

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

**Z.C. CASE NO. 22-19
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT
FROM THE MU-3A ZONE TO THE MU-7B ZONE**

**SQUARE 3786, LOT 0001
4950 South Dakota Avenue, NE**

MCDONALD'S CORPORATION

August 8, 2022

Respectfully submitted by:

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* Not yet admitted to the District of Columbia Bar; admitted to the Arizona Bar only and practicing under supervision of lawyers licensed to practice in the District of Columbia and appearing in front of this District of Columbia Agency in accordance with D.C. Court of Appeals Rule 49(c)(5).

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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 McDonald's Corporation (the "Applicant"), hereby certifies that the application in Z.C. Case No. 22-19 complies with the provisions of Subtitle Z § 401.1 of the 2016 Zoning Regulations of the District of Columbia, 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	Page 2
401.1(b)	List of witnesses prepared to testify on behalf of the Applicant	Page 2
401.1(c)	Summary of witness testimony	Exhibit A
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 B
401.1(g)	Estimated time required for presentation of the Applicant's case	Page 2
401.3(a)	Names and addresses of owners of all property within 200 feet of the Property	Exhibit C
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

List of Exhibits

- Exhibit A: Outlines of Witness Testimony and Resumes of Expert Witnesses
- Exhibit B: List of Maps, Plans, or Other Documents Readily Available
that may be Offered into Evidence
- Exhibit C: List of Names and Addresses of All Owners of Property
Within 200 Feet of the Property
- Exhibit D: North Michigan Park Civic Association Email
- Exhibit E: Hearing Fee Calculator Form

I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of McDonald's Corporation (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 Mixed-Use ("MU")-3A zone to the MU-7B zone (the "Application") for the property located at 4950 South Dakota Avenue, NE, and more particularly known as Lot 1, Square 3786 (the "Property").

The Application was filed with the Commission on April 26, 2022. Exhibits 1 – 3J. By report dated July 20, 2022 the D.C. Office of Planning ("OP") recommended the Commission setdown the application to rezone the Property from the MU-3A zone to the MU-7B zone (the "OP Setdown Report"). *See Exhibit 11*. OP concluded the proposed Application "would not be inconsistent with the map designations or the Citywide and Area Elements." *See* OP Setdown Report at p. 6. More specifically, OP stated the proposed Application "is consistent with the FLUM designation" and that the MU-7B "zone is an appropriate zone for the [Property] given its alignment along a main arterial road, on a bus route which connects to nearby Metrorail lines." *Id.* Additionally, OP stated the Application "would provide an opportunity for improved neighborhood development viewed through the equity lens" and therefore recommended the Application be setdown by the Commission.

The Commission considered the case for setdown at its public meeting on July 28, 2022, and, in doing so, voted to schedule the case for a public hearing (3-0-2). The Commission did not request any additional information from the Applicant at that time. The Office of Planning asked the Applicant to explain why the adjacent lot in Square 3786, Lot 801, was not included in this Application.

II. COMMUNITY OUTREACH

The Property is within the boundaries of Advisory Neighborhood Commission ("ANC") 5A-03. The Applicant has met with the community on multiple occasions as follows:

- The Applicant presented the Application to the 5A-03 Single Member District ("SMD") representative, Commissioner Lucio, and her constituents on May 5, 2022.
- The Applicant presented the Application to ANC 5A on May 25, 2022.
- The Applicant presented the Application to the North Michigan Park Civic Association on June 1, 2022. As represented in the email attached as Exhibit D, the North Michigan Park Civic Association does not object to proposed rezoning of the Property.
- The Applicant re-presented the Application to ANC 5A, at its regularly scheduled meeting on June 22, 2022. With a quorum of 5 of 8 commissioners present, Advisory Neighborhood Commission ("ANC") 5A, voted 5-0-3 to support the Application.

III. SUPPLEMENTAL FILING REQUIREMENTS OF SUBTITLE Z § 401

A. Additional Information Specified by the Commission

No additional information, reports, or other materials were requested by the Commission when the Application was set down for a public hearing. *See* 11-Z DCMR § 401.1(a).

The Office of Planning asked the Applicant to explain why the adjacent lot in Square 3786, Lot 801, was not included in this Application. It was not included because the Applicant does not own Lot 801 in Square 3786 and, therefore, is not authorized to include the property in this Application. Also, the owner of the adjacent property has not expressed to the Applicant, a desire to be included in the Application to rezone the Property. Finally, please note that the community has expressed concerns about the potential redevelopment of the adjacent property should it be rezoned to MU-7A/7B.

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

In accordance with 11-Z DCMR § 401.1(b) of the Zoning Regulations, a list of those persons the Applicant intends to call as witnesses is provided below:

1. Ms. Brandice Elliott, Holland & Knight, Expert Witness in Land Planning and Zoning

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

In accordance with 11-Z DCMR § 401.1(c) of the Zoning Regulations, the outline of testimony Ms. Elliott is attached as **Exhibit A**. Her resume will be filed with the Zoning Commission prior to the public hearing on the Application.

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

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

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

In accordance with 11-Z DCMR § 401.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 15 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 11-Z DCMR § 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 C**.

G. Report by Traffic Consultant

In accordance with 11-Z DCMR § 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 the Commission schedule a hearing on the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties, Esq.



John T. Oliver, Esq.*