

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

**Z.C. CASE NO. 24-07  
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT  
FROM THE RA-1 AND THE R-3 ZONE TO THE RA-2 ZONE**

**\*\*\***

**SQUARE 5734, LOTS 4–8, 10–20, 811, 813, AND 815  
SQUARE 5735, LOTS 1–4**

**\*\*\***

**SKYLAND PLACE LLC**

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**September 20, 2024**

Respectfully submitted by:

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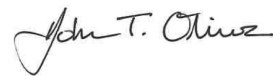
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**CERTIFICATE OF COMPLIANCE**  
**WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS**

Pursuant to 11-Z DCMR § 401.4, the undersigned, on behalf of Skyland Place LLC (the “Applicant”), hereby certifies that the application and this supplemental filing comply with the provisions of 11-Z DCMR § 401.1 *et seq.* Further, and in accordance with Subtitle Z § 401.5, the application will not be modified less than thirty (30) days prior to the public hearing.

<b><u>Subtitle Z Subsection</u></b>	<b><u>Description</u></b>	<b><u>Page/Exhibit</u></b>
401.1(a)	Information requested by the Zoning Commission	Page 3
401.1(b)	List of witnesses prepared to testify on behalf of the Applicant	Page 3
401.1(c)	Written summary of all witness testimony	Exhibit A
401.1(d)	Additional information introduced by the Applicant	Page 3
401.1(e)	Reduced plan sheets	N/A
401.1(f)	List of maps, plans, and 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 4
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
401.8	Transportation memorandum prepared by traffic consultant	N/A

Respectfully submitted,



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John T. Oliver  
Holland & Knight LLP

## **LIST OF EXHIBITS**

- Exhibit A:** Outlines of Witness Testimony and Resume for Expert Witness
- Exhibit B:** Discussion of Applicant's Community Engagement
- Exhibit C:** Information regarding Future Development Process
- Exhibit D:** List of Maps, Plans, and Other Documents Readily Available that may be Offered into Evidence
- Exhibit E:** List of Names and Addresses of All Owners of Property Within 200 Feet of the Property
- Exhibit F:** Hearing Fee Calculator – Form 116

## **PREHEARING STATEMENT OF THE APPLICANT**

### **I. Introduction**

This Prehearing Statement and the accompanying documents (the “Prehearing Submission”) are submitted on behalf of Skyland Place LLC (the “Applicant”) in support of its application (the “Application”) to the District of Columbia Zoning Commission (the “Commission”) for a Zoning Map Amendment. The Application is a request to rezone the property referred to as Lots 4–8, 10–20, 811, 813, and 815 in Square 5734, and Lots 1–4 in Square 5735 (collectively, the “Property”) from the current RA-1 zone and the current R-3 zone to the RA-2 zone.

#### **A. The Property**

The Property consists of approximately 380,280 square feet of land area (approx. 8.70 acres), located within the southeast quadrant of Washington, DC. The Property is comprised of the majority of the lots located in Square 5734 and Square 5735, and is generally bounded by Marion Barry Avenue to the north, Wagner Steet to the south, 25th Street to the east, and low- to mid-rise apartments to the west. The Property is situated within the Skyland neighborhood.

The Skyland neighborhood is generally bounded by Marion Barry Avenue to the northeast, Alabama Avenue to the southeast, and Fort Stanton Park to the south and to the west. The Skyland neighborhood is within Ward 8, and the Property is within the boundaries of Advisory Neighborhood Commission (“ANC”) 8B. ANC 8A is an affected ANC because the Property is located on a street (Marion Barry Ave., SE) which serves as a boundary line between ANC 8B and ANC 8A. 11-Z DCMR § 101.8. Additionally, the Property is within 0.25 miles of several WMATA bus routes, specifically the W4, W8, V7, 92, and 32 route.

The area surrounding the Property is comprised of a mix of low- to mid-rise residential uses, neighborhood-serving retail uses, and commercial uses. Specifically, the area north of the Property, and south of Marion Barry Avenue, consists of retail uses, whereas the area north of the Property, and north of Marion Barry Avenue, consists of mid-rise apartment buildings. The area south of the Property consists of single family homes and the Capitol City Rehabilitation and Healthcare Center. The area to the east of the Property consists of retail, commercial, and educational uses such as the Stanton Elementary School, a McDonald’s restaurant, and the Skyland Workforce Center. The area to the west of the Property consists of low- to mid-rise apartments and the Fort Stanton Park. The Property is located in close proximity to the Skyland Town Center development. *See* ZC Case No. 09-03.

#### **B. Request for Zoning Map Amendment**

The Application is a request to rezone the Property from the current RA-1 zone and the current R-3 zone to the RA-2 zone. *See* Case Record, Exs. 1–3J. The purpose of the RA-2 zone is to permit design flexibility by permitting all types of urban residential development if the development conforms to the height, density, and area requirements of the zone, and to permit the construction of institutional and semi-public buildings that would be compatible with adjoining

residential uses. *See* 11-F DCMR §§ 101.3(a)–(b). More specifically, the RA-2 zone provides for areas developed with predominantly **moderate-density residential uses**. 11-F DCMR § 101.4 (emphasis added).

Rezoning the Property to the RA-2 zone would not be inconsistent with the Comprehensive Plan, as doing so would permit additional residential density and would facilitate development opportunities envisioned by the District. *See Statement in Support*, Ex. 3. Additionally, the Application furthers several policies under the Far Southeast and Southwest Area Element, and under Citywide Elements, such as the Land Use, Housing, Transportation, Environmental Protection, and Economic Development Element. *See Comprehensive Plan Analysis*, Ex. 3E. The Application would also advance racial equity as the Application would result in housing and affordable housing near the Skyland Town Center. *Id.* Finally, as required by 11-X DCMR § 500.3, the Application is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. *Id.*

### **C. Setdown and Request for Public Hearing**

The Office of Planning (“OP”) filed a report dated August 30, 2024, recommending that the Commission set down the Application for a public hearing. *See* Ex. 11 (the “OP Setdown Report”), pp. 1. OP concluded that the “proposed RA-2 zone would be not-inconsistent” with the Property’s Future Land Use Map (“FLUM”) designation and “would . . . not be inconsistent with the written policies of the Comprehensive Plan.” *See* OP Setdown Report, pp. 1. More specifically, the OP Setdown Report stated the proposed Application:

- “Would not be inconsistent with the map designations or the Citywide and Area Elements.” OP Setdown Report at pp. 6.
- “Would be compatible with the development pattern envisioned for the area and would not be inconsistent with the FLUM.” OP Setdown Report at pp. 7.
- “Would be not inconsistent with both the Comprehensive Plan Generalized Policy and Future Land Use Maps.” OP Setdown Report at pp. 9.
- “Would not be inconsistent with the Citywide Elements of the Comprehensive Plan and would particularly further the policies of the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Urban Design Elements.” OP Setdown Report at pp. 9–10.
- “Would not be inconsistent with many of the policies of the Citywide Elements and the recommendations of the Far Southeast/Southwest Policy Area.” OP Setdown Report at pp. 21.

Further the OP Setdown Report indicated that the proposed RA-2 zone would fulfill several written Comprehensive Plan policies and would be compatible with the surrounding community. OP Setdown Report at pp. 1, 4, 7, and 8.

The Commission considered the Application for setdown at its public meeting on September 12, 2024, and voted unanimously (4-0-1) to schedule the Application for a public hearing.

OP noted, and the Applicant agrees, that the Applicant will provide more information on the results of its ongoing resident and community outreach prior to any public hearing.

As demonstrated by the Certification of Compliance above, and as set forth below, this Prehearing Submission meets the filing requirements of 11-Z DCMR § 401 *et seq.* Accordingly, the Applicant requests that the Commission schedule a public hearing on the Application.

## **II. Supplemental Filing Requirements of Subtitle Z § 401**

### **A. Additional Information Specified by the Commission**

On September 12, 2024, the Commission held a public meeting to deliberate whether the Application should be setdown. During its public meeting, the Commission did not ask the Applicant to submit additional information.

### **B. List of Witnesses Prepared to Testify**

In accordance with 11-Z DCMR § 401.1(b), a list of individuals the Applicant intends to call as a witness is provided below:

1. Ms. Brandice Elliott\*  
Holland & Knight LLP, Director of Planning Services

\* For its direct presentation, the Applicant will proffer Ms. Elliott as an expert witness in land use and zoning. The Commission has previously qualified Ms. Elliott as an expert.

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

In accordance with 11-Z DCMR § 401.1(c), an outline of all witness testimony and a copy of Ms. Elliott's professional resume is attached as **Exhibit A**.

### **D. Additional Information Introduced**

In accordance with 11-Z DCMR § 401.1(d), the Applicant submits information detailing the Applicant's extensive community engagement efforts and information about the future development process. See **Exhibit B**; see also **Exhibit C**.

### **E. List of Maps, Plans and Other Documents Readily Available**

In accordance with 11-Z DCMR § 401.1(f), a list of maps, plans, or other documents readily available to the general public that may be offered into evidence at the public hearing is attached as **Exhibit D**.

**F. Estimation of Time Required for Presentation of the Applicant's Case**

In accordance with 11-Z DCMR § 401.1(g), the estimated time for the presentation of the Applicant's case is 30 minutes, subject to the discretion of the presiding officer at the public hearing.

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

In accordance with 11-Z DCMR § 401.3(a), 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 E.

**H. Report by Traffic Consultant**

In accordance with 11-Z DCMR § 401.8, any traffic report for the Application will be filed with the Commission at least thirty (30) days prior to the public hearing.

**III. Conclusion**

In accordance with Subtitle X, Chapter 5 and Subtitle Z, this Prehearing Statement, along with the original application, satisfy the filing requirements for a contested Zoning Map amendment. Accordingly, the Applicant respectfully requests the Commission schedule a public hearing on the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

s/ Kyrus L. Freeman

Kyrus L. Freeman

John T. Oliver