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VIA IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

**RE: ZC Case No. 25-10
Applicant's Prehearing Statement**

Chairperson Hood and Honorable Members of the Commission:

The following constitutes the prehearing statement of the Petitioner, Alturas LLC (the “**Petitioner**”), for the subject text amendment to Subtitle U § 514.3 of the Zoning Regulations. The Petitioner proposes to amend the prohibited uses within the Reed-Cooke Overlay (the “**Overlay**”) applicable to the Petitioner’s property at 1781 Florida Avenue NW (Square 2557, Lot 800) (the “**Property**”).

On July 31, 2025, the Zoning Commission (the “**Commission**”) voted to set down the petition for a public hearing as a rulemaking case. In accordance with Subtitle Z § 501.1 of the Zoning Regulations, this submission provides additional information and responds to issues raised by the Commission during the set down meeting and the Office of Planning (“**OP**”) in its set down report (Ex. 9). Based on the following, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

I. Background on Prohibited Uses in Reed-Cooke Overlay

During set down, the Commission requested more information on the genesis of the prohibited uses in the Overlay, which are set forth under Subtitle U § 514.3. The Reed-Cooke neighborhood was re-zoned in two phases under ZC Case Nos. 86-12 (“**Phase I**”) and 88-19 (“**Phase II**”). ZC Case Nos. 86-12 and 88-19 were intended to implement the Comprehensive Plan’s designation of Reed-Cooke as a “special treatment area.” See ZC Order 523-A at **Exhibit A**. As set forth in the Comprehensive Plan, the policy goals of the Reed-Cooke special treatment area were to:

- 1) Protect current housing in the area, and provide for the development of new housing;
- 2) Maintain heights and densities at appropriate levels; and

- 3) Encourage small-scale business development that will not adversely affect the residential community.¹

See **Exhibit A**.

Phase I was largely aimed at implementing the first two goals for residential properties. Phase I focused on rezoning properties with existing residential uses that were previously zoned C-M-2 (now PDR-2 zone). As such, under ZC Case No. 86-12, the Zoning Commission rezoned 72 properties in Reed-Cooke from C-M-2 to R-5-B (RA-2 zone) and C-2-B (MU-5A zone). These residential properties are not subject to the Overlay.

In Phase II, the Zoning Commission approved a text amendment to create the Overlay and a zoning map amendment to rezone existing commercial properties in Reed-Cooke, which included the Property, from C-M-2 (PDR-2) to C-2-B (MU-5A), C-2-A (MU-4), or R-5-B (RA-2). All properties rezoned in Phase II are also subject to the Overlay.

The intent of Phase II was to implement the second and third policies of the special treatment area: maintaining appropriate height and density and balancing small-business development while limiting adverse affects on the existing residential community in Reed-Cooke. As stated in OP's preliminary report,

Existing land uses in Reed-Cooke are divided equally between residential, commercial/light industrial, and public/utility categories. However, these categories mask an unusually wide variety of specific uses for an area encompassing only seven city blocks. See OP preliminary report in Phase II at **Exhibit B**, pg. 4.²

Therefore, Phase II accounted for “the small geographic area and intermingling of uses” that “make buffering relatively difficult and make the allocation of space between commercial and residential expansion more difficult.” See **Exhibit B**, pg. 5. These factors also increase “the potential for adverse impacts of business activities on the residential component of Reed-Cooke.” See **Exhibit B**, pg. 5.

Nonetheless, OP repeatedly acknowledged the “significant contribution that Reed-Cooke makes to the city’s economy as a neighborhood employment base.” See **Exhibit B**, pg. 4. Therefore, despite the prohibited uses, the Overlay is still meant to encourage “small-scale office and service business development oriented to the needs of the local community.” See **Exhibit B**, pg. 7.

¹ As reflected in ZC Order 523-A, at the time of the re-zonings, the applicable version of the Comprehensive Plan was the “District of Columbia Comprehensive Plan Amendments Act of 1989,” which became effective on May 23, 1990. The Comprehensive Plan has been revised and updated, with the most recent version becoming effective on August 21, 2021. While Reed-Cooke is no longer identified as a “special treatment area,” the Mid City Area Element identifies the same policy goals for the Reed-Cooke neighborhood as under the 1989 Comprehensive Plan. See 10A DCMR § 2014.13.

² There are a number of OP reports filed in the record for Phase II. Later reports provide much of the same rationale and details of OP's preliminary report but account for the evolving proposal that was before the Zoning Commission. Additional OP reports can be found in the case record at Exhibits 50, 75, 148, 157, 173 and 252, and 269.

To achieve these goals, Phase II implemented two zoning actions. First, a rezoning of existing commercial properties in Reed-Cooke to the MU-5A or MU-4 zones (formerly C-2-B and C-2-A). This action was taken to ensure a majority of existing commercial uses would become conforming uses and to encourage new neighborhood-serving businesses in the neighborhood.

Second, the new Overlay established prohibited uses in those new mixed-use zones. The goal of prohibiting otherwise permitted uses in the MU-5A and MU-4 zones was to “ensure that the Reed-Cooke area will not become an extension of the 18th Street and Columbia Road commercial areas” because unlike those areas, Reed-Cooke features “an intermingling of low scale residential uses with the commercial uses.” See **Exhibit B**, pg. 12. In other words, the Overlay strikes a balance between encouraging appropriate commercial uses while limiting uses that are more likely to negatively impact nearby residential properties.

II. Consistency with Intent of Overlay

The proposed text amendment is consistent with the original purpose and intent of the Overlay to allow commercial uses while limiting impacts to residents. The text amendment would exempt the Property from only four uses that are otherwise prohibited by the Overlay. The proposed uses - off-premises alcoholic beverage sales, a restaurant, veterinary hospital and parcel delivery store (per the below revision) – are neighborhood-serving uses that can adequately co-exist with residential uses. Other uses that may be more impactful, such an assembly hall, bar or hotel, would remain prohibited at the Property.

Further, the Property is uniquely positioned within the Overlay to limit adverse effects to the nearby residential community in Reed-Cooke. First, the Property is the southern-most parcel in the Overlay, largely separated from the rest of the Reed-Cooke neighborhood. Second, the Property is also an “island” lot that does not share any property lines with other private properties. Therefore, the Property does not directly abut any residential properties within Reed-Cooke. Third, due to the Property’s relatively small size and triangular shape, the Property will be limited to smaller, community-serving establishments. Based on these factors, the proposed text amendment would continue to ensure protection of low scale residential uses in Reed-Cooke because the Property would not be an “intermingled” commercial use.

III. Revision to Proposed Text Amendment

The Applicant proposes a modest revision to the text amendment from the version submitted with the original petition. A copy of the revised text amendment is attached at **Exhibit C**. The Applicant proposes to exempt the Property from one additional prohibited use – a parcel delivery service establishment. Currently, the Reed-Cooke Overlay (“Overlay”) prohibits a parcel delivery service use pursuant to Subtitle U § 514.3(t).

A parcel delivery service use is a “general service” use that is otherwise permitted by-right in the MU-4 zone. See Subtitle U § 512.1(l). By exempting this use from the prohibited uses in the Overlay, the Applicant would be permitted to lease space at the Property to a FedEx or UPS store. This is a low-intensity, neighborhood-serving use that would not adversely impact neighboring properties.

Prior to filing this prehearing statement, the Applicant notified OP of this proposed revision to the text amendment. OP received the revision positively and did not object to the Applicant moving forward with the revision.

IV. Designation of Witnesses and Outline of Testimony

The Applicant designates Jeffrey Schonberger, a representative of the Applicant, to testify at the subject hearing. An outline of Mr. Schonberger's testimony is attached at **Exhibit D**.

V. Pre-hearing Filing Requirements

The Applicant hereby certifies that this statement complies with the requirements of Subtitle Z § 501, as follows:

Subtitle Z § 501.1(a)	Information Requested by the Commission; Updated Materials Reflecting Changes by Commission	Prehearing Statement (filed herein)
Subtitle Z § 501.1(b)	Applicant's Witnesses	Exhibit D
Subtitle Z § 501.1(c)	Summary of Witness Testimony with Expert Witness Resumes	Exhibit D
Subtitle Z § 501.1(d)	Additional Information, Reports or Other Materials from the Applicant	Prehearing Statement (filed herein)
Subtitle Z § 501.1(e)	Reduced plans no larger than 11x17	Not Applicable
Subtitle Z § 501.1(f)	List of maps, plans or other documents that will be offered into evidence	Exhibit E
Subtitle Z § 501.1(g)	Estimate of time for Applicant's presentation	20 minutes
Subtitle Z § 1601.3	Hearing Fee	\$325

VI. Conclusion

Based on the information herein and in the case record, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

Sincerely,
COZEN O'CONNOR

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Meridith Moldenhauer

A handwritten signature in blue ink, appearing to read 'ED', with a long horizontal flourish extending to the right.

Eric J. DeBear

Certificate of Service

I HEREBY CERTIFY that on this 4th day of September, 2025, a copy of this Prehearing Statement with attachments was served, via email, on the following:

D.C. Office of Planning
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Eric J. DeBear