

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-18E

Z.C. Case No. 15-18E
2715 PENN LP¹

(Modification Without Hearing to an Approved PUD for Property Located @
Square 1194, Lot 15 [2715 Pennsylvania Avenue, NW])

July 30, 2026

Pursuant to notice, at its July 30, 2026 public meeting, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of 2715 PENN LP (“Applicant”) for a Modification Without Hearing to the approved Planned Unit Development (“PUD”) approved pursuant to Z.C. Order Nos. 15-18 through 15-18D for property located at 2715 Pennsylvania Avenue, NW (Square 1194, Lot 15) (“Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission APPROVES the Application.

FINDINGS OF FACT

Prior Approvals

1. Pursuant to Z.C. Order No. 15-18, effective March 10, 2017 (“Original Order”), the Commission approved a consolidated PUD with a related Zoning Map amendment to the W-2 zone under the 1958 Zoning Regulations (“ZR58”) to allow for the construction of a mixed-use building with a restaurant on the ground floor and a four-story apartment house comprised of seven residential units above (“Project”).
2. Following approval of the Original Order, the Commission subsequently approved several modifications and extensions in Z.C. Order Nos. 15-18A through 15-18D. The most recent extension, Z.C. Order No. 15-18D, required construction of the approved Project, as modified, to begin no later than March 9, 2026.

Parties and Notice

3. The only party to Z.C. Order Nos. 15-18 *et seq.*, other than the Applicant, was Advisory Neighborhood Commission (“ANC”) 2E, the “affected” ANC pursuant to Subtitle Z § 101.8.

¹ The Applicant in the original Zoning Commission cases was Initio LP. Pursuant to Special Warranty Deed dated October 2, 2024, Initio LP sold the Property to 2715 PENN LP, which is the current owner of the Property and Applicant in this case

The Application

4. On June 22, 2026, the Applicant filed the Application requesting a Modification Without Hearing to allow the seven approved residential units in the Project to be designated as residential and/or lodging use. The Application stated that no more than three of the seven units would be operated as lodging use at any given time, and the remaining four units would continue to operate as residential (Exhibit [“Ex.”]1-2B).
5. The Application did not propose any changes to the approved building envelope, approved plans, building height, density, ground floor use, or public benefits package, including the Housing Production Trust Fund contribution, LEED-Gold commitment, and improvements to park areas adjacent to the Property. No zoning relief was needed to accommodate the modification, and lodging use is permitted as a matter-of-right in the MU-13 zone. 11-U DCMR § 507.1(11) (Ex. 2).
6. The Application included an analysis of how the proposed modifications did not alter the Commission’s prior conclusions that the Project met the PUD evaluation standards under ZR58, and that the modified Project would continue to meet such standards set forth in Subtitle X § 304 (Ex. 2).
7. The Applicant provided evidence that on June 22, 2026, it served the Application on ANC 2E and the Office of Planning (“OP”) as attested by the Certificate of Service submitted with the Application (Ex. 2).
8. OP submitted a report dated July 20, 2026, concurring that the Application could be considered as a Modification Without Hearing and recommending the Commission approve the request with the condition that the lodging units remain advertised for long-term residential lease, or sale, while assigned to lodging purposes or otherwise vacant (“OP Report”) (Ex. 6).
9. The Applicant submitted a supplemental letter dated July 27, 2026, stating that it agreed to the condition stated in the OP Report being included in a final order approving the Application (Ex. 7).
10. DDOT submitted a report dated July 17, 2026, stating no objection to approval of the Application and noting that no changes were proposed to site access, vehicle parking, or bike parking, and that a Comprehensive Transportation Review study was not required for any of the prior approvals or for the subject modification (“DDOT Report”) (Ex. 5).
11. ANC 2E did not file a letter to the record on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without a public hearing to approved contested case final orders and plans approved by such orders.

2. Subtitle Z § 703.6 defines “modification without hearing” as “modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. Determination that a modification can be approved without witness testimony is within the Commission’s discretion.”
3. The Commission concludes that the Application qualifies as a Modification Without Hearing within the meaning of Subtitle Z § 703.6, as a request to modify the conditions approved by Z.C. Order Nos. 15-18 *et seq.*, the impact of which may be understood without witness testimony, and it therefore can be granted without a public hearing pursuant to Subtitle Z § 703.1.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case ANC 2E, and OP, at the same time the Application was filed with the Office of Zoning.
5. The Commission concludes that all parties were allowed 30 days after the Application was filed and served on June 22, 2026, to file responses to the Application in accordance with Subtitle Z § 703.12.
6. The Commission concludes that the Application was filed at least 35 days prior to the public meeting at which the Application was considered by the Commission, in accordance with Subtitle Z § 703.13. The Application was filed June 22, 2026, and considered by the Commission at its public meeting on July 30, 2026.
7. The Commission finds that the Application is consistent with the approved PUD and that the requested modification will give the Applicant flexibility to offer any three of the seven units as temporary housing for a term of less than 30 consecutive days.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

8. The Commission must give “great weight” to the recommendation of OP 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 § 405.9 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
9. The Commission notes OP’s lack of objection to the Application being considered as a modification without hearing and finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

10. 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 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. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

11. The Applicant served a copy of the Application on ANC 2E on the date that it filed the Application, and the ANC was provided 30 days to file a response. ANC 2E did not submit a report on the Application. Accordingly, the Commission has no written report on which to give great weight, but the Commission notes that the Applicant complied with all applicable and required timeframes associated with providing notice of the Application to the affected ANC.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and, therefore, APPROVES the Applicant’s request for a Modification Without Hearing to modify Z.C. Order 15-18 *et seq.*, subject to the following conditions and provisions:

The conditions in Z.C. Order No. 15-18, as modified by Z.C. Order Nos. 15-18A and 15-18B, remain unchanged and in effect except that the following condition is added:

All seven dwelling units may be designated as residential and/or lodging use, with no more than three of the seven units being designated as a lodging use at any given time, provided that the lodging units remain advertised for long-term residential lease, or sale, while assigned to lodging purposes or otherwise vacant.

VOTE (July 30, 2026): 5-0-0 (Anthony Hood, Gwen Wright, Robert Miller, and Tammy Stidham to approve; Joseph S. Imamura not present not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 15-18E shall become final and effective upon publication in the District of Columbia Register; that is, on _____.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.