

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

**Z.C. CASE NO. 22-34
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT
FROM THE RF-1 ZONE TO THE RA-2 ZONE**

**SQUARE 2991, LOT 77
924 MADISON STREET, NW**

BEREAN BAPTIST CHURCH

March 9, 2023

Respectfully submitted by:

HOLLAND & KNIGHT LLP
800 17th Street, NW
Washington, D.C. 20006
(202) 955-3500
Kyrus L. Freeman, Esq.
John T. Oliver, Esq.

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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 the Berean Baptist Church (the “Applicant”), hereby certifies that the application in Z.C. Case No. 22-34 complies with the provisions of 11-Z DCMR § 401.1 *et seq.*, 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 3
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: Hearing Fee Calculator Form

I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of Berean Baptist Church (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 RF-1 zone to the RA-2 zone (the “Application”) for the property located at 924 Madison Street, NW (the “Property”). The Property is more particularly known as Lot 77, Square 2991.

The Application was filed with the Commission on November 11, 2022. See Exhibits 1 – 3I. By report dated February 23, 2023, the D.C. Office of Planning (“OP”) recommended the Commission setdown the application to rezone the Property from the RF-1 zone to the RA-2 zone (the “OP Setdown Report”). See Exhibit 12. More specifically, the OP Setdown Report stated the proposed Application:

- “would not be inconsistent with the Comprehensive Plan.” *See* OP Setdown Report at p. 1.
- “would not be inconsistent with the Comprehensive Plan’s FLUM.” *See* OP Setdown Report at p. 6.
- “would not be inconsistent with the Policy Map because the proposed RA-2 zone would be consistent with the property’s FLUM designation.” *See* OP Setdown Report at p. 7.
- when viewed through a racial equity lens, would not be inconsistent with the Comprehensive Plan. *See* OP Report at p. 13.

The Commission considered the case for setdown at its public meeting on March 9, 2023, and, in doing so, voted to schedule the case for a public hearing (4-0-1). The Commission asked the Applicant to ensure that its submitted racial equity analysis is consistent with the updated racial equity tool released on February 2, 2023, specifically with respect to community engagement.

II. COMMUNITY OUTREACH UPDATE

Prior to January 1, 2023, the Property was located within the boundaries of Advisory Neighborhood Commission (“ANC”) 4B. The Applicant met with representatives of ANC 4B on the following occasions:

- The Applicant presented the Application to ANC 4B on September 28, 2022.
- The Applicant presented the Application to ANC 4B’s Housing Justice Committee on October 5, 2022.
- The Applicant again presented the Application to ANC 4B on October 24, 2022. Subsequently, the ANC issued a Resolution of Support. See Exhibit 11.

As of January 1, 2023, the Property is located within the boundaries of ANC 4D. The Applicant met with representatives of ANC 4D on the following occasions:

- The Applicant presented the Application to ANC 4D on February 15, 2023.

- The Applicant presented the Application to the ANC 4D Executive Committee on March 1, 2023.
- The Applicant will present the Application to ANC 4D on March 15, 2023.

The Commission released an additional racial equity analysis tool (the “Tool”) on February 2, 2023. The Tool encourages applicants to engage the community affected by the zoning action before the zoning action is filed with the Zoning Commission. As stated above, the Applicant met with ANC 4B before the Application was filed on November 11, 2022 and ANC 4B has submitted a letter in support of the Application. See Exhibit 11. The Applicant has also engaged with ANC 4D and anticipates ANC 4D to submit a letter in support of the Application. Additionally, the Applicant hosted an open-house at the Property on Sunday, December 18, 2022. Fifteen community members attended the open house as the Applicant discussed the Application. The open-house was productive and no immediate concerns were expressed by the attendees.

As demonstrated above, the Applicant has thoroughly engaged with the affected ANCs and the impacted community. Therefore, the Application adheres to the standards set forth in the Tool.

III. SUPPLEMENTAL FILING REQUIREMENTS OF SUBTITLE Z § 401

A. Additional Information Specified by the Commission and OP

This information is addressed above, and will be presented in more detail during the public hearing on this application.

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
2. Mr. Robert G. Childs, Pastor, Berean Baptist Church

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, an outline of the witnesses’ testimony and Ms. Brandice Elliott’s resume is attached as Exhibit A.

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, satisfy 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

/s/ Kyrus L. Freeman
Kyrus L. Freeman, Esq.
John T. Oliver, Esq.