

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 21-11**

**Z.C. Case No. 21-11**

**Abraham and Laura Lisner Home for Aged Women**  
**(Zoning Map Amendment @ Square 1663, Portion of Lot 9)**

**April 28, 2022**

The Zoning Commission for the District of Columbia (the “Commission”) held a properly noticed public hearing on March 17, 2022, to consider an application for a map amendment (the “Application”) submitted by the Abraham and Laura Lisner Home for Aged Women (the “Applicant”) pursuant to Subtitle X, Chapter 5 of 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) to amend the Zoning Map from the R-2 zone to the RA-2 zone for a portion of Lot 9 in Square 1663 (the “Property”).<sup>1</sup>

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 R-2 zone was equivalent to 0.4.

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**

**I. BACKGROUND**

**PARTIES**

1. In addition to the Applicant, the only other party to this case was Advisory Neighborhood Commission (“ANC”) 3E, 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.

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<sup>1</sup> The Applicant’s initial application (Exhibit [“Ex.”] 3.) sought to rezone an approximately 5.431-acre parcel of R-2 zoned land located at 5425 Western Avenue, NW (Lot 9 in Square 1663). In response to community comments and prior to the public hearing, the Applicant submitted a request to amend the Application to limit the area to be rezoned to an approximately 1.1-acre portion of Lot 9 as more particularly described in an attachment thereto. (Ex. 26.) The Commission evaluated the Application at the public hearing in light of the Applicant’s revised proposal to seek a zoning map amendment for only the 1.1-acre portion (i.e., the Property).

## NOTICE

3. On May 25, 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 3E, as required by Subtitle Z § 304.5. (Ex. 3D.)
4. On January 7, 2022, the Office of Zoning (“OZ”) sent notice of the March 17, 2022 virtual public hearing to:
  - The Applicant;
  - The affected ANC 3E;
  - The affected ANC Single Member District (“SMD”) 3E04;
  - The Office of the ANCs;
  - The Office of Planning (“OP”);
  - The District Department of Transportation (“DDOT”);
  - The Department of Consumer and Regulatory Affairs (“DCRA”);
  - The Office of Zoning Legal Division (“OZLD”);
  - The Ward 3 Councilmember;
  - The Chair and At-Large members of the D.C. Council; and
  - Property owners within 200 feet of the Property.(Ex. 20, 21.)
5. OZ also published notice of the March 17, 2022 virtual public hearing, in the January 14, 2022 *D.C. Register* (69 DCR 292 *et seq.*) as well as through the calendar on OZ’s website. (Ex. 19.)
6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on February 10, 2022, and maintained such notice in accordance with Subtitle Z § 402.10. (Ex. 29, 32.)

## THE PROPERTY

7. The Property is located in the Friendship Heights neighborhood of northwest Washington, D.C., abutting the border with the State of Maryland. The site is just east of the intersection of Wisconsin and Western Avenues, both major arterial roads. (Ex. 3, 13, 26.)
8. The Property is an irregularly shaped corner lot that is generally bounded by Western Avenue, N.W. to the north, 42<sup>nd</sup> Street, N.W. to the east, Military Road, N.W. and three detached homes to the south, and an eight-story condominium building to the west. One block to the west is the Friendship Heights Metro Station and the Friendship Heights commercial corridor along Wisconsin Avenue, N.W. (Ex. 3, 13, 26.)
9. The Property encompasses an approximately 1.1-acre portion of a larger 5.431-acre parcel of R-2 zoned land that is improved with a three-story building totaling approximately 79,545 gross square feet. The Property is licensed by the District as a community residential facility (CRF), an assisted living residence (ALR), and a nursing facility. (Ex. 3, 13, 26.)

### CURRENT ZONING

10. The Property is currently located in the R-2 zone, which is intended to provide for areas predominately developed with semi-detached houses on moderately sized lots that also contain some detached dwellings. (Subtitle D § 300.5.)
11. The R-2 zone permits:
  - Detached and Semi-detached Single Household Dwellings;
  - A minimum lot area of 3,000 square feet for semi-detached structures; and 4,000 square feet for all other structures; (Subtitle D § 302.1.)
  - Varied minimum lot areas depending on if the development is a Mandatory IZ or a Voluntary IZ development; (Subtitle D §§ 302.3, 302.5.)
  - A minimum lot width of 30 feet for semi-detached structures; and 40 feet for all other structures; (Subtitle D § 302.1.)
  - Varied minimum lot widths depending on if the development is Mandatory IZ, Special Exception for Mandatory IZ, or Voluntary IZ; and (Subtitle D §§ 302.3, 302.4, 302.5.)
  - For the purposes of calculating an IZ Plus set-aside requirement, the R-2 zone has an FAR equivalent to 0.4. (Subtitle X § 502.4.)

### COMPREHENSIVE PLAN

12. The Future Land Use Map (the “FLUM”) of the Comprehensive Plan (Title 10-A of the DCMR, the “CP”) designates the Property for Moderate Density Residential and Institutional uses.
13. The CP’s Framework Element (CP § 227.6.) establishes that a Moderate-Density Residential designation applies to areas generally suited for row houses, low-rise garden apartment complexes, and low-rise apartment buildings. Section 227.6 of the CP expressly states that the Moderate-Density Residential designation is in accordance with a FAR of up to 1.8, or greater density when complying with IZ and expressly includes the RA-2 Zone District as consistent with the Moderate-Density Residential category.
14. The CP’s Generalized Policy Map (“GPM”) designates the Property for Institutional uses.
15. The CP’s Framework Element describes “Institutional” as including land and facilities occupied and used by colleges and universities, hospitals, religious organizations, and similar institutions. (CP § 227.18.)
16. The Property falls within the boundaries of the Rock Creek West Area Element, which calls for, among other things:
  - Encouraging land use decisions that support multimodal transportation options including walking, biking, and transit use in areas such as the Friendship Heights Metro station to reduce single occupancy vehicle trips (CP § 2308.13.); and
  - Encouraging the development of small-scale, community-based residential facilities on scattered sites within the Planning Area, and social service counseling and referral

facilities on the commercial corridors. Additional group homes and community-based residential facilities should be accommodated. (CP § 2309.11.)

17. In applying the standard of review applicable to the Map Amendment, the CP requires the Commission to do so through a racial equity lens. (CP § 2501.8.) Consideration of equity is intended to be based on the policies of the CP, and part of the Commission’s consideration of whether the Map Amendment is “not inconsistent” with the CP, rather than a separate determination about a zoning action’s equitable impact.
18. The CP includes a number of policies regarding equity, equitable development, and affordable housing. The CP Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality. Further, “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities.” The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions. (CP § 213.6.)
19. The CP Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states that “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas in the District.” (CP § 2501.6.)

## **II. THE APPLICATION**

### **PROPOSED ZONING**

20. The Application requests to rezone the Property from the R-2 zone to the RA-2 zone. (Ex. 3, 13, 26.)
21. The RA-2 zone is intended to provide for areas developed with predominately moderate-density residential. (Subtitle F § 300.3.)
22. The RA-2 zone permits:
  - A maximum overall density of 1.8 FAR (2.16 with IZ); (Subtitle F §§ 302.1-302.2.)
  - A maximum height of 50 feet; and (Subtitle F § 303.1.)
  - A maximum penthouse height of 12 feet except 15 feet for penthouse mechanical space; and (Subtitle F § 303.2.)
  - A maximum lot occupancy of 60%. (Subtitle F § 304.1.)

### III. RESPONSES TO THE APPLICATION

#### OFFICE OF PLANNING REPORTS

23. OP submitted a Setdown report, dated November 8, 2021, recommending that the Commission set down the case for a public hearing (the “OP Setdown Report”). (Ex. 14.) The OP Setdown Report concluded that the proposed RA-2 zone would not be inconsistent with the CP for the following reasons:

•**FLUM and GPM:** The proposed rezoning from the R-2 zone to the RA-2 zone would not be inconsistent with the CP’s policy maps. The proposed zone would allow for a range of residential uses, including single-family homes, flats, and multistory apartment houses. This range of permitted residential uses under the subject property’s FLUM designation is more consistent with the RA-2 zone than the R-2 zone, which is limited to only detached and semi-detached single-family homes. The RA-2 zone would also permit several more institutional uses as a matter-of-right than the R-2 zone. While the CP does not include a specific description of the Institutional Uses Policy Map designation, it does state that “other institutional sites, including hospitals and religious orders, likewise may see new buildings or facilities added.” (CP § 225.22.) The section also states properties designated as Institutional Uses will not necessarily “remain static;” (*Id.*)

•**Land Use Element (Policies LU-1.4.3; 1.4.4; 2.1.8):** The proposed map amendment would permit moderate-density residential uses, such as row houses and low- to mid-rise apartment houses, both of which are not permitted by the existing R-2 zone. The RA-2 zone would allow for substantially more housing to be built overall, both affordable and market-rate, and would allow for a greater variety of different housing sizes and types;

•**Transportation Element (Policy T-1.1.7):** The Property is located approximately 500 feet from the Friendship Heights Metro station. The proposed map amendment could support the District’s goals of providing more housing, including affordable housing, in proximity to safe, affordable, and reliable transportation regardless of a person’s age, race, income, geography, or physical ability;

•**Housing Element (Policies H-1.1.1; H-1.1.3; H-1.1.8; H-1.2.1; H-1.2.2; H-1.2.9; H-1.2.11; H-1.3.1):** The proposed map amendment would substantially increase the density for market-rate and affordable housing options in a high-opportunity area that is in proximity to the Metro and to a commercial corridor with a wide variety of uses and services. The proposed map amendment has the potential to increase the total supply of housing units in the Rock Creek West Planning Area, which could help alleviate the pressure on housing costs overall. Though map amendment applications only consider broad consistency with the CP and not a specific development proposal, the Applicant does state that the rezoning would help provide additional affordable housing for seniors;

•**Rock Creek West Area Element (Policy RCW-1.1.12; 1.2.10):** The Property is in the Rock Creek West Area Element. The proposed map amendment could help reduce single occupancy vehicle trips by allowing more housing to be built in proximity to the Friendship Heights Metro Station and the Wisconsin Avenue, NW retail corridor. The Applicant has also evaluated the proposal against the “Community-based Residential Facilities” policy (Policy RCW-1.2.10). The proposed map amendment could allow additional development related to providing senior services at the Property; and

•**Racial Equity:** The Application would advance racial equity by fostering the potential to create additional affordable housing units, which could help alleviate pressure on housing costs and benefit non-white populations. The Rock Creek West Planning Area, in which the Property is located, absorbed only about three percent of all total housing units added between 2006 and 2015, which was the lowest out of all the planning areas. The proposed map amendment has the potential to increase the total supply of housing units in the Planning Area. It also has the potential to create a greater range of housing types and sizes, which increases the ability to provide housing for a variety of household sizes and income levels.

(Ex. 14.)

24. The OP Setdown Report acknowledged the potential inconsistency of the Application with the Policy LU-2.1.5 (Support Low-Density Neighborhoods), which describes the need to support and maintain “the District’s established low-density neighborhoods and related low-density zoning.” (CP § 310.12.) However, the OP Setdown Report also noted that Policy LU-2.1.8 (Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods) acknowledges there is also a need to “explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types.” (CP § 310.15.)
25. The OP Setdown Report asserted that the change in zoning from low- to moderate-density in this case is consistent with the CP and supported by Policy LU-2.1.8 because the Property’s FLUM designation was specifically changed by the D.C. Council to support moderate-density zoning. (Ex. 14.)
26. The OP Setdown Report also recommended that the proposed map amendment be subject to IZ Plus, which requires a higher affordable housing set-aside requirement compared to regular IZ requirements. The 2019 Housing Equity Report prepared by OP and the Department of Housing and Community Development states that ANC 3E, within which the Property is located, only had 0.4 percent of the District’s total number of affordable housing units as of 2018. In addition, the Rock Creek West Planning Area only contained one percent of the District’s total number of affordable housing units as of 2018. Therefore, the application of IZ Plus to the proposed map amendment would support affordable housing in a high-cost area where affordable housing is relatively lacking. (Ex. 14.)
27. On March 7, 2022, OP submitted a report recommending approval of the Application, as revised by the Applicant to include only the approximately 1.1-acre Property, and restating that the proposed RA-2 zone would not be inconsistent with the CP and would be appropriate for IZ Plus (the “OP Hearing Report”). (Ex. 28.)
28. 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 March 17, 2022 hearing at pp. 23-33.)

### **DDOT REPORT**

29. On March 4, 2022, DDOT submitted a report expressing no objection to the approval of the Application (the “DDOT Report”). (Ex. 27.)
30. The DDOT Report noted that the additional vehicular trips generated from a maximum build-out in the RA-2 zone would have a minimal impact on the transportation network. (Ex. 27.)
31. DDOT did not provide testimony at the public hearing.

### **ANC REPORTS**

32. On March 15, 2022, ANC 3E submitted a resolution in support of the Application. The ANC’s letter stated that at a properly noticed meeting, and with a quorum present, ANC 3E voted in unanimous support of the Applicant’s amended request to rezone the 1.1-acre Property from the R-2 zone to the RA-2 zone based on the proposed rezoning’s consistency with the FLUM and the Applicant’s stated commitment to a redevelopment plan for an affordable senior housing project on the rezoned Property. (Ex. 31.)
33. At the public hearing, ANC 3E testified in support of the Application. (Tr. from March 17, 2022 hearing at pp. 34-38.) (Ex. 37.)
34. On March 15, 2022, ANC 3/4G submitted a resolution in support of the Application, which was unanimously adopted by ANC 3/4G at a properly noticed public meeting with a quorum present. The resolution notes that the Property is located in ANC 3E but it is only two blocks from the western boundary of ANC 3/4G and that ANC 3/4G has strongly supported development of affordable housing and that the ANC supports the Applicant’s proposal to build a deeply affordable senior housing project on the Property. (Ex. 30.)

### **OTHER AGENCIES, PERSONS, OR GROUPS**

35. On November 14, 2021, Suzette Hemberger submitted a letter urging the Commission to deny set down of the Application and encouraging the Applicant to re-submit its development proposal as a Planned Unit Development (PUD) to allow for further community input. (Ex. 15.)
36. On November 17, 2021, Laurence J. Freedman submitted a letter alleging various factual errors with the Application and recommending the PUD process or a more limited map amendment proposal. (Ex. 16.) Following set down and the Applicant’s request to amend its Application to rezone only the approximately 1.1-acres, Mr. Freedman submitted a letter indicating his support of the revised Application. (Ex. 34.)
37. The Coalition for Smarter Growth and Ron Eichner also submitted letters of support for the Application. (Ex. 33, 35.)

## **PUBLIC HEARING**

38. At its March 17, 2022 public hearing, the Commission heard testimony from the Applicant regarding the Application and from OP and ANC 3E in support of the Application. (Tr. from March 17, 2022 hearing at pp. 7-38.)
39. Ward 3 Vision testified at the hearing in support of the Application. (Tr. from March 17, 2022 hearing at pp. 40-42.)
40. Mr. Freedman also testified in support of the Application and clarified that he no longer opposed the proposed map amendment. (Tr. from March 17, 2022 hearing at pp. 42-46.)
41. At the conclusion of the public hearing, the Commission took proposed action on the proposed map amendment Application.

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

42. On March 21, 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 Section 1-201 *et seq.* (Ex. 39.)
43. By letter dated April 19, 2022, NCPC staff stated that the proposed map amendment is exempt from NCPC review because it meets the requirements of exception 12 in Chapter 8 of NCPC’s Submission Guidelines. (Ex. 42.)

## **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 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.*

**SUBTITLE X § 500.3 - NOT INCONSISTENT WITH THE CP**

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.”
4. Based upon the case record, including the Applicant’s exhibits, the reports and testimony of OP and DDOT, the ANC 3E and 3/4G reports, and the additional letters in support of the Application and for the reasons below, the Commission concludes that the Application’s proposed RA-2 zone for the Property furthers the goals of the CP and promotes orderly development in conformity with the Zone Plan as embodied in the Zoning Regulations and Zoning Map. The Commission further concludes that the Application will benefit the community in which the Property is located and is in the best interest of the District of Columbia. The Commission therefore concludes that the Application is not inconsistent with the CP and its policies and maps and so complies with the Zoning Act and Subtitle X § 500.3.
5. Even if the Application conflicts with one or more individual policies associated with the CP, this does not, in and of itself, preclude the Commission from concluding that the proposed RA-2 zone would be inconsistent with the CP as a whole. (*See Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013).) In this case, the Commission concludes that any inconsistency with certain CP policies regarding the preservation of low-density neighborhoods is outweighed by the proposal’s consistency with the Citywide and Area Element policies promoting the development of affordable housing near Metrorail, equitable access to transportation, and community-based residential facilities and the provision of senior services in the Rock Creek West Area. (Policies LU-1.4.3; LU-1.4.4; LU-2.1.8; T-1.1.7; H-1.1.1; H-1.1.3; H-1.1.8; H-1.2.1; H-1.2.2; H-1.2.9; H-1.2.11; H-1.3.1; RCW-1.1.12; RCW-1.2.10.)

**GPM & FLUM**

6. The Commission concludes that the proposed RA-2 zone is not inconsistent with either the GPM’s designation of the Property for Institutional Uses or the FLUM’s designation of the Property for Moderate-Density Residential and Institutional uses. The CP expressly notes that the RA-2 zone’s Moderate-Density Residential designation is consistent with a FAR of up 1.8, with a permitted 20% FAR increase by compliance with IZ. In addition, the RA-2 zone would also allow for more uses compatible with the Property’s institutional designation on the GPM.

**Framework Element**

7. The Commission concludes that the proposed RA-2 zone furthers the Framework Element’s guiding principles and achieves the equity, resiliency, and affordable housing

themes of the Framework Element. The increased matter-of-right density the map amendment would allow could facilitate more intense residential development and affordable housing than allowed under the current zoning and further the Element's goals and themes.

### **Land Use Element**

8. The Commission concludes that the proposed RA-2 zone achieves the goals and policies of the Land Use Element because it will encourage moderate-density residential development and affordable housing proximate to Metrorail. Any residential development that will result from the rezoning would be subject to IZ Plus which would require more IZ units compared to regular IZ requirements.

### **Transportation Element**

9. The Commission concludes that the proposed RA-2 zone achieves the goals and policies of the Transportation Element because it will facilitate the development of additional housing in close proximity to Metrorail and Metrobus routes.

### **Housing Element**

10. The Commission concludes that the proposed RA-2 zone achieves the goals and policies of the Housing Element because it will help address the need for more housing and affordable housing in the District and Ward 3 in particular. The proposed map amendment would require IZ Plus for any future residential development, which could help the District towards its goals of ensuring that one-third of the new housing built from 2018 to 2030 be affordable to persons earning 80% or less of the MFI. The application of an IZ Plus set-aside requirement would also support mixed-income housing by encouraging affordable housing in a high-cost area.

### **Rock Creek West Area Element**

11. The Commission concludes that the proposed map amendment furthers the goals and policies of the Rock Creek West Area Element because the Application will facilitate the development of a community-based residential facility in close proximity to the Friendship Heights Metro Station.

### **"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP**

12. 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.
13. The Commission concludes that OP's reports, which provided an in-depth analysis of the proposed RA-2 zone and its consistency with the CP and advancement of CP equity policies when evaluated through a racial equity lens, are persuasive and concurs with OP's recommendation that the Property be rezoned, as discussed above.
14. 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 3E REPORT**

- 15. 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.
- 16. The Commission finds the recommendation in ANC 3E’s report persuasive and concurs in its recommendation of support for the Application. The Commission also notes the support of ANC 3/4 G.

**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
1663	Portion of Lot 9, as more particularly described in Ex. 26 of the case record	R-2 to RA-2


For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the existing R-2 zone was equivalent to 0.4.

On March 17, 2022, upon the motion of Vice Chairman Miller, as seconded by Commissioner Imamura, 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 April 28, 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. 21-11 shall become final and effective upon publication in the *D.C. Register*; that is, on July 22, 2022.

  
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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**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.