

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

TIME AND PLACE: **Monday, January 30, 2023, @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC22-12> (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2305 872 7971 (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. 22-12 (Mid-Atlantic Neighborhood Development Corporation – Map Amendment from MU-3A to MU-7A @ Square 2819, Lots 810, 811, 812, & 813)

THIS CASE IS OF INTEREST TO ANCs 4E (as of 01/01/23) & 4C

Mid-Atlantic Development Corporation, the designative representative of the owners of Lots 810,

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 as indicated above. Also, 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*.

811, 812, and 813 in Square 2819 (the "Property"), filed an application with the Zoning Commission for the District of Columbia (the "Commission") to rezone the Property from the MU-3A zone to the MU-7A zone. The street addresses for the lots that make up the Property are: 4411, 4413, and 4415 14th Street, N.W. and 4424 Arkansas Street, N.W.

The Application was originally filed for Lot 813 on March 15, 2022, and was amended on July 6, 2022 to include Lots 810, 811, and 812 in Square 2819.

PROPERTY

The Property consists of approximately 19,623 square feet of land area. It is located in the 16th Street Heights neighborhood on the east side of 14th Street, N.W., between Allison and Webster Streets. The Property is bounded by Arkansas Avenue on the east.

COMPREHENSIVE PLAN

The Generalized Policy Map of the Comprehensive Plan (the "CP") designated the Property in a **Neighborhood Conservation Area**, which applies to neighborhoods with little vacant or underutilized land that are generally residential in character. The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. The CP's Future Land Use Map designates the Property for **Mixed-Use – Medium-Density Residential / Moderate-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 range from small business districts that draw primarily from the surrounding neighborhoods to larger business district uses that draw from a broader market area. The CP identifies the RA-3 as the medium-density residential zone, and the MU-5 and MU-7 zones are representative of the zone districts consistent with the Moderate-Density Commercial category, and other zones may also apply.

The Property also falls within the area covered by the *Central 14th Street Vision Plan and Revitalization Strategy* (the "14th Street Plan"), the applicable Small Area Plan that provides development goals and objectives relevant to the Property and the overall 14th Street Corridor.

EXISTING AND PROPOSED ZONING

The Applicant's proposed rezoning for the Property to the MU-7A 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:

	Existing Zone: MU-3A	Proposed Zone: MU-7A
Maximum Height	40 ft. / 3 stories	65 ft.
Density (FAR)	1.0 max.; 1.2 (IZ)	4.0 max.; 4.8 (IZ)
Maximum Lot Occupancy	60%	75%; 80% (IZ)

SETDOWN

The Office of Planning (“OP”) filed a report, dated August 29, 2022 (the “OP Setdown Report”), recommending that the Commission setdown the Application for a public hearing. The OP Setdown Report concluded that the proposed map amendment would not be inconsistent with the CP maps, Citywide Elements and the Rock Creek East Area Element, and would further racial equity goals, as the proposed zone would allow neighborhood-serving retail and residential uses, including market rate and affordable dwelling units. OP found that IZ Plus would be appropriate for the map amendment, as the MU-7A zone coupled with IZ Plus would allow for additional density and would generate more affordable residential units. OP also found that the proposed map amendment is consistent with the guidelines of the 14th Street Plan and its specific recommendation to “[p]ursue land use change and infill development that is designed with contextual sensitivity and attract a medium scale grocery anchor to support existing businesses and spur increased foot traffic.” (OP Setdown Report at p. 11.)

At its September 8, 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 September 20, 2022.

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=22-12.

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 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.

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። እነኝህ 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.