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November 24, 2021

VIA IZIS

Zoning Commission
for the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

**Re: Applicant's Prehearing Submission – Z.C. Case No. 21-15
Zoning Map Amendment from the RF-1 Zone to the ARTS-2 Zone
Square 442, Lots 88, 108, 110, 810 & 811**

Dear Members of the Commission:

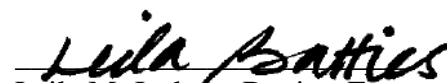
On behalf of S Street Village LLC (the "Applicant"), we hereby submit the attached materials in support of Z.C. Case No. 21-15 for a Zoning Map Amendment from the RF-1 zone district to the ARTS-2 zone district (the "Application"). Enclosed herewith are the following materials:

- A Prehearing Statement and related exhibits; and
- A completed Hearing Fee Calculator Form and check made payable to the D.C. Treasurer.

We would appreciate the Zoning Commission scheduled a public hearing on this Application at the next available hearing date.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Leila M. Jackson Batties, Esq.
Christopher S. Cohen, Esq.

Enclosures

cc: Certificate of Service

ZONING COMMISSION
District of Columbia
CASE NO.21-15
EXHIBIT NO.15

CERTIFICATE OF SERVICE

I hereby certify that, on November 24, 2021, a copy of the foregoing Prehearing Submission filed in support of an application for a Zoning Map amendment, which has been designated as Z.C. Case No. 21-15, was served upon the following:

1. **D.C. Office of Planning**
Ms. Jennifer Steingasser
Mr. Joel Lawson
Ms. Karen Thomas
via Email: jennifer.steingasser@dc.gov
 joel.lawson@dc.gov
 karen.thomas@dc.gov


2. **District Department of Transportation**
Mr. Jonathan Rogers, DDOT
Mr. Aaron Zimmerman, DDOT
via Email: jonathan.rogers2@dc.gov
 aaron.zimmerman@dc.gov

3. **Advisory Neighborhood Commission 6E**
c/o Commissioner Rachelle Nigro, Chair
via Email: 6E@anc.dc.gov
 6E04@anc.dc.gov

4. **Commissioner Alex Lopez**
Single Member District Representative, ANC 6E-02
via Email: 6E02@anc.dc.gov

5. **Advisory Neighborhood Commission 1B**
c/o Commissioner James Turner, Chair
via Email: 1B@anc.dc.gov
 1B09@anc.dc.gov

6. **Commissioner Larry Handerhan**
Single Member District Representative, SMD 1B-01
via Email: 1B01@anc.dc.gov



Christopher S. Cohen, Esq.
Holland & Knight LLP

**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**Z.C. CASE NO. 21-15
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT
FROM THE RF-1 ZONE DISTRICT TO THE ARTS-2 ZONE DISTRICT**

SQUARE 442, LOTS 88, 108, 110, 810 & 811

S STREET VILLAGE LLC

November 24, 2021

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Leila M. Jackson Batties, Esq.
Christopher S. Cohen, Esq.
Counsel for the Applicant

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Certification of Compliance
with Subtitle Z § 401 of the Zoning Regulations

The undersigned hereby certifies that, in accordance with Subtitle Z § 401 of the Zoning Regulations, two (2) paper copies, and an electronic copy through the OZ electronic case management system, of all of other information listed below were filed with the Zoning Commission on November 24, 2021, and in accordance with Subtitle Z § 401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subtitle Z Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	N/A
401.1(b)	List of witnesses prepared to testify on behalf of the Applicant	Page 2 and Exhibit A
401.1(c)	Summary of witness testimony and resume of expert witnesses	Exhibit B
401.1(d)	Additional information introduced by the Applicant	N/A
401.1(e)	Reduced plan sheets	N/A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit C
401.1(g)	Estimated time required for presentation of the Applicant's case	Page 2 and Exhibit A
401.3(a)	Names and addresses of owners of all property within 200 feet of the Property	Exhibit D
401.3(b)	Name and address of each person having a lease with the owner for all or part of any building located on the Property	N/A

List of Exhibits

- Exhibit A: List of Witnesses and Estimated Time Required for Presentation of Applicant's Case
- Exhibit B: Outlines of Witness Testimony and Resumes of Expert Witnesses
- Exhibit C: List of Maps, Plans, or Other Documents Readily Available that may be Offered into Evidence
- Exhibit D: List of Names and Addresses of All Owners of Property Within 200 Feet of the Property
- Exhibit E: Hearing Fee Calculator Form

I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of S Street Village LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Commission”) for a Zoning Map amendment from the Residential Flats (RF)-1 to the Mixed-Use Arts (ARTS)-2 zone for property located at Lots 88, 108, 110, 810, and 811 in Square 442 (the “Property”).

The subject application was filed with the Commission on September 13, 2021. (Exhibits 1 – 3J.) By report dated November 5, 2021, the D.C. Office of Planning (“OP”) recommended that the Commission setdown the application to rezone the Property from the RF-1 zone to the ARTS-2 zone (the “OP Setdown Report”). *See Exhibit 12.* OP found that the proposed map amendment “would prioritize future redevelopment of the site with a mix of medium density residential and commercial uses, including a desirable depth of affordable housing, minimum displacement, and transportation access to opportunities for its future residents.” *See* OP Setdown Report at p. 19. Moreover, OP noted that “[t]he targeted action of this proposed map amendment would support equitable development while contributing to the increase in the affordable housing supply for the [Near Northwest] Planning Area.” *Id.* at p. 7.

The Commission considered the case for setdown at its public meeting on November 18, 2021, and, in doing so, voted to schedule the case for a public hearing (5-0-0). The Commission did not request any additional information from the Applicant at that time.

II. COMMUNITY OUTREACH

The Property lies within the boundaries of Advisory Neighborhood Commission (“ANC”) 6E. The Applicant met with the ANC 6E Zoning Advisory Committee (the “ZAC”) on Thursday, September 30, 2021, to present the map amendment request and solicit feedback. The ZAC voted in unanimous support of the application and forwarded its recommendation to the full ANC. The Applicant presented the application to ANC 6E on Tuesday, October 5, 2021, and the ANC voted 7-0-0 in support. In its letter in support of the application, dated November 15, 2021, the ANC acknowledged that the application would facilitate “a new mix of uses appropriate for [the Property’s] transit-oriented location” and address the “urgency” for new affordable housing in the Shaw neighborhood. *See Exhibit 13.*

Under the Zoning Regulations, ANC 1B is also an affected ANC because a portion of the Property is on a segment of S Street that serves as a boundary line between ANC 1B and ANC 6E. Via e-mail to undersigned counsel dated September 14, 2021, Patrick Nelson, the chair of the ANC 1B Preservation and Development Committee, communicated that ANC 1B “will defer to ANC 6E” with respect to evaluating the application.

III. SUPPLEMENTAL FILING REQUIREMENTS OF SUBTITLE Z § 401

A. Additional Information Specified by the Commission

The Commission did not request any additional information, reports, or other materials at the time the matter was set down for public hearing. *See* Subtitle Z § 401.1(a).

B. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Subtitle Z § 401.1(b) of the Zoning Regulations, a list of those persons the Applicant intends to call as witnesses is attached as **Exhibit A** and also provided below:

1. Ms. Sasha Angus, President & CEO of Manna, Inc., on behalf of the Applicant
2. Mr. Shane L. Dettman, Director of Planning Services, Holland & Knight LLP
Note: The Applicant intends to proffer Mr. Dettman as an expert witnesses in land use and urban planning.

C. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Subtitle Z § 401.1(c) of the Zoning Regulations, outlines of testimony for all witnesses, and a complete and professional resume for any expert who may be called to testify at the public hearing are attached as **Exhibit B**.

D. List of Maps, Plans or Other Documents Readily Available

In accordance with Subtitle Z § 401.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that may be offered into evidence at the public hearing is attached as **Exhibit C**.

E. Estimated of Time Required for Presentation of Applicant's Case

In accordance with Subtitle Z § 401.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 20 minutes, subject to the decision of the presiding officer at the public hearing.

F. Names and Addresses of Owners of Property with 200 Feet of the Subject Property

In accordance with Subtitle Z § 401.3(a) of the Zoning Regulations, a list of the names and addresses of the owners of all of the property located within two hundred feet (200 ft.) of the Property is attached as **Exhibit D**.

G. Report by Traffic Consultant


In accordance with Subtitle Z § 401.8 of the Zoning Regulations, any traffic report for the Application will be filed with the Commission at least thirty (30) days prior to the public hearing.

IV. CONCLUSION

This Prehearing Statement along with the original application meets the filing requirements for a contested case Zoning Map amendment application, as required by Subtitle X, Chapter 5 and Subtitle Z of the Zoning Regulations. In light of the foregoing, the Applicant respectfully requests that the Commission schedule a hearing on the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP


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Leila M. Jackson Batties
Christopher S. Cohen