

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



December 12, 2019

ANC 5D
5D@anc.dc.gov

Commissioner Sydelle Moore
ANC/SMD 5D06
5D06@anc.dc.gov

ANC 6A (across the street)
6A@anc.dc.gov

Commissioner Bernice Blacknell
ANC/SMD 5D04
5D04@anc.dc.gov

ANC 7D (across the street)
7D@anc.dc.gov

Re: Z.C. Case No. 19-30 (ANC 5D – Map Amendment @ Squares 4494, 4495, 4506, and 4507 and Parcel 160)

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 a petition from ANC 5D (the “Petitioner”) for approval of a map amendment to property located in the northeast quadrant of the District bounded approximately by H Place, N.E. and midblock Square 4495 (north), 21st Street, N.E. (east), Benning Road (south), and 18th Street, N.E. and midblock Square 4507 (west), also known as various lots in Squares 4494, 4495, 4506, and 4507 and Parcel 160.* 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 <https://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

*See the Notice Filing for a complete list of the properties.

Subtitle Z § 406.2

- 406.2 The Commission shall give "great weight" to the written report of the ANC(s), 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
 - (i) The signature of the ANC Chairperson or Vice-Chairperson.



**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: | D | D | / | M | M | / | Y | Y | Was proper notice given?: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| Description of how notice was given: | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | |
| 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

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| 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.

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.

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 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

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|---|---|---|---|---|---|---|---|---|---------------------------|-----|--------------------------|----|--------------------------|
| Date of ANC Public Meeting: | D | D | / | M | M | / | Y | Y | 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*):

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AUTHORIZATION

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 19-30
(ANC 5D – Map Amendment @ Squares 4494, 4495, 4506, and 4507 and Parcel 160)
December 12, 2019

THIS CASE IS OF INTEREST TO ANC 5D, 7D, and 6A

On December 1, 2019, the Office of Zoning received an application from advisory Neighborhood Commission 5D (the “Petitioner”) for approval of a map amendment for the above-referenced property.

The properties that are the subject of this petition are located in the northeast quadrant of the District and approximately bounded by H Place, N.E. and midblock Square 4495 (north), 21st Street, N.E. (east), Benning Road (south), and 18th Street, N.E. and midblock Square 4507 (west).

The Petitioner proposes to rezone the following properties from RA-2 to RF-4:

- Square 4494, Lots 38-55, 75-82, 85-90, and 843.
- Square 4495, Lots 2-66.
- Square 4506, Lots 88-139 and 141-163.
- Square 4507, Lots 89-101, 112-118¹, and 143-164.

The Petitioner proposed to rezone the following properties from MU-4 to MU-5A:

- Parcels 160/38 (southern portion) and 160/22.²
- Square 4506, Lots 85-87, 164-166, 803, 805, 809, 811, 813, 817, 819, 821, and 823.
- Square 4507, Lots 119-132, 138-142, 166-170, 935, 937, 938, and 940.

The RA-2 zone is intended to provide for areas developed with predominately moderate-density residential uses. The RA-2 zone allows a maximum height of 50 feet (with exceptions for structures and buildings with specified setbacks – see Subtitle F § 203), a maximum lot occupancy of 60%, and maximum density of 1.8 floor area ratio (“FAR”).

The RF-4 zone is intended to provide for areas predominately developed with attached row houses of three or more stories. The RF-4 zone allows a maximum height of 40 feet and three stories (with exceptions for structures and buildings with specified setbacks –

¹ Lots 112-118 in Square 4507 were erroneously left off the initial petition and were subsequently added (see Ex. 1B for the correction).

² Lots 38 (southern portion) and 22 in Parcel 160 were listed in the initial petition as being in Square 4506 (see Ex. 1B for the correction).

see Subtitle E § 603), a maximum lot occupancy of 40%, and maximum density of 1.8 FAR for structures other than residences and churches.³

The MU-4 zone is intended to: permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. MU-4 zone allows a maximum height of 50 feet; a maximum lot occupancy of 60% (70% for Inclusionary Zoning [IZ]); and maximum density of 2.5 FAR (3.0 for IZ, 1.5 for non-residential, and 2.0 for existing building under certain circumstances – see Subtitle G § 402.2).

The MU-5 zone is intended to: permit medium-density, compact mixed-use development with an emphasis on residential use; provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core. The MU-5-A zone allows a maximum height of 65 feet (70 feet for Inclusionary Zoning); a maximum lot occupancy of 80%; and maximum density of 3.5 FAR (4.2 for IZ, 1.5 for non-residential, and 2.0 for existing buildings under certain circumstances – see Subtitle G § 402.2).

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.

³ There are no specified FAR limitations for residences and places of worship in the RF-4 zone.