

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 19-16(1)

Z.C. Case No. 19-16

MCF WALP Phase 1, LLC

(Extinguishment of Consolidated Planned Unit Development - Square 481, Lot 23)

April 10, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public meeting on April 10, 2025, and considered a motion from MCF WALP Phase 1, LLC (the “Applicant”) requesting to extinguish an approved consolidated planned unit development (“PUD”) for Lot 23 in Square 481, with an address of 1200 5th Street, N.W. (the “Property”), approved in Z.C. Order No. 19-16. The Commission considered the motion pursuant to Subtitles X and Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations” or “ZR16”, and to which all citations to the regulations herein are made unless otherwise specified). The Commission granted the motion to extinguish the consolidated PUD.

FINDINGS OF FACT

I. PROCEDURAL BACKGROUND

1. On March 31, 2025, the Applicant filed a motion requesting the Commission approve the extinguishment of the consolidated PUD that was approved pursuant to Z.C. Order No. 19-16, dated April 27, 2020, which became effective on January 8, 2021. The motion to extinguish was made pursuant to Subtitle X, §310.2.
2. Zoning Commission Order No. 19-16 approved the development of a new multi-family residential building on the Property. The approved PUD project would provide 360 apartment units, 103 parking spaces, and would have a maximum building height of 50 feet. The only party to Z.C. Case No. 19-16 other than the Applicant was Advisory Neighborhood Commission (“ANC”) 6E¹, on which the Applicant served the motion to extinguish on March 31, 2025. First Rising Mt. Zion Baptist Church and Miles Memorial Christian Methodist Episcopal Church (collectively, the “Churches”) submitted letters and provided testimony in opposition to the PUD Project.
3. After Zoning Commission Order No. 19-16 became effective, the Churches filed an appeal of the Zoning Commission’s approval of the PUD with the District of Columbia Court of

¹ When the Zoning Commission reviewed Zoning Commission Case No. 19-16 the Property was located within ANC 6E. The Property is now located within ANC 2G. The Applicant served the motion to extinguish on both ANC 6E and ANC 2G.

Appeals (21-AA-52). On November 3, 2022, the District of Columbia Court of Appeals issued its decision which affirmed the Zoning Commission's approval of the PUD. As a result, Z.C. Order No. 19-16 is still in effect until November 3, 2025 (by which date the Applicant is required to start construction activity).

4. Due to a number of factors, including the delay related to the District of Columbia Court of Appeals process, the Applicant decided that the future re-development of the Property will occur in accordance with the matter-of-right development standards. The Zoning Commission's approval of this motion to extinguish the PUD approved in Z.C. Order No. 19-16 will allow the re-development of the Property to occur in a more expeditious manner, rather than just waiting until November 3, 2025, for Z.C. Order No. 19-16 to expire on its own terms.
5. At its public meeting on April 10, 2025, the Commission voted to approve the motion to extinguish the PUD approval of Z.C. Order No. 19-16.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through the flexibility in building controls, including building height and density, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan (Subtitle X § 300.1).
2. Once a PUD is approved, any construction on the PUD site that is not authorized in the order approving the PUD, including development under matter-of-right standards, is not permitted until (a) the validity of the PUD order expires; or (b) the Commission issues an order granting the applicant's motion to extinguish the PUD (Subtitle X § 310.2).
3. At the time of filing any motion, a party must serve all other parties, and all parties opposing a motion shall have seven (7) days from the service of the motion to file and serve a response (Subtitle Z §§ 407.3, 407.4).
4. The Commission finds that the Applicant served the motion to extinguish on all parties — in this case, ANC's 6E and 2G — on March 31, 2025, and neither filed a response within seven days of service of the motion.
5. The Commission understands that the Applicant no longer intends to build the approved PUD due to numerous factors. Thus, the Commission finds that granting the Applicant's motion to extinguish the PUD, pursuant to Subtitle X § 310.2, will allow the Property to be developed as a matter-of-right under the RA-2 Zone District.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the motion request of the Applicant to extinguish the PUD approved pursuant to Z.C. Order No. 19-16.

FINAL ACTION

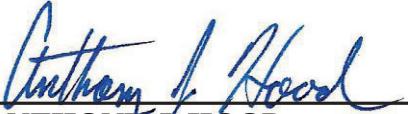
VOTE: (April 10, 2025): 5-0-0

(Tammy Stidham, Joseph S. Imamura, Anthony J. Hood, Robert E. Miller and Gwen Wright to approve.)

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *District of Columbia Register*, that is on May 23, 2025.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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



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.