

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 24-03**

**Z.C. Case No. 24-03
Good Hope Road, LLC
(Zoning Map Amendment @ Square 5765, Lot 1015)
November 14, 2024**

Pursuant to notice, at its public meeting on November 14, 2024, the Zoning Commission for the District of Columbia (the “Commission”) considered an application (the “Application”) submitted by Good Hope Road, LLC (the “Applicant”) for approval of an amendment to the Zoning Map from the MU-4 zone to the MU-7A zone (the “Map Amendment”) for the property located at 1603 Marion Barry Avenue, S.E. (Square 5765, Lot 1015) (the “Property”), pursuant to Subtitle X § 500.1 of the Zoning Regulations (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).

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”) 8A, the ANC in which the Property is located and the “affected ANC” pursuant to Subtitle Z § 101.8 and 403.5(b).
2. The Commission received no requests for party status.

NOTICE

3. On August 31, 2023, 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 8A, as required by Subtitle Z § 304.5. (Exhibit [“Ex.”] 3G)
4. On February 8, 2024, the Office of Zoning (“OZ”) sent copies of the Notice of Filing to (Ex. 9):
 - Applicant;
 - ANC 8A;

- ANC Single Member Districts (“SMD”) 8A02 and 8A05;
- Office of the ANCs;
- Office of Planning (“OP”);
- District Department of Transportation (“DDOT”);
- Department of Buildings (“DOB”);
- Councilmember Trayon White, Sr.;
- OZ Legal Division (“OZLD”);
- Department of Energy and Environment (“DOEE”); and
- Chairman and At-Large members of the D.C. Council.

5. On May 28, 2024, OZ sent notice of the July 29, 2024, public hearing to (Ex. 14, 15):
 - All recipients listed in Finding of Fact (“FF”) 4; and
 - Property owners within 200 feet of the Property.
6. OZ also published notice of the July 29, 2024 virtual public hearing, in the June 7, 2024, *District of Columbia Register* (71 DCR 6864 *et seq.*) as well as through the calendar on OZ’s website (Ex. 13).
7. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on June 18, 2024, and maintained such notice in accordance with Subtitle Z § 402.10 (Ex. 17, 27).

THE PROPERTY

8. The Property is located in Ward 8 in the Anacostia neighborhood within the Anacostia Historic District and is bounded by Marion Barry Avenue, S.E. (formerly Good Hope Road, S.E.) to the north, 16th Street, S.E. to the west, an alley and low-density residential development to the south, and surface parking lots to the east (Ex. 3).
9. The Property consists of approximately 10,248 square feet of land area (Ex. 3).
10. The Property is currently improved with a single-story commercial building that was previously occupied by a laundromat, is currently vacant, and is surrounded by a parking lot. The existing structure on the Property is not contributing to the Anacostia Historic District (Ex. 3).

CURRENT ZONING

11. The Property is currently located in the MU-4 zone, which is intended to permit moderate-density mixed-use development, provide for facilities for shopping and business needs, housing, and mixed uses, and be located in low- and moderate-density residential areas with access to main roadways and rapid transit stops, among other things (Subtitle G § 101.9).

12. As a matter of right, the MU-4 zone allows a maximum density of 2.5 FAR (3.0 FAR with IZ bonus density), of which no more than 1.5 FAR may be devoted to non-residential uses, and a maximum height of 50 feet, not including the penthouse (Subtitle G §§ 201.1, 203.2).

COMPREHENSIVE PLAN (10-A DCMR)

13. Pursuant to Subtitle X § 500.3, the Commission shall find that the Map Amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property.
14. In applying the standard of review applicable to the Map Amendment, the Comprehensive Plan requires the Commission to do so through a racial equity lens (10-A DCMR §§ 2501.4-2501.6, 2501.8). Consideration of equity is intended to be based on the policies of the Comprehensive Plan, and part of the Commission's considerations of whether the Map Amendment is "not inconsistent" with the Comprehensive Plan, rather than a separate determination about a zoning action's equitable impact.
15. The Comprehensive Plan 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 (10-A DCMR § 213.6). 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." (*Id.* § 213.7). 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 (*Id.* § 213.9).
16. The Comprehensive Plan Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element suggests to prepare and implement tools to use as a part of the Commission's evaluation process (10-A DCMR § 2501.8). Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and the Office of Planning analyzing the zoning action's consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action.

Generalized Policy Map (the "GPM")

17. The Comprehensive Plan's GPM situates the Property in a Main Street Mixed Use Corridor, which the Comprehensive Plan's Framework Element describes as "traditional commercial business corridors with a concentration of older storefronts along the street.

The area served can vary from one neighborhood to multiple neighborhoods. Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” (10-A DCMR § 225.14).

Future Land Use Map (the “FLUM”)

18. The Comprehensive Plan’s FLUM designates the Property within the Moderate Density Commercial designation, which the Framework Element describes as “shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas. Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-5 and MU-7 zones are representative of zones consistent with the Moderate Density Commercial category, and other zones may also apply (10-A DCMR § 227.11).

Far Southeast/Southwest Area Element

19. The Property falls within the Far Southeast/Southwest Area Element that calls for, among other things:

- Encouraging additional opportunities for housing development and potentially employment growth in the Far Southeast/Southwest Planning Area along a designated Great Streets corridor (10-A DCMR § 1808.2);
- Supporting infill housing development on vacant sites within the area, especially within e.g. historic Anacostia (*Id.* § 1808.5); and
- Supporting additional retail development within the area, especially within e.g. historic Anacostia, and in particular development that combines upper story housing or offices and ground floor retail (*Id.* § 1808.7).

II. THE APPLICATION

PROPOSED ZONING

20. The Application proposes to rezone the Property to the MU-7A zone. The Application acknowledges the Applicant’s planned future development of the Property; and states that, due to the Property’s location within the Anacostia Historic District, concept design approval from the Historic Preservation Review Board (“HPRB”) was received on July 27, 2023 for redevelopment of the Property with a six-story mixed-use building with penthouse, a height of approximately 65 feet, and an increased sixth floor setback, consistent with the development standards of the proposed MU-7A zoning (Ex. 3; *see also* Ex. 3D). In its pre-hearing statement, the Applicant explained that it also considered the MU-5 zones and the

MU-8 zones for the Property site, which both allow higher maximum heights than the proposed MU-7A zone's 65-foot maximum height; therefore, the modest increase in density allowed under the proposed MU-7A zoning will appropriately integrate the Property's Moderate Density Commercial FLUM designation and the historic preservation considerations of the Property's location within the Anacostia Historic District (Ex. 11).

21. The purposes of the Mixed-Use ("MU") zones are to, among other things (Subtitle G § 101.3):
 - Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;
 - Reflect a variety of building types, including shop-front buildings that may include a vertical mixture of residential and non-residential uses, or buildings containing all residential or non-residential uses; and
 - Ensure that infill development is compatible with the development pattern within the zone and surrounding areas.
22. Specifically, the MU-7 zones are intended to permit medium-density¹, mixed-use development and to be located on arterial streets, in uptown and regional centers, and at rapid transit stops (Subtitle G § 101.12).
23. As a matter of right, the MU-7A zone permits:
 - A maximum density of 4.0 FAR (4.8 FAR with IZ), of which no more than 1.0 FAR may be devoted to non-residential uses (Subtitle G § 201.1); and
 - A maximum height of 65 feet, not including penthouse. (*Id.* § 203.2)

APPLICANT'S JUSTIFICATION FOR APPLICATION

Not Inconsistent with the Comprehensive Plan

24. The Applicant asserted that the Application is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs applicable to the Property, as detailed below (Ex. 3, 3C).

Racial Equity

25. The Applicant asserted that the Map Amendment would not be inconsistent with the racial equity policies and goals of the Comprehensive Plan. The Applicant noted that equity is conveyed throughout the Comprehensive Plan where priorities of affordable housing, preventing displacement, and access to opportunity are distinguished. The Map Amendment would increase the allowable density on the site and permit a mix of uses which would promote racial equity goals of the Comprehensive Plan (Ex. 3):
 - *Community Outreach and Engagement* – The Applicant provided evidence of its community outreach and engagement efforts in response to the Commission's Racial

¹ The Comprehensive Plan Framework Element describes the MU-7 zone as a consistent zone with the Moderate Density Commercial FLUM designation. The Commission has asked OP to bring forward a text amendment to the Zoning Regulations to change the description of the MU-7 zone in Subtitle G § 101.12 from a medium-density zone to a moderate-density zone, consistent with the Comprehensive Plan Framework Element.

Equity Tool. The Applicant stated that it engaged with ANC 8A prior to filing the application, including meeting in-person and via telephone with the SMD representative for ANC 8A05, who is also the ANC Chair, and other members of the ANC and the community multiple times beginning in the Summer of 2022. The Applicant presented to the full ANC 8A at its regular monthly public meetings on March 7, 2023, July 18, 2023, December 5, 2023, December 23, 2023, June 24, 2024, and July 9, 2024, in addition to presentations to the ANC at its executive meetings on September 9, 2022, February 21, 2023, and May 30, 2023. The Applicant also conducted extensive outreach with the surrounding community and neighborhood organizations, including meetings with nearby residents and business owners in the Summer of 2022 and continued such efforts through the Winter of 2022/2023 and Spring 2023; hosted an in-person community event at the Property on December 3, 2022; conducted an outreach event hosted at the Property in coordination with Suited for Change and Whitman-Walker Health on January 28, 2023; and hosted multiple in-person, virtual, and telephone meetings with nearby residents in March and April of 2023. The Applicant included over 120 letters of support from community members and area residents to further evidence its community outreach and engagement and the broad-based support for the proposal (Ex. 3; *see* letters of support at Ex. 3H); and

- *Displacement* - The Map Amendment would not directly result in the physical displacement of residents since the Property currently does not contain any residential uses (Ex. 3).

GPM

26. The Applicant asserted that the Map Amendment would not be inconsistent with the GPM because the proposed rezoning will facilitate redevelopment of the Property with a new mixed-use development containing ground-floor commercial uses and residential uses above, which will replace an underutilized, single-story building and surface parking lot, both of which are physically and programmatically inconsistent with what is envisioned for a Main Street Mixed Use Corridor under the GPM (Ex. 3, 3C, 11).

FLUM

27. The Applicant asserted that the Map Amendment would not be inconsistent with the FLUM because:

- The density that is permitted under the proposed MU-7A zone (4.0 FAR or 4.8 FAR for IZ developments) is not inconsistent with the 2.5-4.0 FAR density range envisioned for the Moderate Density Commercial FLUM designation, and the MU-7 zones are specifically referenced in the Framework Element as being consistent with the Moderate Density Commercial FLUM designation that applies to the Property;
- Redevelopment of the Property in accordance with MU-7A matter-of-right parameters, and requiring approval from HPRB due to the Property's location within the Anacostia Historic District, will yield a context-sensitive development that provides neighborhood-serving commercial uses and new housing, and that is compatible with the Historic District; and

- The Map Amendment would facilitate redevelopment of the Property that could strengthen the retail mix and urban design quality of the Marion Barry Avenue, S.E. corridor and help advance the District's commercial revitalization goals for a designated Great Streets corridor. Together, the higher-quality commercial space and increased residential density gained through the Zoning Map amendment, and business-owner assistance provided through the Great Streets program could help support existing small businesses, attract new businesses, increase the District's tax base, create new job opportunities for District residents, and help transform the Marion Barry Avenue, S.E. corridor into a thriving and inviting main street mixed use neighborhood center (*Id.*).

Far Southeast/Southwest Area Element

28. The Applicant asserted that the proposed Map Amendment is not inconsistent with the policies set forth in the Far Southeast/Southwest Area Element. Consistent with the planning and development priorities identified in the Area Element, the proposal will provide additional opportunities for housing development and potential employment growth in the Planning Area along a designated Great Streets corridor. The proposed rezoning could promote growth in a location of the Planning Area where it makes sense, along an arterial corridor near transit and other mixed-use development. In addition to additional housing, the proposed rezoning will also facilitate new retail, and service uses in the Far Southeast/Southwest Planning Area and historic Anacostia (Ex. 3, 3C; *see also* 10-A DCMR §§ 1808.2, 1808.5, 1808.7).

Land Use Element

29. The Applicant asserted that the proposed Map Amendment to the MU-7A zone is not inconsistent with the Land Use Element as it will support the growth and revitalization of Marion Barry Avenue, S.E. into a successful, transit-oriented, pedestrian-friendly commercial main street containing new retail amenities supported by new and existing residential uses; and facilitate infill development on the Property with new housing that will help achieve the District's housing goals. Further, redevelopment of the Property subject to review by the HPRB for consistency with the Anacostia Historic District, will result in development with a height and massing that is consistent with the surrounding context (*Id.*; *see also* 10-A DCMR §§ 307.14, 308.6, 310.7, 310.10, 313.10, 313.14).

Transportation Element

30. The Applicant asserted the proposed Map Amendment is not inconsistent with the Transportation Element because it will support mixed-use transit-oriented development given the Property's location immediately adjacent to a priority bus route along Marion Barry Avenue, S.E. The increase in allowable density for new housing, particularly affordable housing, will also advance equitable access to transportation, and discourage auto-oriented uses by facilitating redevelopment of the Property that will replace existing surface parking and all curb cuts with a new mixed-use development (*Id.*; *see also* 10-A DCMR §§ 403.10, 403.13, 404.6, 411.5).

Housing Element

31. The Applicant asserted that the Map Amendment is not inconsistent with the Housing Element as it will facilitate redevelopment of an underutilized site on a designated Main Street mixed-use corridor and D.C. Great Street with a new mixed-use development containing new housing and ground-level commercial uses. The increased density allowed under the proposed MU-7A zone will facilitate more housing, including affordable housing set aside in accordance with IZ requirements, which will help address citywide housing needs for low- and moderate-income households. Further, the additional market rate housing facilitated by the proposed rezoning has the potential to increase the socioeconomic diversity of the Far Southeast/Southwest Planning Area, while the affordable housing will help offset the rising cost of housing and minimize the potential for displacement in the Planning Area (*Id.*; *see also* 10-A DCMR §§ 503.3, 503.4, 503.5, 503.6, 504.8-504.10, 504.19, 505.9).

Environmental Protection Element

32. The Applicant asserted that the Map Amendment is not inconsistent with the policies and objectives of the Environmental Protection Element because the rezoning will facilitate the redevelopment of the Property, which is currently improved with an underutilized, one-story building and surface parking and is entirely impervious and lacks any sustainable stormwater management. The future redevelopment of the Property facilitated by the proposed MU-7A zoning will be significantly more sustainable as it will be subject to the requirements of the District's Green Building Act, the DOEE's stormwater regulations, and site study and mitigation efforts, among other requirements (*Id.*; *see also* 10-A DCMR §§ 603.6, 605.6, 605.7, 616.3).

Economic Development Element

33. The Applicant asserted that the Map Amendment is not inconsistent with the Economic Development Element because it will support an appropriate amount and type of new, neighborhood-serving retail and service uses that will not unduly impact the surrounding neighborhood. The provision of moderate density mixed-use development adjacent to a priority bus corridor will potentially connect residents to major employment areas within and around the District. The Applicant has committed to re-establish the laundromat use on the site in response to community input (*Id.*; *see also* 10-A DCMR §§ 708.8, 708.9, 713.5, 718.10).

Urban Design Element

34. The Applicant asserted that the Map Amendment is not inconsistent with the Urban Design Element as it will facilitate new mixed-use development that will enhance the urban design quality of the site, as well as the Marion Barry Avenue, S.E. commercial corridor, and has already received HPRB concept design approval (*Id.*; *see also* 10-A DCMR §§ 906.3, 908.3, 908.8, 909.5, 909.8-909.10).

Historic Preservation Element

35. The Applicant asserted that the Map Amendment is not inconsistent with the Historic Preservation Element as it will facilitate redevelopment of the underutilized site, which is

currently a detriment to the character of the Anacostia Historic District, with new mixed-use development that has received concept design approval from HPRB (Ex. 3, 3C, 3D; *see also* FF 20; 10-A DCMR §§ 1008.5, 1013.3, 1014.9, 1014.10).

Potential Inconsistencies with the Comprehensive Plan

36. The Applicant analyzed whether the Map Amendment would be considered inconsistent with certain policies of the Comprehensive Plan. Upon review, the Applicant did not identify any instances where the proposal to rezone the Property to the MU-7A zone was categorically inconsistent with applicable Comprehensive Plan policies such that a balancing of potential inconsistencies with the Map Amendment's consistency with other Comprehensive Plan policies and considerations was necessary (Ex. 3, 3C).

Hearing Testimony

37. At the public hearing held on July 29, 2024, the Applicant presented its case, including testimony from Amir Irani, a representative of the Applicant, and Shane Dettman, the Applicant's expert in zoning and land use planning. (Transcript of July 29, 2024 Public Hearing ("Public Hearing Tr.") at 7-42). In response to the opposition testimony summarized in FF 39 below, the Applicant's legal counsel stated that the proposed MU-7A zone is wholly consistent with the Property's Moderate Density FLUM designation and its intended density, and the case record clearly demonstrates considerable community outreach and engagement and broad community support for the proposal. The Applicant's legal counsel also stated that, despite the Commission's evaluation being limited to a map amendment in this case, the record should clearly reflect that the HPRB concept design approval received (on July 27, 2023) was for a six story building with setbacks on front and back upper floors, not a seven story building; HPRB concept design approval would have to be obtained again if something different was proposed for the site; and the development next door at 1605-1607 Marion Barry has an approximate building height of 50 feet and has higher topography than the Property (Public Hearing Tr. at 89-94).

38. The Commission received testimony from the following individuals and organizations in support of the Map Amendment at the public hearing (Public Hearing Tr. at 57-81):

- Dr. Jacque Patterson, a resident of the area in which the Property is located, who testified that the rezoning would support the growth and improvement of the Marion Barry Avenue, S.E. corridor and economic development in the area;
- Patrick O'Keefe, a resident living on U Street, S.E., one block south of the Property, who testified that rezoning the Property will help address public safety concerns in the area and economic development in the area;
- Allister Chang, a representative of Civic Suds, a non-profit organization that is working with the Applicant to provide community services at the Property following its redevelopment, who testified in support of the rezoning; and
- Daniel McGee, a resident living on U Street, S.E., one block south of the Property, testified that the rezoning will support the growth and economic stability of the Marion Barry Avenue, S.E. corridor.

39. The Commission received testimony from the following individuals and organizations in opposition to the Map Amendment at the public hearing (Public Hearing Tr. at 42-46, 63-74, 85-87):

- Greta Fuller, a representative of the Historic Anacostia Preservation Society (“HAPS”), who testified that HAPS opposed the Application and believed the Applicant’s proposed redevelopment was not a good fit for the area because the project will potentially bring more affordable housing to an area with too much affordable housing already; and Ms. Fuller stated the community’s desire for market rate housing and questioned why the height of the Applicant’s proposed redevelopment cannot be five stories like the development next door; and
- Commissioner Jamila White, the ANC/SMD Representative for the Property, testified that the ANC opposed the Application². Ms. White expressed concern about how the Property will ultimately be redeveloped, given that the proposal will allow for matter-of-right development under the MU-7A zone; and stated that there is opposition to the Application because of the height of the Applicant’s proposed redevelopment and the community’s desire that future development on this site be the same height and size as the building next door at 1605 Marion Barry.³

III. RESPONSES TO THE APPLICATION

OP REPORTS AND TESTIMONY

40. OP submitted a Setdown Report dated April 15, 2024, concluding that the proposal would not be inconsistent with the Comprehensive Plan, specifically the Comprehensive Plan Maps, policies of the Citywide Elements and recommendations of Far Southeast and Southwest Area Element, including when viewed through a racial equity lens; and recommending that the Commission set down the case for a public hearing (the “OP Setdown Report”) (Ex. 10).

41. The OP Setdown Report concluded that the proposed MU-7A zone would not be inconsistent with the Comprehensive Plan for the following reasons (Ex. 10):

- **Racial Equity:** Overall, when evaluated through a racial equity lens, the proposed Map Amendment is not inconsistent with the Comprehensive Plan. The proposed zoning action does not result in any physical displacement of residents or any commercial use because the site is currently vacant, and OP concluded that indirect displacement is also unlikely as a result of the Zoning Map Amendment. The rezoning will permit construction of new housing in excess of what can be constructed under existing zoning, including both new market-rate and affordable housing in accordance with IZ requirements; and redevelopment will result in public space and streetscape

² During their respective testimony at the July 29, 2024 public hearing, Commissioner White and the Applicant’s legal counsel disagreed about the outcome of the ANC 8A vote at its July 9, 2024 public meeting; Commissioner White testified that the ANC voted in opposition to the Application and the Applicant’s legal counsel testified that the ANC voted down a resolution to support the Application.

³ Commissioner White stated that she was testifying on behalf of the ANC. However, no letter or report was filed from the ANC stating the ANC’s position on the Application or authorizing Commissioner White to testify on the ANC’s behalf at the public hearing.

improvements along Marion Barry Avenue, S.E. Future residents of housing on the site would have easy access to several public facilities and gathering spaces in the neighborhood. OP's Setdown Report also included disaggregated race and ethnicity data for the Far Southeast and Southwest Planning Area; however, more current data was provided in the OP Hearing Report and is discussed below in FF 43;

- **FLUM:** The proposed MU-7A zoning is representative of the Moderate Density Commercial designation and is appropriate for the site; and properties to the east, west, and north of the Property are also recommended for moderate density residential. In addition, the surrounding properties are also in the Anacostia Historic District and so subject to HPRB review for height, density, and compatibility with adjacent uses and developments would be tailored to be compatible and respectful of the lower density dwellings. Therefore, the MU-7A Zone on the Property would be compatible with the development pattern envisioned for this portion of Marion Barry Avenue, S.E. and would not be inconsistent with the FLUM;
- **GPM:** Rezoning the Property is not inconsistent with the FLUM's Main Street Mixed Use Corridor designation for the Property. The development of the Property with retail and housing opportunities would be in keeping with other recent and planned redevelopments in the area to serve neighborhood needs, would respond to the emerging mixed-use character of development on Marion Barry Avenue, S.E, and the MU-7A zone would allow a development that would be similar in scale and density along the corridor;
- **Far Southeast/Southwest Area Element:** The MU-7A zone is consistent with the Area Element because it allows for increased height and additional density at a moderate range over what is currently allowed and would allow a development with a variety of unit sizes and incomes, along with ground floor retail or services. The location of the Property allows for easy access to transportation which is a key element for affordably moving people around to jobs and amenities in an environmentally friendly way (10-A DCMR § 1808.2, 1808.5, 1808.7, 1808.10, 1808.17);
- **Land Use Element:** The Map Amendment furthers the policies set forth in the Land Use Element as it would allow new development of currently underutilized and vacant property with a mix of multifamily housing and retail uses, which could create opportunities for neighborhood revitalization and beautification, thereby accommodating population growth in new development consistent with the planning intent and advancement of affordability and racial equity goals. Further, it would permit ground-floor neighborhood serving uses, that would help to widen the types of neighborhood services available to existing and prospective residents and improve the character of the existing neighborhood and the streetscape of Marion Barry Avenue, S.E. (10-A DCMR § 307.14, 308.6, 310.9, 310.10, 310.17, 311.5);
- **Transportation Element:** The Map Amendment furthers the policies set forth in the Transportation Element as it would allow for an appropriately scaled development along a transportation corridor which connects to the Anacostia Metrorail station, and which could help reduce the necessity of auto use and ownership in support of a related reduction in household expenses for future residents. Active retail uses along this corridor and along a transit route could enable a pedestrian-oriented environment and

a transit-oriented development. The Map Amendment supports redevelopment of the Property to meet the expectations of equity in transportation accessibility, as the Property is one (1) mile from the Anacostia Metro Station (Green Line) and is connected via several Metrobus routes (92, W6, B2, and V2) (10-A DCMR §§ 403.13, 404.6, 405.7);

- **Housing Element:** The Map Amendment furthers the policies set forth in the Housing Element because it would facilitate redevelopment of an underutilized site and will assist in addressing the District's housing needs along a corridor where mixed-use development is envisioned. The proposed redevelopment facilitated by this Map Amendment would make a substantial contribution to the District's housing and affordable housing goals and advance Comprehensive Plan policies related to housing. The location of the Property along a transit corridor with several bus routes connecting to the Anacostia Metro station supports the Framework Element's equity requirements for a desirable depth of affordability and access, which reduces future households' transportation costs thereby providing easier access to employment and services (10-A DCMR § 503.3, 503.5, 503.6, 503.11, 504.8-504.10, 504.13, 504.17, 504.19, 505.8);
- **Environmental Protection Element:** The Map Amendment furthers the policies set forth in the Environmental Protection Element because future development of the Property would be reviewed by DOEE to implement District policies encouraged under the Sustainable DC Plan and code requirements which protect the health and well-being of residents across all incomes and the District as a whole (10-A DCMR § 603.6, 612.4, 613.6);
- **Economic Development Element:** The Map Amendment furthers the policies set forth in the Economic Development Element because it will provide the opportunity for new neighborhood retail uses and services along the Marion Barry Avenue, S.E. corridor (10-A DCMR § 708.8, 708.10, 708.11, 713.5);
- **Urban Design Element:** The Map Amendment furthers the policies set forth in the Urban Design Element because the proposed MU-7A zone would provide for a new mixed-use building on a currently vacant property, to a height and scale and use mix consistent with the Comprehensive Plan and the character of the area. The proposed zone permits ground-floor retail to activate the street, while allowing housing units above, which will help to further activation of the street. Any development on the site would be required to meet current streetscape and environmental standards for new buildings (10-A DCMR § 909.5, 909.6, 909.10, 918.4);
- **Historic Preservation Element:** The Map Amendment furthers the policies set forth in the Historic Preservation Element because it would facilitate redevelopment of a non-contributing site with a project that has been reviewed and approved by HPRB, indicating that the development would be compatible to the surrounding neighborhood in architecture, design, and intensity (10-A DCMR § 1008.5, 1013.3, 1014.9, 1014.10); and
- **Potential Comprehensive Plan Inconsistency:** The Map Amendment would be potentially inconsistent with Comprehensive Plan policy ED-3.2.6: Commercial Displacement because future development facilitated by the proposal could impact neighboring businesses. However, this potential CP inconsistency is mitigated by the

Map Amendment's potential to increase the population base to support local business; and outweighed by the numerous Comprehensive Plan policy goals and objectives that would be advanced by the Map Amendment.

42. The OP Setdown Report does not recommend that IZ Plus apply to the Map Amendment due to the significantly disproportionate amount of existing affordable housing in the Far Southeast/Southwest Planning Area and ANC 8A, in which the Property is located. OP noted that the intent of IZ Plus is to produce more affordable housing, particularly in areas where there are relatively few affordable units; data provided by the Deputy Mayor for Planning and Economic Development shows that, as of the end of February 2024, the Far Southeast/Southwest Planning Area has far exceeded the Mayor's 2025 affordable housing target for the Planning Area by providing 2,447 affordable units, or 218.5% of the target for the provision of affordable housing (Ex. 10).
43. On July 19, 2024, OP submitted a hearing report (the "OP Hearing Report") recommending approval of the Application that largely reiterated the OP Setdown Report's recommendations. The OP Hearing Report provided more current disaggregated race and ethnicity data for the Far Southeast/Southwest Planning Area. Specifically, the data is the 2012-2016 and 2018-2022 American Community Survey 5-Year Estimates while the OP Setdown Report utilized less recent 2017-2021 data.
44. Disaggregated Race and Ethnicity Data: The OP Hearing Report provided disaggregated race and ethnicity data for the Far Southeast and Southwest Planning Area, noting the following trends (Ex.20):
 - In the 2018-2022 period, Black residents continued to make up the largest portion of the population, but both the total population and the percentage decreased from 91% to 87.7% over the two time periods. Most of the other groups saw a slight increase or retained their percentage of the population; the "Two or More Races" segment of the population, although relatively small, had the largest increase, more than doubling in population and rising from 1.3% to 4.36% of the total;
 - The median income of the Far Southeast/Southwest Planning Area was significantly lower than that of the District in both the 2012-2016 and 2018-2022 time periods. While the planning area saw an approximately \$13,000 increase between time periods, this was significantly lower than the approximately \$29,000 increase Districtwide. The Black or African American population had one of the lowest median incomes of all segments of the population in the 2012-2016 time period (\$29,425) but saw an increase to \$41,254, in the 2018-2022 time period. Although all groups had increases in median income, the income of Whites nearly doubled while that of Hispanic/Latino residents increased threefold;
 - Between 2012-2016 and 2018-2022, the percentage of owner occupancy in the District changed only slightly - 40.7% to 41.5% while in the Far Southeast and Southwest Planning Area there was a more significant increase from 18% to 22.34%. Rates of homeownership increased for all racial groups but remained lower than the District as a whole for most groups;

- In 2012-2016, the unemployment rate in the Planning Area was at 22.8%, which was greater than twice the rate of the District at 8.7%. Although the rate of both the District (7.1%) and the Planning Area (17.7%) fell in 2018-2022, the Planning Area's unemployment rate remained over twice that of the District's; and
- The unemployment rate and housing cost burden rates may be reflected in the poverty rate in that in both time periods, the poverty rate of the Planning Area was approximately 15% to 20% points higher than that of the District, although the poverty rate decreased between the two time periods by an amount greater than that of the rest of the District as a whole – from about 38% to about 30%.

45. At the July 29, 2024, public hearing, OP testified in support of the Application and reiterated its recommendations in the OP Setdown Report and OP Hearing Report (Public Hearing Tr. at 47-55).

DDOT REPORT

46. DDOT submitted a report dated July 19, 2024 (the "DDOT Report") stating that it had no objection to the Application. DDOT concluded that the proposed rezoning is expected to lead to a moderate increase in the amount of transit, biking, and walking trips, and a minor increase in vehicle trips with minimal impact on the roadway network (Ex. 21).

47. DDOT did not provide testimony at the public hearing.

ANC REPORTS

48. ANC 8A did not file a written report to the case record. Jamila White, the ANC/SMD Representative for the Property, testified in opposition to the Application; her testimony is summarized above in FF 39; however, no letter or report was filed by the ANC authorizing her to testify on the ANC's behalf.

OTHER AGENCIES, PERSONS, AND ORGANIZATIONS

49. The Commission received letters of support of the proposed Zoning Map Amendment from the following individuals: Ashley Whitfield, Patrick O'Keefe, Alejandro Schwedhelm, Jessica Anderson, Brian McKenzie, Angela Nguyen, Andrew Nguyen, Dietrich Williams, and Mark Garrett (Ex. 22-26, 28, 30, 32, 34, 35).

50. The Commission received a letter in opposition from attorneys representing complainants in a complaint filed with the U.S. Department of Housing and Urban Development against the District of Columbia that alleges racial discrimination through the alleged misuse of the Low-Income Housing Tax Credit ("LIHTC") program and concentration of LIHTC projects in predominately Black neighborhoods such as Anacostia in Ward 8. The letter stated that the proposed Zoning Map Amendment would result in further overconcentration of low-income affordable housing in the surrounding community, perpetuate existing racial and economic segregation patterns, and undermine the neighborhood's diversity and economic balance (Ex. 33).

POST-HEARING SUBMISSIONS

51. At the conclusion of the July 29, 2024 public hearing, the Commission asked for ANC 8A to submit the meeting minutes, resolution, and vote from its July 9, 2024 public meeting; for ANC 8A to file a report based on the outcome of its September 2024 public meeting; and for the Applicant to file a response to the ANC submissions (Public Hearing Tr. at 97-105).
52. On September 23, 2024, the Applicant filed a post hearing submission, including a draft order, and stating that it made efforts to continue outreach with ANC 8A following the public hearing and received no response; the Applicant also stated that, to its knowledge, the Application was not on the ANC's September 2024 public meeting agenda (Ex. 37, 37A).
53. ANC 8A did not file any post-hearing submissions, as requested by the Commission; and did not file a written report to the record in this case prior to the Commission taking final action at its November 14, 2024 public meeting.

NATIONAL CAPITAL PLANNING COMMISSION (“NCPC”)

54. On October 1, 2024, 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 § 1-201 *et seq.* (Ex. 38).
55. On October 30, 2024, NCPC staff filed a letter stating that the Application falls under an exception listed in the NCPC's submission guidelines and is exempt from NCPC review (Ex. 39).

CONCLUSIONS OF LAW

1. Section 1 of 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.

NOT INCONSISTENT WITH COMPREHENSIVE PLAN (SUBTITLE X § 500.3)

3. Pursuant to Subtitle X § 500.3, the Commission shall find that the Map Amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property.
4. The Commission concludes, based on the case record and/or filings/testimony of the Applicant and OP, that the Map Amendment from the MU-4 zone to the MU-7A zone is not inconsistent with the Comprehensive Plan as a whole, including the Comprehensive Plan Maps and Elements, and will advance a number of Comprehensive Plan policy goals and objectives, including when viewed through a racial equity lens, as discussed below.
5. Even if the Map Amendment conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the Map Amendment would be consistent with the Comprehensive Plan as a whole (*See Durant v. D.C. Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013)). The Commission concludes that to the extent the proposal is potentially inconsistent with any Comprehensive Plan policies, such inconsistency is outweighed by the Map Amendment's consistency with the FLUM and numerous other competing Comprehensive Plan policies relating to land use, housing, transit-oriented development, and other policies as discussed below.

Racial Equity

6. The Commission concludes that the Map Amendment is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. The Commission reaches this conclusion based on the case record and the racial equity analyses provided by the Applicant, inclusive of community outreach and engagement information, and the OP Reports, inclusive of disaggregated race and ethnicity data for the Far Southeast and Southwest Planning Area (FF 25, 43). The Commission finds that the racial equity analyses provided address the components of the Commission's Racial Equity Tool for the following reasons:
 - The Map Amendment would increase the allowable density on the Property and permit a mix of uses which promote planning and development priorities set forth in the Comprehensive Plan's Citywide Elements and the Far Southeast/Southwest Area Element, including increasing housing and affordable housing production, and improving neighborhood-serving amenities and retail services in underserved areas (FF 40, 41, 43);
 - *Community Outreach and Engagement:* The Applicant provided evidence of extensive community outreach and engagement efforts with ANC 8A, surrounding residents, neighborhood organizations, and community stakeholders, including various meetings and events. The Applicant also provided evidence of broad-based community support

for the Map Amendment based on numerous letters of support (FF 25). The Commission finds the Applicant's community outreach and engagement efforts adequate;

- *Displacement:* The Map Amendment will not directly result in the physical displacement of residents or any commercial use as the Property is currently vacant. The case record notes the Applicant's intent to re-establish the laundromat use in the planned future development of the Property in response to community input (FF 25, 33); and

- *Disaggregated Race and Ethnicity Data:* The OP Hearing Report provided disaggregated race and ethnicity for the Far Southeast and Southwest Planning Area showing a slight decrease in the Black population over the two time periods from 91% to 87.7%; significantly lower median income and lower homeownership in the Planning Area compared to Districtwide; and a substantially higher poverty rate than Districtwide reflected in the Planning Area's high unemployment and housing cost burden rates (FF ¶ 43). The Commission acknowledges these disparities and is encouraged that the Map Amendment's provision of increased density on a currently vacant underutilized Property will create more housing opportunities and neighborhood serving retail opportunities than the existing MU-4 zone will allow, resulting in new residents to the area to increase and potentially diversify the population base socioeconomically and potentially decrease housing cost burdens for existing low and moderate income residents in the Planning Area (FF 41, 43).

GPM

7. The Commission concludes that the Map Amendment is not inconsistent with the GPM's designation of the Property within a Main Street Mixed Use Corridor because the Map Amendment to the MU-7A zone will facilitate redevelopment of the Property with a new mixed-use development containing ground-floor commercial uses and residential uses above, which will replace an underutilized, single-story building and surface parking lot, both of which are physically and programmatically inconsistent with the Property's Main Street Mixed Use Corridor designation on the GPM (FF 17, 26, 41).

FLUM

8. The Commission concludes that the Map Amendment is not inconsistent with the FLUM's designation of the Property for Moderate Density Commercial development because (FF 18, 27, 41):
 - The density permitted under the proposed MU-7A zone (4.0 FAR or 4.8 FAR for IZ developments) is not inconsistent with the 2.5-4.0 FAR density range envisioned for the Moderate Density Commercial FLUM designation, and the MU-7 zones are specifically referenced in the Framework Element as being consistent with the Moderate Density Commercial FLUM designation that applies to the Property; and
 - Redevelopment of the Property in accordance with MU-7A development standards and requiring approval from the HPRB for development within the Anacostia Historic District, will yield a context-sensitive development that is compatible with the Historic District and the surrounding area

Far Southeast/Southwest Area Element

9. The Commission concludes that the Map Amendment is not inconsistent with and furthers the policies of the Far Southeast/Southwest Area Element because the Map Amendment will provide additional opportunities for housing development and potential employment growth along a designated Great Streets corridor; and could promote growth along an arterial corridor near transit and other mixed-use development through the provision of new retail and services uses (FF 19, 28, 41).

Land Use Element

10. The Commission concludes that the Map Amendment is not inconsistent with the Land Use Element because (FF 29, 41):

- The Map Amendment supports the growth and revitalization of Marion Barry Avenue, S.E. into a transit-oriented, pedestrian-friendly commercial main street with new retail amenities that are supported by new and existing residential uses; and
- The rezoning will facilitate infill development on the Property that will help achieve the District's housing goals and redevelopment will be subject to review by HPRB for consistency with the Anacostia Historic District.

Transportation Element

11. The Commission concludes that the Map Amendment is not inconsistent with the Transportation Element because (FF 30, 41):

- The Map Amendment supports mixed-use, transit-oriented development immediately adjacent to a priority bus route along Marion Barry Avenue, S.E.;
- The increase in allowable density for new housing, particularly affordable housing, established by the new zoning will advance equitable access to transportation and discourage auto-oriented uses by facilitating redevelopment of the Property that replaces existing surface parking; and
- Given the site's proximity to both the Anacostia Metro Station and Metrobus routes, the Map Amendment supports redevelopment of the Property to meet the expectations of equity in transportation accessibility.

Housing Element

12. The Commission concludes that the Map Amendment is not inconsistent with the Housing Element because (FF 31, 41):

- The Map Amendment facilitates redevelopment of an underutilized site on a designated Main Street Mixed-Use Corridor and D.C. Great Street with a new mixed-use development containing new housing and ground-level commercial uses;
- The increased density allowed under the proposed MU-7A zone will facilitate more housing, including affordable housing set aside in accordance with IZ requirements, which will help address citywide housing needs for low- and moderate-income households; and
- In addition, the additional market-rate housing facilitated by the proposed rezoning has the potential to increase the socioeconomic diversity of the Planning Area, while the affordable housing will help offset the rising cost of housing and minimize the potential for displacement in the Planning Area.

Environmental Protection Element

13. The Commission concludes that the Map Amendment is not inconsistent with the Environmental Protection Element because the rezoning facilitates the redevelopment of a currently vacant, one-story building and surface parking that is entirely impervious and lacks any sustainable stormwater management with significantly more sustainable development that will be subject to the District's Green Building Act, the DOEE's stormwater regulations, and site study and mitigation efforts, among other requirements (FF 32, 41).

Economic Development Element

14. The Commission concludes that the Map Amendment is not inconsistent with the Economic Development Element because (FF 33, 41):

- The Map Amendment will support new, neighborhood-serving retail and service uses that will not unduly impact the surrounding neighborhood; and
- The provision of moderate density mixed-use development adjacent to a priority bus corridor will potentially connect residents to major employment areas within and around the District.

Urban Design Element

15. The Commission concludes that the Map Amendment is not inconsistent with the Urban Design Element because the Map Amendment will facilitate the redevelopment of the Property with a new mixed-use development with the potential to enhance the urban design quality of the site and the Marion Barry Avenue, S.E. commercial corridor more broadly (FF 34, 41).

Historic Preservation Element

16. The Commission concludes that the Map Amendment is not inconsistent with the Historic Preservation Element because the Map Amendment will facilitate redevelopment of the Property, which is currently a detriment to the character of the Anacostia Historic District, with a new mixed-use development that will be subject to review and approval by the HPRB to ensure consistency with the Anacostia Historic District (FF 35, 41).

Potential Comprehensive Plan Inconsistency

17. The OP Reports stated that the Map Amendment is potentially inconsistent with Comprehensive Plan policy ED-3.2.6: Commercial Displacement because future development facilitated by the proposal could negatively impact neighboring businesses. The Commission agrees with OP's conclusion that this potential inconsistency is mitigated by the Map Amendment's potential to increase the population base to support local business; and outweighed by the numerous Comprehensive Plan policy goals and objectives that would be advanced by the Map Amendment as discussed in this Order (FF 25-35, 41).

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

18. Pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9, the Commission must give “great weight” to the recommendations of OP.
19. The Commission concludes that OP’s reports, which provided an in-depth analysis of the proposed MU-7A zone for the Property and its consistency with the Comprehensive Plan and advancement of Comprehensive Plan racial equity policies, are persuasive and concurs with OP’s recommendation that the Property be rezoned to MU-7A, as discussed above (FF 40, 41, 43). The Commission also agrees with OP’s recommendation not to apply IZ Plus to this Map Amendment due to the disproportionate amount of existing affordable housing in the Far Southeast and Southwest Planning Area and Ward 8, in which the Property is located (FF 42).

“GREAT WEIGHT” TO THE ANC 8A REPORT

20. 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.
21. ANC 8A did not provide a written report to the case record citing issues and concerns, to which the Commission can afford great weight (FF 47, 52). Nevertheless, the Commission acknowledges the opposition to the Map Amendment, citing concerns that the proposal will contribute to the existing concentration of affordable housing in the Planning Area and that the Applicant’s planned future development on the site will be out of scale and context with the surrounding area (because of the intensity of the matter-of-right development standards of the MU-7A zone) (FF 39, 49). The Commission notes that its evaluation in this case is solely limited to assessing whether the matter-of-right development standards of the MU-7A zone are not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property (*See* Subtitle X § 500.3). And although the case record documents the Applicant’s planned future development and receipt of HPRB concept design approval to construct a project, the Commission is not evaluating a specific project in this Application. The Commission applies the aforementioned standard of review for map amendments; in this case, the Commission finds that the MU-7A zone is a moderate density zone with development standards that appropriately balance the Property’s Comprehensive Plan map designations and its location within the Anacostia Historic District (FF 18, 20-23, 27, 41). The Commission acknowledges that regular IZ affordable housing set-aside requirements will be triggered if the Property is developed with the residential uses the Applicant has stated it intends to do; however, consistent with OP’s recommendation, the Commission will not apply IZ Plus, a higher affordable housing set-aside requirement, to this Map Amendment given the existing concentration of affordable housing in the Property area (FF 20, 37, 42). The Commission is confident that the HPRB review process, which applies to the

Property, will yield future development on the site that is of an appropriate scale and fits the context of the surrounding area.

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
5765	1015	MU-4 to MU-7A

Proposed Action

VOTE (September 26, 2024): 4-0-1

(Robert E. Miller, Joseph S. Imamura, Anthony J. Hood, and Tammy Stidham to approve; 3rd Mayoral Appointee seat vacant.)

Final Action

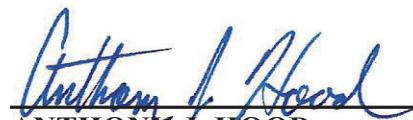
VOTE (November 14, 2024): 4-0-1

(Joseph S. Imamura, Tammy Stidham, Anthony J. Hood, and Robert E. Miller to approve; Gwen Marcus Wright, not voting, having not participated.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 24-03 shall become final and effective upon publication in the *District of Columbia Register*; that is on March 7, 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.