

**Prehearing Statement
in Support of Zoning Case No. 08-03**

**Application for
Zoning Map Amendment for:**

**Square 5228, Lot 44
Square 5253, Lots 23, 811, 813, 814
Square 5262, Lots 14 and 824
Square 5263, Lots 5, 6, 7, 9, 10, 41, 809
Square 5264, Lot 807
Square 5265, Lot 805**

Beulah Baptist Church of Deanwood Heights, Inc.

June 30, 2008

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ZONING COMMISSION
District of Columbia

CASE NO.

08-03

EXHIBIT NO.

19

ZONING COMMISSION
District of Columbia
CASE NO.08-03
EXHIBIT NO.19

**CERTIFICATION OF COMPLIANCE WITH
SECTION 3013 OF THE ZONING REGULATIONS**

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on February 14, 2008, as part of the initial filing for the case and, in accordance with Section 3013 of the Zoning Regulations, the application is complete.

<u>Subsection</u>	<u>Description</u>
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise
3013.1(f)	List of maps, plans, or other documents readily available that will be offered into evidence
3013.1(g)	Estimated time required for presentation of Applicant's case
3013.3	Name and Address of Owner of Property Proposed to be Rezoned
3013.6(a)	Names and addresses of all property owners within 200 feet of the subject property

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

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I. **INTRODUCTION**

This statement and the attached documents are submitted by Beulah Baptist Church of Deanwood Heights, Inc. (the "Applicant"), in support of its application to the Zoning Commission for the District of Columbia requesting an amendment to the Zoning Map of the District of Columbia (the "Application"). Specifically, the Applicant seeks to rezone the following lots from C-1 to C-2-A: Lots 23, 811, 813, 814 in Square 5253; and the following lots from R-2 to C-2-A: Lot 44 in Square 5228; Lots 14 and 824 in Square 5262; Lots 5-7, 9, 10, 41 and 809 in Square 5263; Lot 807 in Square 5264; and Lot 805 in Square 5265.

A. Overview of Application

The lots covered under the Application total approximately 131,108 square feet and, generally, are located on the north and south sides of Dix Street, N.E., between 57th and 60th Streets (the "Property"). The Property is among those covered under the District of Columbia Comprehensive Plan Amendment Act of 2006 (D.C. Act 16-637) adopted on December 28, 2006. Said legislation changed the land use designation for the north and south sides of Dix Street, N.E., between 57th and 60th Streets (the "Dix Street Corridor"), from Low Density Residential to mixed use Moderate Density Residential and Low Density Commercial.

The proposed rezoning of the Property from C-1 and R-2 to C-2-A is consistent with the recently adopted Comprehensive Plan Amendment. The C-2-A District permits matter-of-right low density development, including office, retail, and all kinds of residential uses to a maximum lot occupancy of 60% for residential use. 11 DCMR §772.1. The maximum FAR in the C-2-A

District is 2.5 for residential use¹ and 1.5 FAR for other permitted uses. 11 DCMR §771.2. The maximum permitted height in the C-2-A District is 50 feet. 11 DCMR § 770.1. The proposed rezoning is also consistent and compatible with the existing C-2-A zoning for that portion of Dix Street between 60th Street and Eastern Avenue.

B. Procedural History

The Application was filed with the Zoning Commission on February 14, 2008. On May 8, 2008, the Application was presented to Advisory Neighborhood Commission 7C (the "ANC"), which voted 5-0 to support the rezoning of the entire Dix Street Corridor as proposed by the Applicant and the Office of Planning. The letter of support from the ANC was submitted to the Zoning Commission on May 10, 2008. At its May 12th public meeting, the Zoning Commission voted unanimously to set down the Application for Public Hearing. With the submittal of this prehearing statement, the Applicant respectfully requests that the Application be scheduled for the next available hearing of the Zoning Commission.

II.
SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Issues Raised by the Office of Planning

In its report to the Zoning Commission, dated April 29, 2008, the Office of Planning concluded that the proposed rezoning of the Property from R-2 and C-1 to C-2-A was not inconsistent with the Comprehensive Plan, with the exception of the northwest portion of Lot 41 in Square 5263. The Office of Planning noted that, unlike the balance of the Property, which is designated in the mixed use Moderate Density Residential and Low Density Commercial land use category, the northwest portion of Lot 41 is within the Low Density Residential area. For

¹ Also, under the proposed Inclusionary Zoning regulations, the lot coverage could increase up to 75% and the FAR could increase from 2.5 to 3.0 for residential use.

this reason, the Office of Planning recommended that the northwest portion of Lot 41 be removed from the Application. However, in order to create a continuous C-2-A District in Square 5263, the Office of Planning recommended rezoning Lot 817 from R-2 to C-2-A. (Lot 817 is a triangular lot wedged between the southeast portion of Lot 41 and Lots 5 and 6.)

As reported at the May 12th Zoning Commission meeting, the Office of Planning will augment the Application by filing a separate map amendment application to rezone the following lots to C-2-A:

<u>Square</u>	<u>Lot</u>	<u>CurrentZoning</u>	<u>Area</u>
5253	821	C-1	7,443 s.f.
5254	813	R-2	12,891 s.f.
5262	802-804, 821, 822	R-2	8,184 s.f.
5263	8, 39, 817	R-2	10,732 s.f.
5264	31-34, 45-53	R-2	26,439 s.f.
5265	28, 31-34, 45, 46, 806	R-2	13,220 s.f.

The foregoing lots are within the Dix Street Corridor and, according to the May 12th Office of Planning report, the C-2-A designation for these lots is more consistent with the 2006 District of Columbia Comprehensive Plan Future Land Use Map.

B. Issues Raised by the Zoning Commission

At the setdown hearing, the Zoning Commission inquired as to the type of development contemplated on the Property with the proposed C-2-A zoning.

The Applicant is contemplating a mix of uses along the Dix Street Corridor, including a community center that offers educational and recreational programs; affordable senior housing;

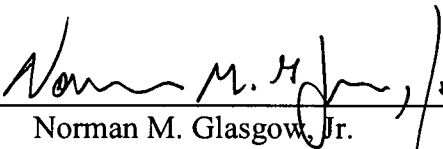
and neighborhood serving retail. At one community meeting where the Application was discussed, it was suggested that the proposed development include space for a post office, police substation, and professional offices. The Applicant is also considering an expansion of Beulah Baptist Church on the north side of Dix Street between 58th and 59th Streets.

III. **CONCLUSION**

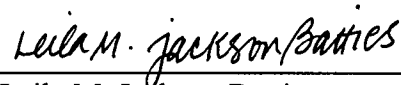
In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of Beulah Baptist Church of Deanwood Heights, Inc. in order to provide additional information in support of the map amendment application for Dix Street, N.E., between 57th and 60th Streets. Based on the information contained herein and the case presented in the original submittal, we respectfully request the Zoning Commission's approval of the Application.

Respectfully submitted,

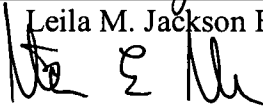
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