

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**



**Z.C. ORDER CASE NO. 21-01**

**Office of Planning**

**(Zoning Map Amendment @ 501-513 Rhode Island Ave. NE - Parcels 131/216, 131/44)**

Pursuant to notice, at its April 22, 2021, public meeting hearing, the Zoning Commission for the District of Columbia (the “**Commission**”) considered an application (the “**Application**”) by the DC Office of Planning (the “**Applicant**”) for 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):

- 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**”)

**at Parcels 131/44 & 131/216, the southeast corner of the intersection of 5th Street and Rhode Island Avenue, N.E.** (the “**Property**”). 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. On February 16, 2021 the Office of Zoning (“**OZ**”) sent notice of the April 22, 2021 public hearing (Ex. 3-5) as required by Subtitle Z §§ 304.5 & 304.6 to:
  - ANC 5E;
  - ANC 5E03 Single Member District Commissioner, 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* (Vol. 68/6) as well as on the calendar on OZ’s website (Ex. 3 and 4).

**THE PROPERTY**

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EXHIBIT NO.16

5. The Property consists of approximately 30,574 square feet of land area at the southeast corner of the intersection of 5th Street and Rhode Island Avenue, N.E. The two adjoining parcels stretch for approximately 240 linear feet along Rhode Island Avenue and approximately 130 feet along 5th Street, N.E.
6. The subject property is improved with the District's Fire and Emergency Medical Services Department fire station facility, Engine Company Number 12, that fronts on Fifth Street, N.E. and has an address of 2225 Fifth Street, N.E. The 16,000 SF facility was constructed in 1987. There are two adjoining curb cuts on Fifth Street for fire trucks to enter the station. There is a surface parking lot to the east of the station accessed by two curb cuts on Rhode Island Avenue and Fifth Street, N.E.
7. Directly to the south of the subject property is a narrow parcel, 131/217, that runs east-west on the south side of all of the properties along this block of Rhode Island Avenue, N.E. That parcel is proposed for a rezoning to the MU-10 zone in ZC Case No. 20-23. Also adjoining the subject property to the south is Parcel 131/208 at 2215 5th Street, N.E., which is currently a storage facility.
8. Abutting the subject property to the east are five properties fronting Rhode Island Avenue, N.E. and these properties are also being proposed for a rezoning to the MU-10 zone in ZC Case No. 20-23. If that rezoning is approved, the rest of the block to the east of this site is expected to be redeveloped into mixed-use buildings.
9. To the north across Rhode Island Avenue is the former Rhode Island Avenue Shopping Center and that is currently being redeveloped into a mixed-use development with approximately 1,500 new residential units.

#### **CURRENT ZONING**

10. The Property is currently in the PDR-2 zone. Subtitle J, Chapter 2 of the zoning regulations states "*The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.*" The PDR-2 zone permits a maximum density of 4.5 floor area ratio ("**FAR**") for uses falling within the below use categories listed in Subtitle J § 202.2:
  - (a) Agriculture, large
  - (b) Animal care and boarding and animal shelter
  - (c) Arts, design, and creation
  - (d) Basic utilities;
  - (e) Large-scale government;
  - (f) Production, distribution, and repair; and
  - (g) Waste-related services.
11. The PDR-2 zone does not allow for multi-family residential use and imposes the following limits for matter-of-right developments:
  - A maximum FAR of 3.0 (4.5 for certain uses)
  - A maximum height of 60 feet

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

12. The CP’s Generalized Policy Map (the “GPM”) designates the Property as a Neighborhood Conservation Area in which new development should be 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.
13. The CP’s Future Land Use Map (“FLUM”) designates the Property as mixed-use of the following two categories:
  - High Density Residential, characterized by high-rise apartment buildings, with density typically greater than a 4.0 Floor Area Ratio (“FAR”), although greater density may be possible for IZ developments or Planned Unit Developments (“PUD”); and
  - Medium Density Commercial, characterized predominantly by retail, office, and service uses, although residential uses are common, with density typically ranging between 4.0 and 6.0 FAR, although greater density may be possible for IZ developments or PUDs. The proposed MU-10 zone is deemed consistent with this FLUM designation.
14. The Property is located within the boundary of the Upper Northeast Area Element of the Comprehensive Plan for the National Capital.
15. The Property is within the boundary of the Rhode Island Avenue “Diamond of the District” Small Area Action Plan (the “SAP”), adopted by the D.C. Council on May 3, 2011, pursuant to PR 19-0019.

**II. THE APPLICATION**

**PROPOSED ZONING**

16. The Application, filed on January 4, 2021, asserted that the Map Amendment would allow for the rezoning of the property to the MU-10 zone (Ex. 1).
17. The MU-10 zone proposed for the Property is intended to:
  - (a) *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;*
  - (b) *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;*
  - (c) *Require a level of public space at the ground level; and*
  - (d) *Allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square.*
17. The MU-10 zone permits a maximum density of 6.0 FAR (7.2 with Inclusionary Zoning) and no more than 3.0 FAR may be for non-residential uses. The MU-10 zone permits a maximum height of 90 feet (100 feet with IZ), not including a penthouse.

**APPLICANT’S JUSTIFICATION OF RELIEF**

**Not Inconsistent with the CP**

18. 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.
19. **GPM** – The Application asserted that the Map Amendment would not be inconsistent with the GPM because:
- Being located within a Neighborhood Conservation Area does not preclude development, particularly if the development would address citywide housing needs. The text states that “densities in Neighborhood Conservation Areas are guided by the FLUM and Comprehensive Plan policies,” and as such new development should be compatible with the scale and character of each area. The density permitted in the proposed MU-10 zone is consistent with the guidance of the SAP, the FLUM, and Comprehensive Plan policies. The proposed rezoning would allow future opportunities including multi-family residential use, which is currently not permitted under the existing PDR zoning.
  - According to the Purpose of the Generalized Policy Map, “The map should be used to guide land-use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, and other Comprehensive Plan maps. Boundaries on the map are to be interpreted in concert with these other sources, as well as the context of each location.” In this case, the recommendations of the Rhode Island SAP, the mixed-use designation on the FLUM, and the Upper Northeast Element policies all support a determination that the proposed Zoning Map amendment is not inconsistent with the GPM. This determination is further supported by the surrounding context as the rezoning will allow for the type of mixed-use development that is compatible with development currently underway to the north and northeast of the Property, and is appropriate given the Property’s location adjacent to Metrorail and the Rhode Island Avenue corridor, a designated Great Street.
  - The site is conveniently located in a transit-oriented location near the Rhode Island Avenue Metrorail Station and any future redevelopment would support transit use and improvements to the public space in connection with the site’s development would enhance the pedestrian experience. The rezoning would provide an opportunity for development that could include new housing and affordable housing, thus enabling the type of housing diversity encouraged by the District.
20. **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 MU-10 zone as being compatible with this particular designation. The MU-10 zone permits a maximum density of 6.0 FAR (7.2 FAR with IZ), with 3.0 FAR maximum for non-residential uses, and a maximum height of 90 feet (100 feet with IZ).
  - The general density and intensity of development within Mixed Use areas are determined by the specific mixed of uses shown on the FLUM. In this case, the FLUM indicates a preference for residential uses, which the current PDR zoning does not generally allow.
  - The request to rezone the subject site to MU-10 is consistent with the FLUM designation as Mixed Use medium density commercial and high density residential and the subject property’s close proximity to a Metrorail station. The height and overall density of the MU-10 zone are consistent with what is described in the Framework Element and the supplemental guidance provided in the Small Area Plan.

21. **Upper Northeast Area Element** – The Application asserted:
- The subject property is located within the Rhode Island Avenue Metro Station Area Policy Focus Area of the Upper Northeast Area Element. The Area Element states that that the area around the Rhode Island Avenue station is logical for future development with medium to high density housing but advises that Small Area Plans are needed for each area.
  - The proposed map amendment is not inconsistent with the guidance found in the Area Element of the CP and should the property be rezoned, its future redevelopment could enhance many of the policies.
22. **Land Use Element** – The Application asserted that:
- The location of the subject property along the Rhode Island Avenue corridor and one block from a metro station lends itself to mixed use development. The rezoning to MU-10, which would allow for housing and other uses and contribute to the revitalization of this prominent corner, is consistent with the Land Use policies.
  - The Map Amendment would further several policies of this element including:
    - *Policy LU-1.3.2: Development Around Metrorail Stations*
    - *Policy LU-1.3.3: Housing Around Metrorail Stations*
    - *Policy LU-2.1.1: Variety of Neighborhood Types*
    - *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods*
    - *Policy LU-2.4.1: Promotion of Commercial Centers*
    - *Policy LU-3.1.4: Rezoning of Industrial Areas*
  - There are policies in the Land Use Element regarding the appropriate retention of the city’s limited industrial land. There are also policies that discuss optimal location of industrial uses and when it may be appropriate to consider the rezoning of industrial land, including factors like proximity to a metro station. While the proposed rezoning may conflict with some of the Citywide Elements’ guidance to retain industrial land, the FLUM and the SAP both support the change to mixed use zoning in this location. Additionally, the Upper Northeast element states:
 

***UNE-2.5.2: Redevelopment of Older Commercial and Industrial Sites***  
*Encourage the long-term reuse of older commercial and industrial sites in the Rhode Island Avenue Metro station vicinity with higher-value mixed uses, including housing. Future mixed-use development should be pedestrian-oriented, with design features that encourage walking to the Metro station and nearby shopping.*
23. **Transportation Element** – The Application asserted that the Map Amendment would allow the possibility of future mixed-use development on a major District corridor, and further “*The overarching goal for transportation in the District is: Create a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents.*”(§ 401.1)
24. **Housing Element** – The Application asserted that the Map Amendment would:
- Allow the possibility of future mixed-use development.
  - Further several policies of this element including:
    - H-1.1 Expanding Housing Supply
    - Policy H-1.1.3: Balanced Growth
    - Policy H-1.1.4: Mixed Use Development

- Policy H-1.2.3: Mixed Income Housing
- Policy H-1.2.4: Housing Affordability on Publicly Owned Sites

25. ***Environmental Protection Element*** – The Application asserted that the Map Amendment would:
- Support the “overarching goal for environmental protection is: Protect, restore, and enhance the natural and man-made environment in the District of Columbia, taking steps to improve environmental quality, prevent and reduce pollution, and conserve the values and functions of the District’s natural resources and ecosystems.” (§ 601.1)
  - Improve the overall environmental quality of the site compared to the existing conditions as new development in the District must comply with the D.C. Green Buildings Act and D.C. Green Construction Code and meet Green Area Ratio and storm water management regulations.
26. ***Urban Design Element***- The Application asserted that:
- The Application would support the “*overarching goal for urban design in the District is: Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.*” (§ 901.1)
  - With the MU-10 zone, 8% of this lot area (almost 10,000 SF) would be required to be a public plaza. A large public plaza along with attractive new mixed use buildings and streetscape improvements would be a significant improvement to this prominent and busy block.
27. ***Small Area Plan*** - The Application asserted that the application for a Map Amendment would not be inconsistent with the Small Area Plan because:
- The subject property is located within the boundaries of the Rhode Island Avenue Small Area Plan, which was adopted by the D.C. Council in 2011. The Rhode Island SAP “aims to convey the wide range of investment opportunities on the Avenue and to outline objectives, preferences and concerns shared by area stakeholders and District Government for the appropriate redevelopment of under-utilized, commercial properties along the Avenue. This plan also seeks to shape attitudes about the kinds of preferred investments which will strengthen the corridor’s identity locally and regionally.” The SAP provides design and development guidelines for future development.
  - The SAP found that Rhode Island Avenue is a well-served and well-used transit corridor with the Rhode Island Avenue Metrorail station along the Red Line and 19 Metrobus routes. The subject property is located within the 4th to 10th Street NE study area of the SAP and the SAP encourages transit-oriented development at medium to high density for those blocks.
  - The SAP assessed the assets of SubArea 1 (4th to 10th Street NE) - Site B, where the subject property is located, and found:
    2. *Preservation of existing fire house with other opportunities for potential development sites to realize available density.*
    3. *Over 270,000 SF of unused building area currently with the potential of over 510,000 SF total building area. Has potential to yield over 16,000 SF of retail and 139,000 SF of office/ light production space.*
    4. *Area for possible change in zoning to allow more housing along Rhode Island in a mix of office, retail and housing and push the C-M-2 zone back to W Street NE.*

- The SAP made the following rezoning recommendations for SubArea 1- Site B:
  3. *Re-zone from C-M-2 to C-2-C, allowing up to 6.0 FAR and 90 feet if developers agree to include 15% set aside for locally owned retail and to fund the installation of proposed pedestrian and transit access improvements in accordance with detailed specifications and locations approved by the District Department of Transportation.*
  - ...
  6. *Consider redesign or re-location of the firehouse at 5th Street NE.*
  7. *Target minimum redevelopment to include at least 300 mixed income housing units (including townhouses facing 5th Street NE), 16,000 SF of retail fronting onto Rhode Island Avenue, 135,000 SF of new office and minimal parking to encourage use of transit.*
- The SAP recommends rezoning the subject property located within SubArea 1-Site B to allow for greater density and more housing and matter-of-right development up to 6.0 FAR and 90 feet in height. 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 Inclusionary Developments.
- Within SubArea 1-Site B, the SAP refers specifically to the subject property twice – once in an assessment of assets it refers to the preservation of the existing firehouse and once in the rezoning recommendation it suggests consideration of relocation or redevelopment of the fire station. The rezoning of the fire station does not preclude its preservation and its redevelopment would be an option.
- The SAP discusses pushing the industrial uses off Rhode Island Avenue and back to W Street NE and rezoning to allow increased density and residential use along the avenue. A conceptual plan diagram within the SAP shows residential uses on Fifth Street and Rhode Island Avenue immediately adjacent to the fire station.
- The zoning map amendment application is not inconsistent with the recommendations in the Rhode Island Avenue SAP. Rezoning the subject property with the density and uses recommended in the SAP would provide the opportunity for potential higher density, mixed-use development at the subject property in the future, including residential uses that are not permitted in the current zone.

**TESTIMONY**

28. At the April 22, 2021, public hearing, OP testified that the Application would not be inconsistent with the CP and would allow for the future redevelopment of the site with residential uses, which would not be allowed under the current PDR zoning.

**III. RESPONSES TO THE APPLICATION**

**OP**

29. OP submitted a January 4, 2021, report (Ex. 2, “**OP Setdown Report**”) that:
- Stated that the Application was for a Map Amendment from the PDR-2 zone to the MU-10 zone.
  - Concluded that the Map Amendment would not be inconsistent with the CP’s map designations and other policies because:
    - The MU-10 zone is specifically identified by the CP as a compatible zone with the FLUM mixed use designation;

- 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 Comprehensive Plan and Small Area Plan both support the rezoning of the subject 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
  - Recommended that the Commission set down the Application for a public hearing.
30. OP submitted an April 12, 2021, report (Ex. 10, “**OP Hearing Report**”) that continued to recommend approval of the Application.

#### **DDOT**

31. DDOT submitted an April 12, 2021 report (Ex.9, the “**DDOT Report**”) that concluded that:
- The proposed rezoning of the Property, 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
  - DDOT had no objection to the Application.

#### **DMPED**

32. Daniel Lyons of DMPED testified at the public hearing as a representative of the property owner in support of the application.

#### **PUBLIC COMMENTS**

33. Daniel Agold from the Eckington Civic Association (the “**Civic Association**”), testified at the public hearing in support of the Map Amendment (Ex. 13).
34. A nearby resident, George Chaffin, filed a letter in support of the Map Amendment (Ex. 7).
35. The Commission received no other written comments or testimony responding to the Application.

#### **NCPC**

36. The National Capital Planning Commission (“**NCPC**”) responded 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.*) with a ---, 2021, report 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 (Ex. --).

#### **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 intent of both the GPM and the FLUM by facilitating the redevelopment of the Property with mixed uses 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 redevelopment of the Property with a mixed use development proximate to major transit corridors;
  - The Transportation Element by facilitating the redevelopment of the Property with new mixed-use development proximate to transit corridors;
  - The Housing Element by facilitating the redevelopment of the Property with housing which will advance the District’s housing goals by providing new multi-family housing, and
  - The Environmental Protection Element by facilitating the redevelopment of the Property with new sustainable site features.
  - The Small Area Plan by facilitating the redevelopment of the Property with a mixed use development proximate to major transit corridors.
7. The Commission found that while there are CP policies regarding the retention of industrial lands, the CP maps, policies, and Small Area Plan all support the rezoning of this specific property.

**“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.); Subtitle Z § 405.8); *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
9. 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**

10. 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.); 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)
11. Since ANC 5E did not file anything in response to the Application, there is nothing to which the Commission can give “great weight.”

**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:

<b>PARCELS</b>	<b>OLD ZONE</b>	<b>NEW ZONE</b>
131/44 & 131/216	PDR-2	MU-10

**Proposed Action**

**Vote (April 22, 2021):**                    **4-0-1**     (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter G. May to **APPROVE**; Peter A. Shapiro recusing himself)

**Final Action**

**Vote (May 27, 2021):**                    **4-0-1**     (Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, and Peter G. May to **APPROVE**; Peter A. Shapiro recusing himself)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 21-01 shall become final and effective upon publication in the D.C. Register; that is on \_\_\_\_\_, 2021.

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**ANTHONY HOOD**  
Chairman, Zoning Commission

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**SARA B. 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.