

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 22-03**  
**Z.C. Case No. 22-03**  
**WCP 1207 H Street, LLC**  
**(Zoning Map Amendment @ Square 1004, Lot 342)**  
**September 8, 2022**

Pursuant to notice, at its public hearing on July 25, 2022, the Zoning Commission for the District of Columbia (the “Commission”) considered an application for a Zoning Map amendment (the “Application”) submitted by the WCP 1207 H Street LLC (the “Applicant”) for approval of a map amendment of the Zoning Map from the NC-14 zone to the NC-15 zone, (the “Map Amendment”) for Lot 342 in Square 1004 (the “Property”), pursuant to Subtitle X § 500.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016 [the “Zoning Regulations”] to which all references are made unless otherwise specified).

The Commission determined the Property is appropriate for IZ Plus. The Property shall be indicated with an “IZ+” symbol on the Zoning Map. For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted floor area ratio (“FAR”) of the existing NC-14 zone was equivalent to 2.5.

The Commission considered the Application as a contested case pursuant to Subtitle A § 210 and Subtitle Z, Chapter 4. For the reasons set forth below, the Commission hereby **APPROVES** the Application.

**FINDINGS OF FACT**

**PARTIES**

1. In addition to the Applicant, the only other party to this case was Advisory Neighborhood Commission (“ANC”) 6A, the ANC in which the Property is located and the “affected ANC” pursuant to Subtitle Z § 101.8.
2. The Commission received no requests for party status.

**NOTICE**

3. On October 26, 2021, the Applicant mailed a Notice of Intent to file an application for a Zoning Map Amendment to all property owners within 200 feet of the Property, as well as ANC 6A, as required by Subtitle Z § 304.5. (Exhibit [“Ex.”] 3D.)
4. On May 2, 2022, the Office of Zoning (“OZ”) sent notice of the July 25, 2022 public hearing to:

- The Applicant;
  - The affected ANC 6A;
  - The affected ANC Single Member District (“SMD”) 6A02;
  - The Office of the ANCs;
  - The Office of Planning (“OP”);
  - The District Department of Transportation (“DDOT”);
  - The Department of Consumer and Regulatory Affairs (“DCRA”);
  - Councilmember Charles Allen;
  - The Office of Zoning Legal Division (“OZLD”);
  - The Department of Energy and Environment (“DOEE”);
  - The Chair and At-Large members of the D.C. Council; and
  - Property owners within 200 feet of the Property.  
(Ex. 37.)
5. OZ also published notice of the July 25, 2022 virtual public hearing, in the May 6, 2022 *D.C. Register* (69 DCR 4546 *et seq.*) as well as through the calendar on OZ’s website. (Ex. 35, 36.)
  6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on June 11, 2022 and maintained such notice in accordance with Subtitle Z § 402.10. (Ex. 41, 46.)

**THE PROPERTY**

7. The Property is located in the H Street corridor of the Northeast quadrant of DC in Ward 6. (Ex. 3, 42.)
8. The Property is bounded by H Street, N.E. to the north, a public alley to the south, private property to the east, and 12<sup>th</sup> Street, N.E. to the west. (Ex. 3, 42.)
9. The Property consists of approximately 33,435 square feet of land area and is currently improved with an AutoZone commercial building and surface parking lot. There are a variety of building types in the immediate surrounding the Property ranging from two- and three- story commercial and mixed-use buildings to larger apartment buildings. (Ex. 3, 42.)
10. The Property is located along the key H Street transportation corridor, with direct access to the H Street Benning Line Streetcar, which connects Union Station to the west to Robert F. Kennedy Memorial Stadium (RFK) to the east; the Property also has direct access to the X2 bus line, which provides access between McPherson Square and Minnesota Avenue. (Ex. 3.)
11. The properties to the west of the Property are located in the NC-16 and NC-17 zones, while properties immediately to the north and east are located in the NC-14 zone. Further to the east long H Street, properties are located in the NC-15 zone. Properties to the north and south of the H Street mixed-use band of development are located predominantly in the RF-1 zone. (Ex. 3.)

## CURRENT ZONING

12. The Property is currently located in the NC-14 zone, which is intended to provide mixed-use development at a moderate-density with an emphasis on arts and arts-related uses. Subtitle H § 900.9.
13. The NC-14 zone permits:
  - Single and multiple dwelling units, eating and drinking establishments, lodging, and service uses; (Subtitle H § 1106.1.)
  - A 50 foot maximum height, not including penthouse; (Subtitle H § 903.1.)
  - A minimum required Green Area Ratio (“GAR”) of 0.3; (Subtitle H § 908.1.)
  - A maximum lot occupancy of 70% for residential use (75% with IZ) and 100% for all other buildings; (Subtitle H § 904.1.)
  - A maximum permitted FAR of 2.5 (3.0 with IZ), of which a maximum of 2.5 FAR may be devoted to residential uses and a maximum of 1.0 FAR may be devoted to other uses; and (Subtitle H § 902.1)
  - For the purposes of calculating an IZ Plus set-aside requirement, the NC-14 zone has an FAR equivalent to 2.5. (Subtitle X § 502.4.)

## COMPREHENSIVE PLAN

14. The Future Land Use Map (the “FLUM”) of the Comprehensive Plan (Title 10-A of the DCMR, the “CP”) designates the Property for Mixed Use: Medium-Density Residential and Medium Density Commercial Uses:
  - Medium-Density Residential –  
*“This designation is used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, and other zones may also apply;”* (CP § 227.7.)
  - Medium-Density Commercial –  
*“This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply; and”* (CP § 227.12.)
  - Mixed-Use –
    - The FLUM indicates areas where the mixing of two or more land uses is especially encouraged. The Mixed Use category generally applies in established, pedestrian-

oriented commercial areas, commercial corridors where more housing is desired, large sites where opportunities for multiple uses exist, and development that includes residential uses, particularly affordable housing; (CP § 227.20.)

- The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. The FLUM may note the dominant use by showing it at a slightly higher density than the other use in the mix; (CP § 227.21.)
- The Mixed Use designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future; and (CP § 227.22.)
- A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. (CP § 227.23.)

15. The CP's Generalized Policy Map ("GPM") situates the Property in a Main Street Mixed-Use Corridor:

- Main Street Mixed-Use Corridor –

*"These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment."* (CP § 225.14.)

16. The Property falls within the boundaries of the H Street NE Strategic Development Plan ("SAP"). The SAP designates the Property in the Arts and Entertainment Area and calls for mixed use development in that area. (SAP, pg. iv.) The SAP calls for the Arts and Entertainment area to be supported by complementary retail and residential use. (SAP, pg. v.)

### PROPOSED ZONING

17. The Application proposed to rezone the Property from the NC-14 zone to the NC-15 zone.

18. The purposes of the NC zones are to: (Subtitle H, § 900.1.)

- Implement the policies and goals of the H Street NE Strategic Development Plan as approved by the Council of the District of Columbia, effective February 17, 2004 (Res. 15-460);
- Encourage the clustering of uses into unique destination sub-districts along the corridor, specifically a housing district from 2<sup>nd</sup> Street to 7<sup>th</sup> Street, N.E.; a neighborhood-serving retail shopping district from 7<sup>th</sup> Street to 12<sup>th</sup> Street, N.E.; and an arts and entertainment district from 12<sup>th</sup> Street to 15<sup>th</sup> Street, N.E.;

- Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor;
  - Encourage new construction to preserve existing facades constructed before 1958; and
  - Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the NC-9 through NC-17 but not fronting H Street, N.E.
19. Specifically, the NC-15 zone is intended to permit mixed-use development at a medium density with an emphasis on employment and the provision of arts and arts-related uses. (Subtitle H § 900.10.)
20. As a matter of right, the NC-15 zone permits/requires:
- Single and multiple dwelling units, eating and drinking establishments, lodging, and service uses; (Subtitle H § 1108.1)
  - A 65-foot maximum height, not including penthouse, or up to a 70-foot maximum height for buildings subject to the design requirements of Subtitle H § 909.1(h), to which the Property is subject; (Subtitle H §§ 903.1; 909.1(i))
  - A minimum GAR of 0.25; (Subtitle H § 908.1)
  - A maximum lot occupancy of 75% for residential use (80% with IZ) and 100% for all other buildings; and (Subtitle H § 904.1)
  - A maximum permitted FAR of 4.0 (4.8 with IZ), of which a maximum of 4.0 FAR may be devoted to residential uses and a maximum of 1.00 FAR may be devoted to other uses. (Subtitle H § 902.1).
21. In response to the Commission’s request for clarity on why the NC-15 zone is the most appropriate zone for the Property and whether higher-numbered zones would allow more density and be consistent with the FLUM, the Applicant filed a submission. (Ex. 42.) The Applicant’s submission explains that based on the SAP, the H Street Corridor is divided into three sub-areas and the Property is located in the arts and entertainment sub-area from 12<sup>th</sup> to 15<sup>th</sup> Streets. Under the arts and entertainment sub area, known under the Regulations as the Commercial Arts sub-area, the only zones that apply are the current NC-14 zone, and the proposed NC-15 zone. While the NC-14 zone is designated for moderate-density use in the sub-area where the Property is located, the FLUM designates the Property for medium-density use; therefore, the NC-15 zone, intended for medium-density development in the Commercial Arts sub-area of the H Street Corridor is the appropriate zone for the Property. In addition, higher numbered zones, such as the NC-16 and NC-17 zones actually allow less density than the proposed NC-15 zone, and are both specifically for the retail sub-area from 7<sup>th</sup> to 12<sup>th</sup> Streets.

**APPLICANT’S JUSTIFICATION OF RELIEF**

**Not Inconsistent with the CP**

22. The Application asserted that it was not inconsistent with the CP, as detailed below.

### ***Racial Equity***

23. The CP requires that the Zoning Commission analyze any proposed zoning actions through a racial equity lens. The Applicant asserted that the Map Amendment would further the CP's goals around racial equity by:
- Not creating any displacement;
  - Producing more affordable housing through IZ+;
  - Facilitating additional employment opportunities along the H Street Corridor; and
  - Enhancing sustainability through redevelopment of the Property.

### ***GPM***

24. The Application asserted that the Map Amendment would not be inconsistent with the GPM because:
- Both the NC-14 and NC-15 zones have preferred use requirements, including retail, eating and drinking establishment, and service uses as well as design requirements that would promote the Property's Main Street Mixed-Use Corridor designation.

### ***FLUM***

25. The Application asserted that the Map Amendment would not be inconsistent with the FLUM because:
- The Medium-Density Residential category allows for density between 1.8 and 4.0 FAR with greater density possible when complying with IZ. The NC-15 zone will allow for up to 4.8 FAR with IZ;
  - The Medium-Density Commercial category is meant for shopping and service areas with density between 4.0 and 6.0 FAR. The NC-15 zone encourages retail and service uses; and
  - The Mixed-Use designation is meant for areas where no single use predominates and where multiple uses are encouraged. The NC-15 zone will allow for both residential and commercial uses that are consistent with this Mixed-Use category.

### **OFFICE OF PLANNING REPORTS**

26. OP submitted a Setdown Report dated March 18, 2022, recommending that the Commission set down the case for a public hearing (the "OP Setdown Report"). (Ex. 32.) The OP Setdown Report concluded that the proposed NC-15 zone would not be inconsistent with the CP for the following reasons:
- **FLUM:** The FLUM designation of the Property was recently changed in order to encourage medium-density development. The NC-15 zone would be more consistent with the CP's medium-density designation than the moderate-density designation of the current NC-14 zone;
  - **GPM:** The Map Amendment would not be inconsistent with the Main Street Mixed-Use Corridor designation because the NC-15 zone would permit medium density mixed-use development on a transit-oriented site in the H Street neighborhood;
  - **Racial Equity:** The population of the Capitol Hill Planning Area is predominantly white and the cost of housing in this area is higher than the average in the District. The potential affordable housing units that could be developed under the proposed NC-15 zone are substantially higher than under the existing NC-14 zone, which could benefit non-white populations who have lower incomes on average than white residents.

Further, the proposed NC-15 zone has the potential to increase the total supply of units in the Planning Area, and alleviate the pressure on housing costs;

- **Land Use Element** (*Policies LU-1.4.B; LU-1.5.1; LU-2.4.5*): The proposed NC-15 zone would allow for the redevelopment of an auto-oriented retail establishment and its associated parking into a denser mixed-use development at a transit-oriented and pedestrian-oriented node;
- **Transportation Element** (*Policies T-1.1.4; T-2.3.B*): The proposed NC-15 zone would be more consistent with the guidance for higher density transportation-oriented development. Current DDOT standards would require satisfying off-street parking requirements, minimizing curb cuts, and providing on-site bicycle facilities, which would make the Property safer for pedestrian and bicycle traffic;
- **Housing Element** (*Policies H-1.1.1; H-1.1.2; H-1.1.4; H-1.2.7*): The proposed NC-15 zone would encourage medium density on a Main Street Mixed-Use Corridor site. The additional density and IZ Plus would produce more housing than would be available under the current zoning;
- **Capitol Hill Area Element** (*Policies CH-1.1.3; CH-1.1.4; CH-2.1.1*): The proposed NC-15 zone could help to revitalize the area by encouraging a medium density mixed use development in place of the existing auto retail and parking uses; and
- **H Street NE Strategic Development Plan SAP**: The proposed NC-15 zone would provide residential density and commercial development to support the arts and entertainment uses envisioned by the SAP.

27. The OP Setdown Report stated that IZ Plus was appropriate for the Map Amendment. The 2019 Housing Equity Report prepared by OP and the Department of Housing and Community Development reports that as of 2018, there was only three and one-half percent of the District's total number of affordable housing units in the Capitol Hill Planning Area and that this planning area has a shortage of 1,120 units with a total production goal of 3,720 units by 2025. In addition, the NC-15 zone allows for a higher maximum permitted FAR than NC-14. Therefore, OP found an IZ Plus set-aside requirement pursuant to Subtitle X § 502 to be an appropriate requirement for the Map Amendment. (Ex. 32.)
28. On July 15, 2022, OP submitted a report recommending approval of the Application (the "OP Hearing Report") that largely reiterated the OP Setdown Report's recommendations. (Ex. 45.)
29. At the public hearing, OP testified in support of the Application and reiterated its recommendations in the OP Setdown Report and OP Hearing Report. (Transcript ["Tr."] from July 25, 2022 hearing at pp. 30-33.)

### **DDOT REPORT**

30. DDOT submitted a July 15, 2022 report (the "DDOT Report"), stating that it had no objection to the Application because: (Ex. 44.)
  - DDOT concluded that the proposed rezoning would likely not lead to a significant increase in the number of peak house vehicle trips on the District's transportation network if developed with the most intense mater-of-right uses; and

- The Property is a short walking distance to several Priority Bus Routes, including the H Street Streetcar Line, and the proposed rezoning would be consistent with DDOT’s approach to new development that supports higher densities, adjacent transit, and walkable design.

31. DDOT did not provide testimony at the public hearing.

**ANC REPORTS AND TESTIMONY**

32. ANC 6A submitted a resolution, dated May 2, 2022, stating that at a regularly scheduled and properly noticed meeting on April 14, 2022, at which a quorum was present, ANC 6A voted unanimously to support the Map Amendment. The resolution noted: “It is the view of ANC 6A that this development serves the public interest and will maintain development of the H Street area and provide additional affordable housing to the community. Our ANC enthusiastically supports the goals of the IZ+ program, and appreciate the proscribed increase in the amount of affordable housing on projects to 20 percent.” ANC 6A did not appear at the public hearing. (Ex. 43.)

**OTHER AGENCIES, PERSONS, OR GROUPS**

33. On July 24, 2022, Jesse Blumenthal and other Linden Place neighbors submitted a letter supporting increased housing and redevelopment of the Property, but requesting that certain mitigation measures be required for any construction taking place on the Property in order to minimize vibration and noise to the homes on Linden Place, and that any future parking garage access for the Property be from H Street or 12<sup>th</sup> Street instead of from the narrow alley between H Street and Linden Place. (Ex. 48.)

34. On July 25, 2022, the Linden Neighborhood Association, Inc. submitted a letter in support of the Application. (Ex. 50.)

35. On July 25, 2022, impacted residents submitted a letter opposing the Map Amendment due to proximity of any potential construction to historic homes. In addition, the letter alleged that tall buildings could intrude on privacy, cast shadows, and exacerbate pollution, traffic, and congestion. The letter recommended that the current vacant commercial properties along the H Street Corridor be prioritized. (Ex. 49.)

36. On July 26, 2022, Pierce O’Connor submitted a letter in opposition to the Application, alleging that the Map Amendment would create “spot zoning”; the building height the proposed NC-15 zone would allow will dwarf surrounding buildings and not be consistent with the neighborhood; the change to the FLUM alone is not a basis to rezone the Property absent community engagement to understand the needs of residents; and rezoning will not automatically result in any redevelopment or increase of affordable housing. (Ex. 51.)

**PUBLIC HEARING**

37. At its July 25, 2022, public hearing, the Commission heard testimony from the Applicant regarding the Application and from OP in support of the Application. (Tr. at pp. 7-30.)



38. Robert Pittman testified on behalf of the Linden Neighborhood Association in support of the Application. Mr. Pittman noted that the Association disagrees with using the alley between H Street and Linden Place for ingress and egress from the Property in any future development but believes there will be an opportunity to work on this issue down the road. (Tr. at pp. 36-39.)
39. Mike Velasquez, a resident of ANC 6A02, testified in opposition to the Application, stating that the proposed increase to medium density residential in no way emphasizes arts and arts-related uses, and would result in adverse parking impacts. (Tr. at pp. 41-46.)
40. Frank Nickerson, a resident of G Street, testified in opposition to the Application, stating that the proposed zoning would allow for larger scale development than the local infrastructure is suited for, in particular, the narrow alley cannot support large service vehicles. (Tr. at pp. 47-50.)
41. At the conclusion of the public hearing, the Commission took proposed action on the proposed Map Amendment Application.<sup>1</sup>

**NATIONAL CAPITAL PLANNING COMMISSION (“NCPC”)**

42. On July 26, 2022, the Commission referred the proposed map amendment to NCPC for review and comment pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code § 1-201 *et seq.* (Ex. 53.)
43. On September 6, 2022, NCPC filed a report stating that the proposed Map Amendment would not be inconsistent with federal elements of the Comprehensive Plan for the National Capital nor would it adversely impact any identified federal interests. (Ex. 56.)

**CONCLUSIONS OF LAW**

1. The Zoning Act of 1938, effective June 20, 1938 (52 Stat. 797, ch. 534; D.C. Official Code § 6-641.01, *et seq.*) (“Zoning Act”) authorizes the Commission to create zones within which the Commission may regulate the construction and use of property in order to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital.” (§ 1 of the Zoning Act; D.C. Official Code § 6-641.01.)
2. Section 2 of the Zoning Act (D.C. Official Code § 6-641.02) further provides that:
 

*Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and*

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<sup>1</sup> The Commission requested that the Applicant meet with Mike Velasquez and Frank Nickerson (“Neighbors”) following the public hearing to discuss their concerns. The Commission left the record open until August 31, 2022 for the Neighbors and the Applicant to file submissions regarding the meeting. (Tr. at p. 63.) There were no submissions to the record regarding the outcome of a meeting between the Neighbors and the Applicant. However, the Applicant submitted Proposed Findings of Fact and Conclusions of Law which stated that the Applicant met with the Neighbors on August 22, 2022. (Ex. 55A.)

*other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.*

**NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN (SUBTITLE X § 500.3)**

3. The Commission must ensure that the Zoning Map, and all amendments to it, are “not inconsistent” with the CP pursuant to § 492(b)(1) of the District of Columbia Home Rule Act. (§ 2 of the Zoning Act; D.C. Official Code § 6-641.02.) Subtitle X § 500.3 incorporates this intent to the Zoning Regulations by requiring that map amendments be “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.”

**Racial Equity**

4. The Commission concludes that the Map Amendment is not inconsistent with racial equity policies because:
  - The Map Amendment would increase the density and height permitted on the Property with an IZ Plus requirement. These changes would enhance the opportunities to increase affordable housing in the planning area; and
  - The potential affordable housing enabled by the Map Amendment would help offset the lack of housing supply and alleviate the housing demand among minority populations in the District.

**GPM & FLUM**

5. The Commission concludes that the proposed NC-15 zone is not inconsistent with either the GPM’s designation of the Property as a Main Street Mixed Use Corridor or the FLUM’s designation of the Property as Mixed-Use: Medium-Density Residential and Medium-Density Commercial. The CP notes that density in Medium-Density Residential areas typically ranges from 1.8 to 4.0 FAR with greater density possible with IZ. The Medium-Density Commercial category is appropriate for up to 6.0 FAR. The 4.8 FAR with IZ contemplated by the Map Amendment complies with the Property’s FLUM designation. The Map Amendment is consistent with the GPM designation as a Main Street Mixed-Use Corridor as any redevelopment of the Property is likely to enhance the pedestrian experience and the Property’s proximity to transit will encourage transit-oriented development.

**Land Use Element**

6. The Commission concludes that the proposed NC-15 zone achieves the goals and policies of the Land Use Element because it will permit redevelopment with more density at a transit-oriented and pedestrian-oriented area.

### **Transportation Element**

7. The Commission concludes that the proposed NC-15 zone achieves the goals and policies of the Transportation Element because redevelopment on the site must satisfy current regulations and DDOT standards and will enhance pedestrian safety surrounding the Property. The transit-oriented nature of the site will enable development in close proximity to multiple transit options.

### **Housing Element**

8. The Commission concludes that the proposed NC-15 zone achieves the goals and policies of the Housing Element because it will permit additional density with IZ plus and increase the likelihood that affordable housing will be developed on the Property.

### **Capitol Hill Area Element**

9. The Commission concludes that the proposed NC-15 zone achieves the goals and policies of the Capitol Hill Area Element because it will encourage redevelopment of the existing auto retail and parking use on the Property into mixed use development with affordable housing.

### **H Street NE Strategic Development Plan SAP**

10. The Commission concludes that the proposed NC-15 zone achieves the goals and policies of the H Street NE Strategic Development Plan because it will provide mixed uses that can support the arts and entertainment uses planned for the area.

### **“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP**

11. Pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8, the Commission must give “great weight” to the recommendations of OP.
12. The Commission concludes that OP’s reports, which provided an in-depth analysis of the proposed NC-15 zone and its consistency with the CP and advancement of CP racial equity policies, are persuasive and concurs with OP’s recommendation that the Property be rezoned, as discussed above.
13. The Commission also concurs with OP’s recommendation that the proposed map amendment be subject to IZ Plus for the reasons discussed above.

### **“GREAT WEIGHT” TO THE ANC 6A REPORT**

14. Pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975 (effective March 26, 1976, D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2, the Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public.
15. The Commission finds the recommendation in ANC 6A’s report persuasive and concurs in its recommendation of support for the Application.

**DECISION**

In consideration of the record and the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and, therefore, **APPROVES** the Application to amend the Zoning Map as follows:

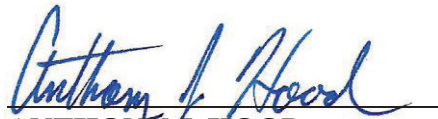
SQUARE	LOT(S)	MAP AMENDMENT
1004	342	NC-14 to NC-15


For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the existing NC-14 zone was 2.5.

On July 25, 2022, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **PROPOSED ACTION** and **APPROVED** the Application at the close of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Joseph S. Imamura to approve; third Mayoral appointee seat vacant, not voting).

On September 8, 2022, upon the motion of Vice Chairman Miller, as seconded by Commissioner Imamura, the Zoning Commission took **FINAL ACTION** and **APPROVED** the Application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Joseph S. Imamura to approve; third Mayoral appointee seat vacant, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 22-03 shall become final and effective upon publication in the *D.C. Register*; that is on October 7, 2022.

  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.