

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

TIME AND PLACE: **Monday, March 11, 2024 @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC23-28> (to participate & watch)
Via Telephone: 1-650-479-3208 | **Access Code:** 2302 866 4823
(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. 23-28 (Hill East Parcel B, LLC – Hill East District Review @ Square 1112E, Lots 809 and 815)

THIS CASE IS OF INTEREST TO ANCs 7F AND 7D

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*.

On December 20, 2023, the Office of Zoning received an application from Hill East Parcel B, LLC (the “Applicant”), requesting that the Zoning Commission for the District of Columbia (the “Commission”) review and approve an application for design review filed pursuant to Subtitle K § 409.1 of the Hill East (HE) Zone District regulations (Title 11 DCMR) and Subtitle Z § 301 (the “Application”). The HE Zone District requires that the Commission review all new buildings or additions to existing buildings, for consistency with the design guidelines set forth in Subtitle K §§ 419 through 421, and with the stated purposes of the HE zones.

The Subject Property

The subject property consists of two vacant parcels consisting of approximately 113,755 square feet of land area, which are more particularly known as Parcel B-1 and Parcel B-2 in the Hill East campus (collectively, the “Property”). The Property was formerly public land known historically as Reservation 13, and for assessment and taxation purposes is now identified as Lots 809 and 815 in Square 1112E. The Property is located on the south side of Independence Avenue, S.E., between 20th and 21st Streets, and is in the HE-2 zone. The Property is in Ward 7, within the boundaries of Advisory Neighborhood Commission (“ANC”) 7F07. The boundary for ANC 7D is located north

of the Property along Independence Avenue, S.E., and therefore also is an affected ANC pursuant to Subtitle Z § 101.8.

The Property is located within the Anacostia Waterfront Development Zone; therefore, any redevelopment of it must comply with the affordable housing requirements of “National Capital Revitalization Corps and Anacostia Water Corporation Reorganization Act of 2008” (D.C. Official Code § 2-1226.01 et seq. (2008)) (the “AWI Act”). (See D.C. Official Code § 2-1226.02 (2012 Repl.)). In addition, the Property is subject to the affordable housing requirements of D.C. Official Code § 10-801 et seq., which apply to real property that is being disposed of by the District. Accordingly, pursuant to Subtitle C § 1001.6(a), the Property is exempt from Inclusionary Zoning because it is subject to affordable housing requirements that exceed Inclusionary Zoning requirements.

Proposed Project

The Applicant proposes to redevelop the Property with two new buildings. Parcel B1 will be improved with a residential apartment building consisting of approximately 373,157 square feet of gross floor area (“GFA”) with approximately 350 residential units. The maximum building height will be 80 feet and the maximum density of the development will be 4.8 FAR (“Building B1”). Parcel B2 will be improved with a mixed-use building consisting of approximately 14,044 square feet of ground floor retail and an apartment house with approximately 144 units above. The total GFA of the building will be approximately 172,867 square feet; the maximum building height will be 80 feet; and the maximum density of development will be 4.8 FAR (“Building B2”).

Requested Waivers from the Hill East Design Standards

Pursuant to Subtitle K § 409.2, for good cause shown, the Commission, in its discretion, may waive one or more of the design standards set forth in Subtitle K § 417 through 419. The Applicant is requesting four waivers with the Application:

1. For a portion of Building B2, a waiver from Subtitle K § 418.1(c), which requires a minimum clear floor to-ceiling height of 14 feet, measured from grade, for the area of the ground floor dedicated to preferred uses;
2. For the front of Building B1, a waiver from Subtitle K § 419.2, which requires that the front of a building or structure extend to the property line abutting the street right-of-way for not less than 90% of the property line and to a height of not less than 25 feet;
3. For Building B2, a waiver from Subtitle K § 419.7, which requires a façade articulation of less than two feet in depth to meet the street frontage required building line standards of Subtitle K §§ 419.2 and 419.3; and
4. For the ground floor of Building B1, a waiver from Subtitle K § 417.1(e), which requires that not less than 65% of the ground floor frontage along Independence Avenue is devoted to preferred uses and main building entrances, or lobbies to office and residential uses, and shall comply with the design requirements of Subtitle K §§ 418 through 420.

Requested Variance

Pursuant to Subtitle K § 409.3, the Commission, when conducting a review required by the HE zone, may concurrently hear and decide any additional requests for special exception or variance relief needed for the Property. Accordingly, the Applicant is requesting a variance from Subtitle K § 420.2, which requires that the fronts of buildings located at street intersections be constructed to the property lines abutting each intersecting street, without any setback, for a minimum of 50 feet from the intersection, along each street frontage.

The complete record for the case, including the Applicant's filings, 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=23-28.

This 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, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Final Rulemaking adopted by the Zoning Commission in Z.C. Case No. 20-11 (effective 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 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. Therefore, **all written comments and/or testimony MUST 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:

- | | |
|-----------------------------------|-------------------------|
| 1. Applicant & 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 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 Ella Ackermann 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 must comply with the provisions of Subtitle Z § 404. **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, persons seeking party status must submit, a Form 140 – Party Status Application, through the Interactive Zoning Information System (“IZIS”).** This form may also 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, TAMMY STIDHAM, AND JOSEPH S. IMAMURA ----- 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.