

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

TIME AND PLACE: **Tuesday, July 14, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**Z.C. Case No. 19-28 (Square 417, LLC – Map Amendment @ Square 417, Lots 53 and 54
[1840 7th Street, N.W.]**

THIS CASE IS OF INTEREST TO ANCs 1B & 6E

Square 417, LLC (the “Applicant”) filed an application (the “Application”) on November 15, 2019, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve an amendment to the Zoning Map for Lots 53 and 54 in Square 417 (the “Property”), with an address of property located at 1840 7th Street, N.W., from the RF-1 zone to the ARTS-3 zone.

The Property consists of approximately 42,751 square feet along the west side of 7th Street, N.W. The Property is currently occupied by a three-story office building and surface parking lots. To the north, east, and south of the Property are a variety of retail, service, residential, and office uses and the Shaw/Howard University Metro Station, all in the ARTS-2 zone, while the west are row dwellings in the RF-1 zone.

The General Policy Map of the Comprehensive Plan (the “CP”) designates the Property in a Neighborhood Enhancement Area, which applies to neighborhoods with substantial amounts of vacant residentially zoned land, for which new development should improve the real estate market, reduce crime and blight, and attract complementary new uses and services that better serve the needs of existing and future residents. The CP’s Future Land Use Map designates the Property for Mixed-Use Medium Density Residential/Medium Density Commercial, which contemplates neighborhoods with a mix of mid-rise (4-7 stories) apartment buildings with retail, office, and service businesses (up to 8 stories) as the predominant uses. The CP identifies the RA-2 and RA-3 zones as medium-density residential zones, and the MU-5, MU-6, MU-7, MU-8, ARTS-1, ARTS-2, and ARTS-3 zones as medium-density commercial zones, although other zones may apply. The Property also falls within the area covered by the *DUKE – Development Framework for a Cultural Destination District within Washington, DC’s Greater Shaw/U Street* (“Duke Plan”) and the Convention Center Strategic Development Plan Small Area Plans.

The Property’s current RF-1 zone is intended to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted and is identified by the CP as a moderate density residential zone. The RF-1 zone limits density by a minimum lot area of 1,800 square feet (“sf”) for row dwellings or flats, 3,000 sf for semi-detached dwellings, and 4,000 for all other structures (1,500 sf for developments subject to Inclusionary

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements.*)

Zoning ((IZ")) and minimum lot width of 18 ft for row dwellings or flats, 30 for semi-detached dwellings, and 40 for all other structures (18 for IZ developments); a maximum building height of 3 stories and 35 feet (40 feet for three or more concurrently developed lots); and a maximum lot occupancy of 40% for all structures other than row, detached, or semi-detached dwellings, flats, or conversions to apartment houses which are limited to 60%.

The Property's proposed ARTS-3 zone is intended to permit medium-density, mixed-use development with a focus on employment. The ARTS-3 zone allows a maximum FAR of 4.0 (4.8 for IZ developments), or which a maximum of 2.5 FAR may be devoted to non-residential uses; a maximum building height of 65 feet (75 feet for IZ developments), with penthouse setback requirements adjacent to R, RF, and RA zones; and a maximum residential lot occupancy of 75% (80% for IZ developments and 100% for non-residential uses).

The Office of Planning ("OP") filed a February 14, 2020 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 CP as it allows for mixed medium-density residential and commercial uses, unlike the current RF-1 zone, which is a moderate-density residential zone that is inconsistent with the CP. The OP Setdown Report recommended the ARTS-3 zone as more appropriate than the adjacent ARTS-2 zone because the ARTS-3 zone's penthouse setback requirements would provide protection the Property's adjacent western row dwellings more than the ARTS-2 zone, while also allowing more density as anticipated by the CP.

At its February 24, 2020, 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 March 5, 2020.

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 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 Donna Hanousek 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, it is **highly recommended that all written comments and/or testimony 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:

- | | | |
|----|----------------------------------|-------------------------|
| 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 Donna Hanousek 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>.** 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 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.

ለሙሉ ተገኝ ሰርዳታ 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። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።