed NC-17 zone, which shares the H Street Northeast Neighborhood Mixed-Use Retail sub-district with the NC-16 zone, is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of retail uses. The NC-17 zone allows for development with a maximum FAR of 3.5 (4.2 for IZ developments) of which no more than 1.5 FAR may be non-residential, a maximum height of 60 feet (70 ft. for IZ developments), and a maximum lot occupancy of 70% for residential uses (80% for IZ developments) and no limit on non-residential lot occupancy.

On November 25, 2019, the Office of Planning filed a report (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 Comprehensive Plan, which designates the Properties as mixed-use mediumdensity residential and medium-density commercial on the Future Land Use Map ("FLUM"), and as within a Main Street Mixed-Use Corridor on the General Policy Map. The OP Setdown Report also concluded that the Application's proposed map amendment would also not be inconsistent with the H Street N.E. Strategic Development Plan.

At its December 9, 2019, public meeting, the Commission voted to setdown the Application for a public hearing as a contested case.

The Applicant filed its Prehearing Submission with the Commission on December 13, 2019.

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/Content/Search/Search.aspx.

This public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4.

## **How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform OZ of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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 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 **Individuals** 4. 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 mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to <u>zcsubmissions@dc.gov</u>; or by fax to (202) 727-6072. Please include the case number on your submission.

## 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: <a href="https://app.dcoz.dc.gov/Help/Forms.html">https://app.dcoz.dc.gov/Help/Forms.html</a>. This form may also be obtained from OZ at the address stated below.

#### "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 G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ------ 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 <a href="mailto:Zelalem.Hill@dc.gov">Zelalem.Hill@dc.gov</a> 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 <u>Zelalem.Hill@dc.gov</u> 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 <u>Zelalem.Hill@dc.gov</u> 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。

**Quí vị có cần trợ giúp gì để tham gia không?** Nếu quí 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.