

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 20-23

Z.C. Case No. 20-23

LDP Acquisitions, LLC & 525 Rhode Island Avenue LP

(Zoning Map Amendment @ Square 3623, Lots 1 & 2; and Parcels 131/94, 131/146,
131/147, 131/155, 131/161, 131/162, and 131/217)

April 22, 2021

Pursuant to notice, at its April 22, 2021 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) deliberated on an application (the “Application”) by LDP Acquisitions, LLC & 525 Rhode Island Avenue LP (the “Applicant”) requesting the following relief under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016, to which all references are made unless otherwise specified) for Lots 1 & 2 and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162, and 131/217 in Square 3623 (the “Property”) in the PDR-2 zone:

An amendment of the Zoning Map pursuant to Subtitle X § 500.1 from the PDR-2 zone to the MU-10 zone (the “Map Amendment”).

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

FINDINGS OF FACT

I. BACKGROUND

PARTIES

1. The following were automatically parties in this proceeding pursuant to Subtitle § 403.5:
 - The Applicant; and
 - Advisory Neighborhood Commission (“ANC”) 5E, in which district the Property is located and so an “affected ANCs” pursuant to Subtitle Z § 101.8.
2. The Commission received no requests for party status.

NOTICE

3. Pursuant to Subtitle Z §§ 304.5 and 304.6, the Office of Zoning (“OZ”) sent notice on February 9, 2021, of the April 22, 2021 public hearing (Exhibit [“Ex.”] 14-16) to:
 - ANC 5E;
 - ANC Commissioner 5E03, whose district includes the Property;
 - The Office of the ANCs;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Councilmember for Ward 5, which includes the Property;
 - The Chair and At-Large Councilmembers of the D.C. Council; and

- The owners of property within 200 feet of the Property.
4. OZ published notice of the public hearing in the February 5, 2021, *D.C. Register* (68 DCR 1615) as well as on the calendar on OZ’s website (Ex. 15 and 16).

THE PROPERTY

5. The Property is located in the northeast quadrant of the District and consists of approximately 122,631 square feet of land area.
6. The Property is bounded:
 - To the north – by Rhode Island Avenue, N.E.;
 - To the south – by W Street, N.E.;
 - To the east – the Metrorail tracks, Rhode Island Avenue Metrorail Station, and Metropolitan Branch Trail; and
 - To the west – by 5th Street, N.E.
7. The Property is comprised of a collection of underutilized lots that are currently improved with a variety of industrial, warehouse, retail, surface parking, and other uses.
8. At the time of the Application, the lots comprising the Property were held in multiple ownerships, with the majority landowner being the Greater Mount Calvary Holy Church (“GMCHC”). As required by Subtitle Z § 200, the Applicant was duly authorized in writing by all owners of the lots comprising the Property to submit the Application (Ex. 3K, 3L).
9. The Property is located one block from the Rhode Island Avenue Metrorail station.

CURRENT ZONING

10. The Property’s current PDR-2 zone is:
 - Intended to “*Permit medium-density commercial and Production, Distribution, and Repair (“PDR”) activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.*” (Subtitle J § 200.2);
 - Does not permit multifamily residential uses (Subtitle U § 801);
 - Has a maximum floor area ratio (“FAR”) of 3.0 (4.5 for certain uses) (Subtitle J § 202.1); and
 - Has a maximum height of 60 feet (Subtitle J § 203.1).

COMPREHENSIVE PLAN (TITLE 10A DCMR, THE “CP”)

11. The CP’s Generalized Policy Map (the “GPM”) designates the majority of the Property as a Neighborhood Conservation Area, with a small eastern portion of the Property designated as a Land Use Change Area (Ex. 3D).
12. The CP’s Framework Element defines Neighborhood Conservation Areas as “generally residential in character” with development to maintain the diversity of land uses and building types and is compatible with the existing scale, natural features, and character of

the area, with densities guided by the CP's Future Land Use Map ("FLUM") and CP policies. Development which addresses city-wide housing needs is encouraged in these areas (CP §§ 225.4-225.5).

13. The CP's Future Land Use Map ("FLUM") designates the Property for Mixed-Use High-Density Residential and Medium-Density Commercial, which the CP's Framework Element defines as follows:
 - **High Density Residential** – “defines neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings,” with density “typically greater than a 4.0 FAR, and greater density may be possible when complying with Inclusionary Zoning developments or when approved through Planned Unit Developments” (CP § 227.8); and
 - **Medium Density Commercial** – “Retail, office, and service uses are the predominant uses, although residential uses are common,” with density “typically rang[ing] 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” and the Application's proposed MU-10 zone specifically identified as consistent with this FLUM designation (CP § 227.12).
14. The CP's Framework Element states that the “general density and intensity of development within a given Mixed Use area” is shown by the highest density of the respective FLUM categories (CP § 227.21).
15. The CP's Upper Northeast Area Element includes the Property in the Rhode Island Avenue Metro Station Policy Focus Area, in which “[m]edium to high density housing is strongly encouraged” and “[f]illing the gaps” in the street wall would be desirable in the commercial areas, creating a more pedestrian-friendly environment” with “development that includes ground floor retail uses and upper story housing,” since the “surrounding area is under-served by retail uses and would benefit from new restaurants, local-serving stores, and other services” (CP §§ 2415.2, 2415.4).
16. The Property is included in the Rhode Island Avenue “Diamond of the District” Small Area Action Plan (“SAP”), adopted by the D.C. Council on May 3, 2011, pursuant to PR 19-0019, which:
 - Guides “appropriate” redevelopment of underutilized commercial properties along the Rhode Island Avenue, N.E., corridor;
 - Promotes transit-oriented mixed-use development around the Rhode Island Avenue Metrorail Station;
 - Encourages new housing at significant density to generate foot traffic needed to sustain retail uses; and
 - Specifically identifies the Property as part of “Sub-Area 1 – Site B,” as needing to be rezoned from the current PDR-2 zone to enable more housing in a mixed-use

development with a matter-of-right height of 90 feet and density of 6.0 FAR (SAP at 4, 13-17).

II. THE APPLICATION

PROPOSED ZONING

17. The Application proposed to rezone the property to the MU-10 zone, which
- Is intended to:
 - *Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; and*
 - *Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality (Subtitle G § 400.9); and*
 - Permits:
 - A maximum density of 6.0 FAR (7.2 with Inclusionary Zoning (“IZ”)) of which no more than 3.0 FAR may be for non-residential uses (Subtitle G § 402.1);
 - A maximum height of 90 feet (100 feet with IZ), not including a penthouse (Subtitle G § 403.1);
 - A maximum permitted occupancy of 75% for residential uses (80% with IZ), and 100% for non-residential uses (Subtitle G § 404.1);
 - A minimum rear yard of 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet (Subtitle G § 405.3); and
 - A minimum green area ratio of 0.20 (Subtitle G § 407.3) (Ex. 3).

SUBMISSIONS & TESTIMONY

18. On January 20, 2021, the Applicant submitted a transportation study (Ex. 12C, the “Transportation Study”) prepared by Gorove Slade analyzing the potential traffic impacts of the Application and concluded that:
- The existing site and use conditions generate fewer vehicle trips compared to the allowable land uses and densities under the current, existing PDR-2 zoning designation;
 - Development scenarios under the proposed MU-10 zoning have the potential to generate more trips than the existing zoning, and in all cases the difference in trips meets the threshold of requiring a detailed Traffic Impact Analysis (“TIA”) per DDOT Comprehensive Transportation Review (“CTR”) guidelines; and
 - A detailed CTR should be performed during the Public Space Committee approval process, when a refined site plan is available, to allow for a thorough analysis of access, parking, and other details of the site plan, and to ensure appropriate transportation mitigations are selected per DDOT’s CTR guidelines.

19. At the April 22, 2021 public hearing, the Applicant testified that the Application would not be inconsistent with the CP and would allow for the future redevelopment of the site with residential uses that are not permitted under the current PDR-2 zoning.

APPLICANT’S JUSTIFICATION OF RELIEF

Not Inconsistent with the CP

20. The Application asserted that it was not inconsistent with the CP and with other adopted public policies and active programs applicable to the Property, as detailed below.
21. ***GPM*** – The Application asserted that the Map Amendment would not be inconsistent with the GPM because:
- It will allow for redevelopment of the Property with mixed-use development that will help address citywide housing needs;
 - The FLUM, Upper Northeast Area Element policies, and the SAP which guide the GPM designation, all promote rezoning the Property to optimize density and allow for the development of new housing, office, and neighborhood retail uses;
 - Redevelopment under the proposed MU-10 zone will be compatible with new and existing development around the Rhode Island Avenue Metrorail Station and the surrounding context; and
 - Unlike the existing PDR-2 zoning and existing improvements on the Property, redevelopment of the Property under the proposed MU-10 zone is more appropriate for its location along Rhode Island Avenue, N.E., a designated Great Street.
22. ***FLUM*** - The Application asserted that the Map Amendment would not be inconsistent with the FLUM because:
- The Framework Element describes the Medium Density Commercial category as permitting densities of 4.0 - 6.0 FAR, and specifically identifies the proposed MU-10 zone as being compatible with this particular designation; and
 - The general density and intensity of development within Mixed Use areas are determined by the specific mixed of uses shown on the FLUM, which for the Property calls for residential uses that the current PDR zoning does not generally permit.
23. ***Upper Northeast Area Element*** – The Application asserted the Map Amendment would not be inconsistent with the Area Element because:
- The Map Amendment will support the goals of the Area Element’s Rhode Island Avenue Metro Station Area Policy Focus Area which specifies that the area around the Rhode Island Avenue station is logical for future mixed use development including housing and ground floor uses that enhance the pedestrian experience along a designated “Great Street”; and
 - Will allow for the redevelopment of an underutilized, older industrial site with new medium– to high-density development.

24. **Land Use Element** – The Application asserted that the Map Amendment would:
- Facilitate the redevelopment of an underdeveloped property in a key location near a metro station and transit corridors with a mix of uses, including housing and ground level retail;
 - Not be inconsistent with the Element’s guidance on industrial lands because of the Property’s proximity to a metro station and the support in both the GPM and FLUM for a rezoning that would permit housing; and
 - Further a number of element policies including:
 - *Station Areas as Neighborhood Centers (Policy LU-1.3.1)*;
 - *Development Around Metrorail Stations (Policy LU-1.3.2)*;
 - *Housing Around Metrorail Stations (Policy LU-1.3.3)*;
 - *Variety of Neighborhood Types (Policy LU-2.1.1)*;
 - *Conserving, Enhancing, and Revitalizing Neighborhoods (Policy LU-2.1.3)*;
 - *Places of Worship and other Religious Facilities (Policy LU-2.3.6)*;
 - *Encouraging Nodal Development (Policy LU-2.4.5)*; and
 - *Rezoning of Industrial Areas (Policy LU-3.1.4)*.
25. **Transportation Element** – The Application asserted that the Map Amendment would:
- Facilitate the development of the Property with a mixed-use development along a major District corridor, and adjacent to the Rhode Island Avenue Metrorail Station and the Metropolitan Branch Trail;
 - Discourage auto-oriented uses by allowing for the productive use of an underutilized site on a key urban boulevard;
 - Substantially reduce the number and total length of curb cuts, thus improving the urban design quality and pedestrian and bicycle safety along the Property’s Rhode Island Avenue frontage; and
 - Further a number of element policies including:
 - *Boulevard Improvements (Policy T-1.2.1)*;
 - *Discouraging Auto-Oriented Uses (Policy T-1.2.3)*;
 - *Multi-Modal Connections (Policy T-2.2.1)*;
 - *Connecting District Neighborhoods (Policy T-2.2.2)*;
 - *Bicycle Safety (Policy T-2.3.3)*; and
 - *Pedestrian Safety (Policy T-2.4.2)*.
26. **Housing Element** – The Application asserted that the Map Amendment would:
- Facilitate the redevelopment of the Property with mixed-use development including housing and affordable housing proximate to a transit hub; and
 - Further a number of element policies including:
 - *Private Sector Support (Policy H-1.1.1)*;
 - *Balanced Growth (Policy H-1.1.3)*;
 - *Mixed Use Development (Policy H-1.1.4)*; and
 - *Workforce Housing (Policy H-1.2.5)*.

27. ***Environmental Protection Element*** – The Application asserted that the Map Amendment would:
- Improve the overall environmental quality of the Property compared to the existing conditions as any new development will need to comply with the D.C. Green Buildings Act, D.C. Green Construction Code, Green Area Ratio, and storm water management regulations; and
 - Further a number of element policies including:
 - *Street Tree Planting and Maintenance (Policy E-1.1.1)*;
 - *Tree Requirements in New Developments (Policy E-1.1.2)*;
 - *Promote Water Conservation (Policy E-2.1.1)*;
 - *Energy Efficiency (Policy E-2.2.1)*;
 - *Using Landscaping and Green Roofs to Reduce Runoff (Policy E-3.1.2)*;
 - *Support for Green Building (Policy E-3.2.1)*; and
 - *Improving Air Quality through Transportation Efficiency (Policy E-4.1.5)*.
28. ***Urban Design Element*** – The Application asserted that the Map Amendment would:
- Improve the urban design qualities of the Rhode Island Avenue Corridor which is a designated Great Street by revitalizing the underutilized Property with new, mixed-use development that will complement the redevelopment occurring to the North;
 - Lead to the redevelopment of the Property that will provide a public plaza space that will stimulate pedestrian and community activity; and
 - Further a number of element policies including:
 - *Avenues/Boulevards and Urban Form (Policy U-1.4.1)*;
 - *Priority Avenues/Boulevards (Policy UD-1.4.5)*;
 - *Neighborhood Centers (Policy UD-2.2.3)*; and
 - *Neighborhood Public Space (Policy UD-3.1.8)*.
29. ***Small Area Plan*** - The Application asserted that the Map Amendment would:
- Not be inconsistent with the SAP’s recommendations that support providing higher density, mixed-use development at the Property in the future, including residential uses not permitted in the current zone;
 - Support the SAP’s general goals for the 4th to 10th Street, N.E., study area (“SubArea 1”) that encourages transit-oriented, medium- to high-density mixed-use development for those blocks; and
 - Follow the SAP’s recommendation to rezone Site B of SubArea 1, which includes the Property, to allow for greater density and more housing and matter-of-right development up to 6.0 FAR and 90 feet in height because the proposed MU-10 zone permits a maximum density and height of 6.0 FAR and 90 feet with additional height and density permitted for IZ developments.

III. RESPONSES TO THE APPLICATION

OP

30. OP submitted a January 4, 2021 report (Ex. 10, “OP Setdown Report”) that:

- Concluded the Application would not be inconsistent with the CP’s map designations and other policies because:
 - The Map Amendment will not be inconsistent with the GPM’s Neighborhood Conservation Area designation because the designation does not preclude development, particularly if the development will address citywide housing needs and will be consistent with the scale and density of the surrounding development and the FLUM;
 - The MU-10 zone is specifically identified by the CP as a compatible zone with the Property’s Medium-Density Commercial FLUM designation;
 - The Property’s FLUM designation does not include industrial uses;
 - The current PDR-2 zoning does not allow for residential use or a development capacity equal to the mixed-use high-density residential/medium-density commercial of the MU-10 zone and the CP and SAP support the rezoning of the Property from industrial use to the MU-10 zone;
 - The proposed rezoning would further multiple CP elements by permitting a mixed-use redevelopment of the site, including the Land Use, Transportation; Housing; Environmental Protection; Urban Design; and the Upper Northeast Area Element; and
- Therefore, recommended that the Commission set down the Application for a public hearing.

31. OP submitted an April 12, 2021 report (Ex. 21, “OP Hearing Report”) that:
- Reiterated the OP Setdown Report’s conclusion that the Application was not inconsistent with the Comprehensive Plan; and
 - Therefore, recommended approval of the Application.

DDOT

32. DDOT submitted an April 12, 2021 report (Ex.20, the “DDOT Report”) that:
- Concluded the proposed rezoning of the Property, even if developed with the most intense matter of right uses, would not lead to a significant increase in the number of peak hour vehicle trips on the District’s transportation network; and
 - Therefore, DDOT had no objection to the Application.

ANC 5E

33. The Applicant submitted a June 16, 2020 report of ANC 5E (Ex. 3H, the “ANC Report”) stating that at a duly noticed virtual meeting held on June 16, 2020, with a quorum of commissioners present, ANC 5E voted to:
- Express the following issues and concerns:
 - The Property is a key element to bringing much needed quality retail, jobs, and housing opportunities along the Rhode Island Avenue, N.E., corridor, which has significant untapped potential but which has suffered recently from stalled redevelopment; and
 - Redevelopment of the Property should be consistent with the SAP, as reflected by the 2012 updates to the Property’s FLUM designation; and
 - Therefore, support the Application.

34. ANC 5E did not testify at the April 22, 2021 public hearing.

PUBLIC COMMENTS

35. George Chaffin, a nearby resident, filed a letter (Ex. 18) stating his support of the Map Amendment because it would encourage mixed-use development near the Metro station, including both retail uses needed for the surrounding neighborhood and residential uses with the maximum density needed to provide as much affordable housing as possible.
36. Daniel Agold, Vice President of the Eckington Civic Association (the “Civic Association”), testified at the April 22, 2021 public hearing, in support of the Map Amendment and submitted a copy of his testimony to the case record (Ex. 23), stating that the Application would support the redevelopment of the Property that could:
- Bring “vital businesses, services, affordable housing, and community services to the surrounding neighborhoods”;
 - “Make better use of transit and trail-adjacent properties and to better connect Eckington residents to the Metropolitan Branch Trail”; and
 - Potentially provide a site for a new D.C. Public Library branch to serve Eckington, Edgewood, and Stronghold.

NCPC

37. The National Capital Planning Commission (“NCPC”) submitted a May 26, 2021 report (Ex. 28), responding to the Commission’s referral of the Application 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.*) by stating that NCPC had determined that the Application’s proposed amendment of the Zoning Map falls under Exception No. 12 in Chapter 8 of NCPC’s submission guidelines and is therefore exempt from NCPC review.

CONCLUSIONS OF LAW

1. The Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797, ch. 534; D.C. Official Code § 6-641.01 *et seq.* (2012 Repl.)) (the “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 regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and 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 or 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 for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.”

3. Pursuant to the Home Rule Charter, the District of Columbia Comprehensive Plan Act of 1989 (D.C. Law 8-129), and Subtitle A § 401.1, the Commission is charged with preparing, adopting, and subsequently amending the Zoning Regulations and Zoning Map in a means not inconsistent with the Comprehensive Plan.
4. Pursuant to Subtitle X § 500.3, the Zoning Commission shall find that map amendments are not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property.
5. The Commission set down the Application as a contested case under Subtitle Z, Chapter 4, as a map amendment filed by the owner of a single property per Subtitle Z § 201.2(e).

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

6. Based on the case record and the Findings of Fact above, the Commission concludes that the Application’s proposed amendment of the Zoning Map from the current PDR-2 zone to the proposed MU-10 zone is not inconsistent with the CP, when considered in its entirety, because the Map Amendment will further the following CP maps and policies:
 - The GPM and FLUM by facilitating the redevelopment of the Property with mixed use development, including housing, that will enhance the overall neighborhood;
 - The Upper Northeast Area Element by facilitating the mixed-use redevelopment of the Property;
 - The Land Use Element by facilitating the Property’s redevelopment with a mixed-use development proximate to major transit corridors and the Rhode Island Avenue Metro station, one of the examples specifically identified as an exception to the Land Use Element’s guidance to limit the rezoning of industrially-zoned land;
 - The Transportation Element by facilitating the redevelopment of the Property with new transit supporting mixed-use development proximate to transit corridors and a multi-modal transit hub;
 - The Housing Element by facilitating the redevelopment of the Property with housing, not permitted in the current zone district, which will advance the District’s housing and affordable housing goals by providing new multi-family housing;
 - The Environmental Protection Element by facilitating the redevelopment of the Property with new sustainable site features; and
 - The SAP by rezoning the Property to a zone that will permit mixed-use and residential uses as specifically contemplated by the SAP as well as the CP’s FLUM and Upper Northwest Area Element.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

- 7. 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 § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).)
- 8. The Commission finds OP’s analysis of the Map Amendment and conclusion that it is not inconsistent with the CP persuasive and concurs with OP’s recommendation to approve the Application.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

- 9. The Commission must give “great weight” to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting 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. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
- 10. The Commission finds persuasive the ANC Report’s concerns that the Property’s rezoning is a key element to achieve the needed redevelopment of the Rhode Island Avenue, N.E., corridor and concurs in the ANC Report’s 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	LOTS AND PARCELS	OLD ZONE	NEW ZONE
3623	Lots 1 &2 Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162, and 131/217	PDR-2	MU-10

Proposed Action

VOTE (April 22, 2021): **4-0-1** (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, and Peter G. May to **APPROVE**; Peter A. Shapiro recused, not voting)

Final Action

VOTE (June 24, 2021)¹: 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to **APPROVE**; Peter A. Shapiro recused, not voting)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-23 shall become final and effective upon publication in the D.C. Register; that is on October 15, 2021.



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.

¹ At its June 24, 2021, public meeting, per Commissioner Shapiro's request to recuse himself, the Commission first voted to rescind its June 10, 2021, vote to approve final action in this case (5-0-0) and then to approve final action with Commissioner Shapiro recused.