

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

TIME AND PLACE: **Monday, February 7, 2022, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the Office of Zoning website by 12:00 noon on the Hearing Date

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 21-15 (S Street Village, LLC – Map Amendment from RF-1 to ARTS-2 @ Square 442, Lots 88, 108, 110, 810, & 811)

THIS CASE IS OF INTEREST TO ANC 6E and ANC 1B

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.*

S Street Village, LLC (the “Applicant”) filed an application (the “Application”) on September 13, 2021, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve an amendment to the Zoning Map for Lots 88, 108, 110, 810, and 811 in Square 442 (the “Property”) from the RF-1 zone to the ARTS-2 zone.

PROPERTY

The Property consists of approximately 22,144 square feet of land area in Square 442 along the south side of S Street, NW. The Property is located immediately to the southeast of the Shaw-Howard University Metrorail station.

COMPREHENSIVE PLAN

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 apartment buildings with retail, office, and service businesses as the predominant uses. Areas with this designation generally draw from a citywide market area. The CP identifies the RA-3 zone as the medium-density residential zone, and the MU-8 and MU-10 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* (the “Duke Plan”) and the Convention Center Area Strategic Development Plan Small Area Plans.

EXISTING AND PROPOSED ZONING:

The Application’s proposed rezoning for the Property to the ARTS-2 zone would expand opportunities for multifamily development and certain non-residential uses at the Property. The proposed rezoning would also change the development standards for the Property, including the following:

	Current RF-1 Zone	Proposed ARTS-2 Zone
Maximum Height	35 feet and 3 stories (40 feet for three or more concurrently developed lots)	65 feet (70 feet for IZ developments)
Density	<u>Minimum Lot Dimensions</u> Minimum Lot Width (ft.) - 18 (row dwelling or flat) - 30 (semi-detached dwelling) - 40 (all other structures) - 18 (IZ ¹ developments) Minimum Lot Area (sq. ft.) - 1,8000 (row dwelling or flat) - 3,000 (semi-detached dwelling) - 4,000 (all other structures) - 1,500 (IZ developments)	<u>Floor Area Ratio (FAR)</u> 3.5 (4.2 for IZ developments), of which a maximum of 1.5 FAR may be devoted to non-residential uses *Building that includes 3.0 FAR or more devoted to residential use is entitled to 0.5 FAR bonus
Maximum Lot Occupancy	- 60% (detached dwellings; semi-detached dwellings; row dwelling and flats, places of worship, or conversions to apartment houses) - 40% (all other structures)	- 80% (residential) - no maximum (all other uses)
Minimum Rear Yard	20 feet	15 feet
Minimum Green Area Ratio	N/A	0.30

SETDOWN

The Office of Planning (“OP”) filed a report dated November 5, 2021 (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. OP found that the proposed map amendment “would prioritize future development of the site with a mix of medium density residential and commercial uses, including a desirable depth of

¹ “IZ” refers to Inclusionary Zoning.

affordable housing, minimum displacement, and transportation access to opportunities for its future residents.” See OP Setdown Report at p. 19

IZ PLUS

OP also found that the site and rezoning request were appropriate for IZ Plus. Under IZ Plus a property will be required to set aside a larger percentage of residential floor area for affordable housing than the regular IZ set aside. IZ Plus is based on the increased density resulting from the rezoning.

At its November 18, 2021 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 November 24, 2021.

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/CaseReport/CaseReportPage.aspx?case_id=21-15.

The virtual public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, to which all references are made unless otherwise specified) as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as printed in the Notice of Final Rulemaking published in the *D.C. Register* on October 30, 2021.

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 Ron Barron 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. 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. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ron Barron 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>.

"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 A. SHAPIRO, PETER G. MAY, AND JOSEPH IMOMURA ----- 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.

ለሙሳተፍ 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። እንኳህ አገልግሎቶች የሚሰጡት በነጻ ነው።