

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**Z.C. CASE NO. 21-17
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT
FROM RA-1 ZONE TO THE MU-8B ZONE**

(SQUARE 5914, PORTION OF LOT 806)

CONGRESS PARK COMMUNITY PARTNERS, LLC

December 17, 2021

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CERTIFICATION OF COMPLIANCE
WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS

Pursuant to 11-Z DCMR § 401.4, the undersigned, on behalf of Congress Park Community Partners, LLC (“Applicant”), hereby certifies that the application in Z.C. Case No. 21-17, complies with the provisions of Subtitle Z § 401.1 of the 2016 Zoning Regulations of the District of Columbia (“ZR16”), as set forth below:

<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	None
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Page 7
401.1(c)	Outline of expert witness testimony and resumes of experts Shane L. Dettman Holland & Knight LLP <i>Proffered as an expert in land use and zoning</i>	Exhibit A
401.1(d)	Additional information introduced by the Applicant	None
401.1(e)	Reduced plan sheets	None
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit B
401.1(g)	Estimated time required for presentation of Applicant's case	Page 8
401.3(a)	Names and addresses of owners of all property within 200 feet of the Property	Exhibit C

401.3(b) Names and addresses of each person having a lease with the owner for all or part of any building located on the property involved in the application None

401.8 Transportation memorandum prepared by traffic consultant None

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", written over a horizontal line.

Kyrus L. Freeman

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Witness testimony outlines and expert witnesses resumes	A
List of maps, plans, or other documents readily available that may be offered into evidence	B
List of names and addresses of property owners within 200 feet of the Property	C

I. INTRODUCTION

This prehearing statement and accompanying documents are submitted on behalf of Congress Park Community Partners, 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 RA-1 zone to the MU-8B zone for a portion of Lot 806 in Square 5914 (the "Property") (the "Application").

The Property encompasses the eastern portion of Lot 806 in Square 5914. Currently, Lot 806 is owned by the District of Columbia, and is the site of the former Malcolm X Elementary School campus. The school was closed in 2013 and is now the home of the District Department of Parks and Recreation Opportunity Center, a District Department of Human Services hypothermia center, and various community-based organizations.

The portion of Lot 806 proposed to be rezoned is depicted on the plat and accompanying legal description at Exhibit 3B of the case record (the "Property"). The Property contains approximately 46,165 square feet of land area (approximately 1.06 acres) and is bounded by Alabama Avenue, SE to the north, Savannah Street, SE to the south, Congress Street, SE to the east, and the former school building to the west.

The Property is located in the Congress Heights neighborhood of Ward 8. The area surrounding the Property contains a collection of commercial, residential, institutional, and government uses. To the northwest, across Alabama Avenue, is the historic Saint Elizabeths East Campus, including the recently completed Entertainment and Sports Arena and Residences at St. Elizabeths East, and St. Elizabeths Hospital. Directly north of the Property are cemetery and church uses, as well as some moderate-density residential use. To the northeast is moderate-density residential uses. To the south, west, and immediate east are moderate-density residential uses. The Congress Heights Metrorail station is located only approximately 450 feet west of the Property.

The Application was filed with the Zoning Commission on October 5, 2021 (Exhibit 2). By report dated December 6, 2021, the Office of Planning ("OP") recommended that the Commission set down the application to rezone the Property from the RA-1 zone to the MU-8B zone (Exhibit 15). OP found that the proposal would not be inconsistent with the District Elements of the Comprehensive Plan, including the Future Land Use Map ("FLUM") and the Generalized Policy Map ("GPM"), and thus recommended that the Commission set down the Application for a public hearing. OP also recommended that the Application would not be appropriate for IZ Plus. OP did

not request any additional information from the Applicant in its report. The Commission considered the case for setdown at its public meeting on December 16, 2021, and, in doing so, unanimously voted 5-0-0 to schedule the case for a public hearing. The Commission did not request any additional information from the Applicant.

II. COMMUNITY OUTREACH

The Applicant has conducted extensive engagement with ANC 8E, the ANC within which the Property is located, various community organizations, neighbors, and adjacent property owners. At its meeting on June 22, 2021, ANC 8E voted unanimously to support the proposed Zoning Map amendment (Exhibits 3I and 14A). Through its extensive engagement with the community the Applicant has made a wide range of commitments that have been memorialized in an executed community benefits agreement (“CBA”) between the Applicant and ANC 8E. A copy of the CBA can be found at Exhibit 14B of the case record.

III. ADDITIONAL REQUIREMENTS OF SUBTITLE Z § 401 OF THE ZONING REGULATIONS

A. List of witnesses prepared to testify on behalf of the Applicant

In accordance with Subtitle Z § 401.1(b) of the Zoning Regulation, the Applicant will offer the following persons as expert witnesses:

1. Shane Dettman, Director of Planning Services, Holland & Knight
Proffered as an expert in urban planning, zoning, and land use

B. Summary of testimony of witnesses or reports and area of expertise

In accordance with Subtitle Z § 401.1(c), testimony outlines and resumes for the expert witnesses listed above are attached as Exhibit A.

C. List of maps, plans or other documents that may be offered into evidence

In accordance with Subtitle Z § 401.1(f), 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 B.

D. Estimate of time required for presentation of Applicant's case

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

E. Names and Addresses of Owners of Property Within 200 Feet of the Subject Property

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

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 4 and Subtitle Z of the Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission schedule a hearing on the Application.

Respectfully submitted,
HOLLAND & KNIGHT LLP



Kyrus L. Freeman