

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

**TIME AND PLACE:** **Thursday, May 20, 2021 @ 6:30 p.m.**  
**WebEx or Telephone – Instructions will be provided on  
the OZ website by Noon of the Hearing Date**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 20-27 (High Street District Development, Inc. – Consolidated PUD and Related Map Amendment @ Square 445, Lots 191, 192, 193, 194, 800, 821, 822 (collectively “the Property”))**

**THIS CASE IS OF INTEREST TO ANC 6E**

**Oral and Written Testimony**

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> – see below: *How to participate as a witness – oral statements.*
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

On November 3, 2020, High Street District Development, Inc. (the “Applicant”), filed an application (the “Application”) requesting that the Zoning Commission (the “Commission”) approve for the Property to construct a nine-story residential building with ground floor retail use (the “Building”):

- A consolidated planned unit development (“PUD”) pursuant to Subtitle X, Chapter 3, and Subtitle Z, Chapter 3, of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made); and
- A related amendment of the Zoning Map from the current MU-4 zone to the proposed MU-6 zone.

The Property consists of approximately 22,824 square feet of land area at the northeast corner of 7<sup>th</sup> and P Streets, N.W., that extends through the block east to Marion Street, N.W. The Property has frontage on Marion, P, and 7<sup>th</sup> Streets, N.W. and borders the Bread for the City building to the north along 7<sup>th</sup> Street, N.W., and a residential condominium building to the north along Marion Street, N.W. The Property is in Ward 6 and is within the boundaries of Advisory Neighborhood Commission 6E.

The Generalized Policy Map of the Comprehensive Plan (the “CP”) designates the Property in two areas:

- The eastern portion as a Neighborhood Enhancement Area – areas where new development responds to the existing character, natural features, and existing/planned infrastructure capacity, with new housing encouraged to improve the neighborhood that is consistent with the land-use designation on the Future Land Use Map (“FLUM”) and the CP’s policies; and

- The majority of the Property as a Main Street Mixed-Use Corridor – traditional commercial business corridors with a pedestrian-oriented environment, sometimes with upper-story residential or office uses, for which redevelopment should foster economic and housing opportunities and serve neighborhood needs.

The FLUM designates the Property in two use categories:

- The eastern portion for Moderate Density Residential uses - characterized by a mix of row houses and low-rise garden apartment houses with a maximum density typically less than 1.8 FAR, although greater density would be allowed for an IZ development or a PUD; and
- The majority of the Property for a mix of:
  - Medium Density Residential – characterized by generally, but not exclusively, mid-rise apartment buildings, with density typically ranging from 1.8 to 4.0 FAR, although greater density would be allowed for an IZ development or a PUD; and
  - Medium Density Commercial – characterized by density typically ranging from 4.0 to 6.0 FAR, although greater density would be allowed for an IZ development or a PUD, with the MU-8 and MU-10 zones identified as consistent with this FLUM designation

The Application, as amended pursuant to the Commission’s concerns expressed at its January 28, 2021, public meeting, proposes to construct the Building with:

- Approximately 164,000 square feet of total gross floor area, including 7,442 square feet of ground floor retail and 230 units (38 studios, 159 one-bedroom units, 8 one-bedroom plus den units, and 25 two-bedroom units);
- An approximately 7.17 floor area ratio, composed of 6.84 residential FAR and 0.33 retail FAR;
- A building height of approximately 90 feet, which steps down to a height of 43 feet, 8 inches along Marion Street, N.W.; and
- Approximately 56 spaces of below-grade vehicle parking.

The Application requests the following PUD flexibility pursuant to Subtitle X § 303.1:

- Relief pursuant to Subtitle C § 1504.1 from the penthouse height requirements of Subtitle C § 1500.6 (uniform height required; two different heights proposed);
- Relief pursuant to Subtitle G § 1200.4 from the minimum court width requirement of Subtitle G § 202.1 (12 feet, 10 inches required; 11 feet proposed); and
- Relief pursuant to Subtitle G §§ 409.1 and 1200.4 from the lot occupancy requirements of Subtitle G § 404.1 (80% maximum with IZ; 83.9% proposed).

The Application proposes to rezone the Property within the PUD process under Subtitle X §§ 300.4 and 303.12 from the current MU-4 zone to the proposed MU-6 zone, with the resulting changes to the following development standards:

	<b>Current MU-4 Zone</b>	<b>Proposed MU-6 Zone</b>
<b>Maximum Height</b>	50 feet	110 feet
<b>Maximum FAR</b>	2.5; 3.0 with Inclusionary Zoning (“IZ”)	6.0; 7.2 with IZ; 8.64 with PUD & IZ; maximum 3.5 non-residential FAR
<b>Maximum Lot Occupancy</b>	60%; 75% with IZ	75%; 80% with IZ

	Current MU-4 Zone	Proposed MU-6 Zone
Maximum Penthouse Height	12 feet, except 15 feet for mechanical penthouse	20 feet

The Application also requested design flexibility to be refined in a final submission to the Commission to allow changes to specific aspects of the final plans submitted for the Commission’s review and approval.

The Office of Planning (“OP”) filed a February 15, 2021 report, that reviewed the Application as revised in response to the Commission’s comments at its January 28, 2021 public meeting, which initial January 18, 2021 report, in concluding that the Application would generally not be inconsistent with the Comprehensive Plan, and recommending that the Commission set down the Application for a public hearing.

At its February 25, 2021 public meeting, the Commission voted to set the Application down for a public hearing.

The Applicant submitted its prehearing statement on March 19, 2021.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the *D.C. Register* on October 30, 2020.

**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 Sharon Schellin at (202) 727-0340 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. 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, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** 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](mailto: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 Sharon Schellin at (202) 727-0340 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።