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January 22, 2025

## **VIA IZIS**

Zoning Commission  
for the District of Columbia  
441 4<sup>th</sup> Street, N.W., Suite 210-S  
Washington, DC 20001

**Re: Z.C. Case No. 24-07  
Map Amendment to Rezone Square 5734, Lots 4–8, 10–20, 811, 813 and 815; &  
Square 5735, Lots 1–4 (the “Property”)  
Applicant’s Response to ANC 8B’s Report in Opposition**

Dear Members of the Zoning Commission:

On behalf of Skyland Place LLC (the “Applicant”), we hereby submit this response to Advisory Neighborhood Commission (“ANC”) 8B’s Report in Opposition (the “ANC Report”) to Z.C. Case No. 24-07 (the “Application”).<sup>1</sup>

The Zoning Commission (the “Commission”) took proposed action to approve the Application at its public hearing on December 9, 2024. At the close of the public hearing, the Commission instructed the Applicant to meet with ANC 8B to answer questions regarding the Applicant’s relocation plan. On December 12, 2024, the Applicant met with ANC 8B Commissioner Johnson, Commissioner White, and then Commissioner-elect Scippio to discuss their outstanding questions regarding the relocation plan. On December 13, 2024, the Applicant emailed the ANC Commissioners a written response addressing each question identified during the December 12<sup>th</sup> meeting. A copy of that correspondence is attached hereto as **Ex. B.**

The ANC Report states ANC 8B’s opposition to the Application due to project-specific concerns. The Commission has clearly and routinely articulated that project-specific concerns are outside the scope of the Commission’s standard of review for a map amendment application. For example, in Z.C. Order No. 23-11 the Commission concluded that “[t]he Commission is sensitive to

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<sup>1</sup> Although the ANC Report is dated December 17, 2024, ANC 8B did not serve the ANC Report upon the Applicant until January 20, 2025. See **Exhibit (“Ex.”) A.**

project specific discussion[s] in the context of a map amendment case and continually notes the distinction between map amendments and cases involving review of a specific project. The Commission’s approval in a map amendment is limited to determining the appropriate matter of right development standards for the site and does not include review or approval of a specific project. More specifically, the evaluation standard is whether the map amendment is not inconsistent with the Comprehensive Plan and other adopted public policies and action programs related to the subject site. [11-X DCMR § 500.3].” *See* Z.C. Order No. 23-11, p. 47. Further, in Z.C. Order No. 23-06 the Commission concluded that “no development project is before [the Commission], only a Map Amendment; therefore, the Commission is unable to address the opposition arguments relating to the development plans for the Property.” *See* Z.C. Order No. 23-06, p. 26.

Nonetheless, the Applicant addresses ANC 8B’s assertions as follows:

- **“Displacement of Residents”**

The ANC Report expresses concern regarding potential rent increases and resident displacement. However, the Applicant has prepared and presented a detailed and robust relocation plan for current residents which will ensure that approval of the Application does not result in the direct displacement of current residents. Specifically, the Applicant’s relocation plan (i) thoroughly details where and how resident relocation will occur when the Property is redeveloped, (ii) sufficiently articulates the relocation plan’s proposed phasing, and (iii) adequately protects the interests of the existing residents throughout the redevelopment of the Property, with many efforts currently in place. *See* Applicant’s Relocation Plan, [Ex. 20A](#); Applicant’s Relocation Plan Presentation [Ex. 20B](#); and Applicant’s PowerPoint Presentation, [Ex. 26](#); *see also* Applicant’s Written Response to ANC on December 13, 2024, attached hereto as [Ex. B](#). Therefore, the case record contains sufficient information demonstrating that the Application will not result in the direct displacement of existing residents.

- **“Tenant Association Concerns”**

The ANC Report questions the legitimacy of the Skyland Tenant Association. The Applicant notes that the Skyland Tenant Association was formed and ratified before the Applicant was selected as the development partner. Moreover, the legitimacy of the Skyland Tenant Association far exceeds the Commission’s standard of review in this map amendment case, which standard is whether the map amendment is not inconsistent with the Comprehensive Plan and other adopted public policies and action programs related to the subject site. 11-X DCMR § 500.3. Therefore, the legitimacy of the Skyland Tenant Association is irrelevant in the standard of review in this Application.

- **“Broken Promises by the Developer”**

The ANC Report discusses actions related to the management of the Property. The Applicant first engaged with residents to discuss its acquisition of the Property in early-2020 and subsequently purchased the Property in August 2022. Shortly after the Applicant’s acquisition of the Property, the Applicant hired a new, third party, property management

company to more efficiently manage and run the Property. Nonetheless, discussions regarding the Applicant's property management company far exceeds the Commission's standard of review for a map amendment, which is whether the map amendment is not inconsistent with the Comprehensive Plan and other adopted public policies and action programs related to the subject site. 11-X DCMR § 500.3. Therefore, discussions related to the Applicant's property management company are irrelevant in this Application.

- **“Community Mistrust”**

The ANC Report vaguely references “widespread concerns” and “promises made during initial discussions.” However, there is nothing in the record identifying widespread concerns regarding the map amendment. In fact, the case record includes a letter in support from Larry M. Scott, Executive Vice President, Rappaport Companies ([Ex. 20C](#)), and a letter in support from the Skyland Action Team, which represents the individuals and families living in the Skyland Apartments ([Ex. 25](#)). Furthermore, the vague references to “community mistrust” are far exceeded by the evidence in the case record demonstrating that the map amendment is not inconsistent with the Comprehensive Plan and other adopted public policies and action programs related to the subject site. 11-X DCMR § 500.3.

To conclude, the Applicant asserts (i) that the case record sufficiently documents the Applicant's thorough community engagement (see [Ex. 13B](#); [Ex. 20D1](#); [Ex. 20D2](#); [Ex. 25](#); and [Ex. 26](#)), (ii) that the Applicant has provided detailed and robust information as it relates to its relocation plan (see [Ex. 20A](#); [Ex. 20B](#); and [Ex. 26](#)) and (iii) that the Applicant has demonstrated that the Application meets the applicable standard of review and is not inconsistent with the Comprehensive Plan and other adopted public policies and action programs related to the subject site (see [Ex. 3](#); [Ex. 3E](#); [Ex. 11](#); [Ex. 13](#); [Ex. 23](#); and [Ex. 26](#)).

Accordingly, the Applicant respectfully requests that the Commission take final action on the Application at its public meeting on January 30, 2025. Thank you for your attention to this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP

*s/ Cyrus L. Freeman*  
Cyrus L. Freeman  
John T. Oliver

Enclosures

cc: Certificate of Service

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2025, a copy of this submission to the Zoning Commission was served by electronic mail on the following at the addresses stated below.

**1. D.C. Office of Planning**

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**2. District Department of Transportation**

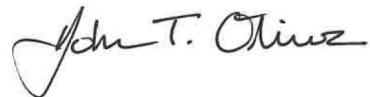
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**3. Advisory Neighborhood Commission 8B**

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**4. Advisory Neighborhood Commission 8A**

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