

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

TIME AND PLACE: **Thursday, September 10, 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:

CASE NO. 20-06 (1333 M Street, LLC – First-Stage and Consolidated PUD and Related Map Amendment @ Square 1025-E, Lot 802; Square 1048-S, Lots 1, 801, & 802; and RES 129 & 299 [1333 M Street, S.E.]

THIS CASE IS OF INTEREST TO ANC 6B

Felice Development Group, the designated representative of land owner, 1333 M Street, LLC (collectively, the “Applicant”), filed an application (the “Application”) on March 13, 2020, pursuant to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [Zoning Regulations], to which all references are made unless otherwise specified) requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve a first-stage and a consolidated planned unit development (“PUD”) with a related Zoning Map amendment from the PDR-4 to the MU-9 zone to allow a mixed-use development on Square 1025-E, Lot 802, Square 1048-S, Lots 1, 801, and 802, RES 129, and RES 299, with an address of 1333 M Street, S.E. (the “Property”).

The Property is a triangular-shaped parcel totaling 127,499 square feet of land area (approximately 2.92 acres), located on the south side of M Street and bordered by the unimproved right-of-way for Virginia Avenue and the right-of-way for Water Street. The Property is located in Ward 6 and is within the boundaries of Advisory Neighborhood Commission (“ANC”) 6B.

The Comprehensive Plan’s (“CP”) General Policy Map (“GPM”) designates the Property as a Land Use Change Area, for which changes in the land use are expected and encouraged. The CP’s Future Land Use Map (“FLUM”) designates the Property for Mixed-Use - Institutional and Medium Density Commercial. The Anacostia Waterfront Framework Plan calls for a mixed-use project with extensive publicly accessible open space that connects Virginia Avenue to the waterfront on the Property.

The current PDR-4 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones and minimize non-industrial uses. The PDR-4 zone has a maximum height of 90 feet and a maximum 6.0 FAR, of which no more than 1.0 FAR may be devoted to restricted uses, with a PUD allowed to have a maximum height of 90 feet and a maximum 7.2 FAR. The PDR-4 zone does not allow residential uses.

The proposed MU-9 zone is intended to permit high-density mixed-use development, including office, retail, and housing, with a focus on employment; and be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops. The MU-9 zone has a maximum height of 90 feet (100 feet for developments subject to Inclusionary Zoning (“IZ”)) and a maximum 6.5 FAR (7.8 FAR for IZ developments), of which no more than 6.5 FAR may be devoted to non-residential

¹ Anyone who wants 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.*)

uses, with a PUD allowed to have a maximum height of 130 feet and a maximum 9.36 FAR for IZ developments.

The Application proposes a mixed-use project consisting of approximately 45,500 square feet of retail/commercial space and 900 residential units over two buildings, with Building 1 having a height of 130 feet and Building 2 having a 92-foot height and a 6.17 FAR for the overall PUD. The Application seeks:

- Consolidated PUD approval for infrastructure and landscape improvements, for an underground parking garage under Building 1, and for Building 1's east tower, which will have approximately 496 dwelling units and approximately 32,217 square feet of non-residential/retail uses; and
- First-Stage PUD approval for Building 1's west tower and Building 2, with the West Tower having approximately 307 apartments and 9,971 square feet of retail space; and Building 2 having 97 apartments and 1,904 square feet of retail space.

The Applicant proposes to dedicate 11% of the residential units as IZ units, 3% more than the 8% minimum required by IZ (the Applicant increased its initial proffer of 10% in response to the Office of Planning's ["OP"] suggestion).

The Application asked for relief from parking, loading, rear yard, and court requirements as PUDs development incentives.

OP submitted a May 1, 2020 report to the Commission, concluding that the Application, on balance, would not be inconsistent with the CP, because although the Application's proposed density is at the upper end of the CP's Medium-Density Commercial category, and the proposed height exceeds the typical height for that category, the CP's written elements, particularly the Housing Element's focus on mixed-use developments including housing. OP noted that the Application would also conform with the Anacostia Waterfront Framework Plan. OP therefore recommended that the Commission set down the Application for a public hearing, with the recommendation that Applicant consider increasing the affordable housing component above the proposed 10%, which exceeds the minimum 8% IZ requirement.

At its May 11, 2020, public meeting, the Commission voted to set down the Application for public hearing.

The Applicant filed its prehearing statement on June 8, 2020.

The public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, which includes the text provided in the Notice of Emergency and Propose Rulemaking 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:

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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 zsubmissions@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 Zoning 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 the Office of Zoning 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 the Office of Zoning's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from the Office of Zoning 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, if an ANC wishes to participate in the hearing, it 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.

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። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።