

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

TIME AND PLACE: **Thursday, October 6, 2022, @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC22-06> (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2300 197 6021
(audio participation & listen)
Via YouTube: <https://www.youtube.com/c/DCOfficeofZoning> (to watch)
Instructions: <https://dcoz.dc.gov/release/virtual-public-hearings>
Witness Sign Up: <https://dcoz.dc.gov/service/sign-testify>

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 22-06 (801 Maine Ave SW PJV, LLC – Consolidated Planned Unit Development & Related Map Amendment from the MU-12 Zone to the MU-9A Zone, 899 Maine Avenue, S.W. (Square 390, Lot 53)

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/service/sign-testify> - see below: *How to participate as a witness – oral statement*. **On the day of the hearing**, call 202-727-0789 to sign up to testify.
- 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*.

THIS CASE IS OF INTEREST TO ANC 6D

801 Maine Ave SW PJV, LLC (the “Applicant”) filed an application (the “Application”) on February 11, 2022, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve a consolidated planned unit development (“PUD”) and a related Zoning Map amendment from the MU-12 to the MU-9A zone.

PROPERTY

The subject property is located in the southwest quadrant of the District and is known as Lot 53 in Square 390 (the "PUD Site"). The PUD Site is a triangular shaped parcel of approximately 53,363 square feet of land area (1.23 acres ±). The PUD Site is generally bounded by G Street on the north, Maine Avenue to the south, and 9th Street on the west. The PUD Site's immediate surroundings include Benjamin Banneker Park to the west, Thomas Jefferson Middle School Academy and Jefferson Field to the east, a townhouse community to the north and The Wharf to the south. The PUD Site is currently improved with an office building with an underground public parking garage.

PROPOSED PROJECT

The Applicant proposes to redevelop the PUD Site with a mixed-use building consisting of approximately 454,243 square feet of gross floor area ("GFA") devoted to residential and retail

uses (the "Project"). The overall Project is proposed to have a floor area ratio ("FAR") of 7.92 and a proposed maximum height of 90 feet at G Street and 130 feet along Maine Avenue. The Project proposes approximately 430,191 square feet of GFA devoted to residential use, resulting in approximately 499 residential dwelling units. Of the residential gross floor area, 15% is proposed to be set aside for affordable housing for households with incomes not exceeding 60% of the median family income ("MFI"). Approximately 24,052 square feet of GFA is proposed to be programmed with ground-floor retail.

EXISTING AND PROPOSED ZONING

The PUD Site is currently zoned MU-12, which is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront. (11-G DCMR § 500.3.) The maximum permitted density in the MU-12 zone is 2.5 FAR, with up to 3.0 FAR for Inclusionary Zoning ("IZ") projects, and with a maximum non-residential FAR of 1.0. (11-G DCMR § 502.1.) The maximum permitted building height in the MU-12 zone is 45 feet, with up to 50 feet for IZ projects. (11-G DCMR § 503.1.)

The Applicant proposes to rezone the PUD Site to the MU-9A zone. The MU-9 zones are specifically intended to: (a) permit high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use; and (b) be located in or near the Central Employment Area,¹ on arterial streets, in uptown and regional centers, and at rapid transit stops. (11-G DCMR § 400.8.) For a PUD, the MU-9A zone permits a maximum FAR of 9.36, with up to 1.34 FAR permitted for non-residential use, and a maximum building height of 130 feet. (11-X DCMR §§ 303.3, 303.4, and 303.7.)

COMPREHENSIVE PLAN

The Generalized Policy Map of the Comprehensive Plan ("CP") designates the PUD Site as a Neighborhood Conservation Area, in which new development should be compatible with the existing scale, natural features, and character of the area, with densities guided by the CP's Future Land Use Map ("FLUM") and CP policies. The FLUM designates the PUD Site as Medium Density Commercial, where retail, office, and service businesses are the predominant uses, although residential uses are common.

SETDOWN

The Office of Planning ("OP") filed a report dated April 18, 2022, marked as Exhibit 13 in the case record, recommending that the Commission setdown the Application for a public hearing.

At its April 28, 2022, 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 June 4, 2022.

¹ The Central Employment Area (CEA) is the core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The graphic boundaries of the CEA are detailed in the Comprehensive Plan. (11-B DCMR § 100.2.)

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=22-06.

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 Ella Ackerman 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 call Ella Ackerman (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, JOSEPH S. IMAMURA, AND PETER G. MAY----- 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።

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.