

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 24-13**  
**Z.C. CASE NO. 24-13**

**The McDonald's Corporation**  
**Zoning Map Amendment @ Square 5094, Lot 104**  
**4301 Nannie Helen Burroughs Avenue, N.E.**

**April 21, 2025**

Pursuant to notice, at its public hearing on April 21, 2025, the Zoning Commission for the District of Columbia (the "Commission") considered an application filed by The McDonald's Corporation (the "Applicant")<sup>1</sup> pursuant to Subtitle X, Chapter 5 and Subtitle Z §§ 201.2(e) and 304 of the District of Columbia Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations ("DCMR")), to which all references are made unless otherwise specified, for an amendment to the Zoning Map from the MU-3A zone to the MU-7B zone (the "Map Amendment" or "Application") for property located at 4301 Nannie Helen Burroughs Avenue, NE (Square 5094, Lot 104) (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 hereby **APPROVES** the Application.

**FINDINGS OF FACT**

**I. BACKGROUND**

**PARTIES**

1. In addition to the Applicant, Advisory Neighborhood Commission ("ANC") 7C was an automatic party to the Application. (Subtitle Z § 403.5.)
2. The Commission did not receive requests for party status.
3. On September 5, 2024, the Applicant mailed a Notice of Intent to file the Application to all property owners within 200 feet of the Property and to ANC 7C, as required by Subtitle Z § 304.5. (Exhibit ("Ex.") 3H.)
4. On November 1, 2024, the Office of Zoning ("OZ") sent notice of the Application's filing to:

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<sup>1</sup> The records of the District of Columbia Office of Tax and Revenue indicate that the Property is owned by Golden Arch Realty Corporation ("Golden Arch"). Golden Arch no longer exists and was merged into McDonald's Corporation pursuant to that certain Merger Certification filed with the Secretary of State for the State of Delaware on September 29, 1997, and identified as file number 619321 by the State of Delaware Division of Corporations. *See also* Confirmatory Deed recorded against the Property in the Land Records of the District of Columbia on January 24, 2017, as Document No. 2017008560, stating that McDonalds Corporation became the successor by merger to Golden Arch Realty Corporation.

- The Applicant;
- ANC 7C;
- ANC Single Member Districts (“SMD”) 7C07 and 7C09;
- Office of ANCs;
- Office of Planning (“OP”);
- District Department of Transportation (“DDOT”);
- Department of Energy & Environment (“DOEE”);
- Department of Buildings (“DOB”) General Counsel;
- At-Large Councilmembers and the Chairman of the Council;
- The Ward 7 Councilmember; and
- OZ Legal Division (“OZLD”).

(Ex. 8.)

5. OZ published notice of the filing of the Application in the November 1, 2024 *District of Columbia Register* (\_\_\_ DCR \_\_\_). (Ex. 8.)
  6. On March 3, 2025, OZ sent notice of the April 17, 2025, public hearing to all property owners within 200 feet of the Property and to ANC 7C. (Ex. 16.) The hearing date was subsequently postponed to April 21, 2025.
  7. OZ published notice of the rescheduled April 21, 2025, public hearing in the March 21, 2025, *District of Columbia Register* (\_\_\_ DCR \_\_\_). (Ex. 17.)
  8. On March 10, 2025, OZ sent notice of the April 21, 2025, public hearing to:
    - The Applicant;
    - ANC 7C;
    - SMDs 7C07 and 7C09;
    - Office of ANCs;
    - OP;
    - DDOT;
    - DOEE;
    - DOB General Counsel;
    - At-Large Councilmembers and the Chairman of the Council;
    - The Ward 7 Councilmember;
    - OZLD; and
    - Property owners within 200 feet of the Property.
- (Ex. 20.)
9. The Applicant submitted evidence that the Applicant had posted notice of the public hearing as required by Subtitle Z § 402.3 and maintained said notice in accordance with Subtitle Z § 402.10. (Ex. 19, 24.)

## **THE PROPERTY**

10. The Property is located in the Deanwood neighborhood of the District and is bounded by Nannie Helen Burroughs Avenue, NE, to the northeast, private property to the southeast and south, and a park to the west. (Ex. 3, 3A.)
11. The Property has approximately 23,054 square feet of land area and is generally rectangular in shape. (Ex. 3, 3A.)
12. The Property is presently zoned MU-3A, as are the majority of properties abutting the Nannie Helen Burroughs corridor to the southeast of the Property. Other nearby zones include the RA-2 zone located in the residential area to the south of the Property and across Nannie Helen Burroughs Avenue, NE to the northeast; and the PDR-1 zone located to the west of the property surrounding the rail line and the Anacostia Freeway immediately to the west of Minnesota Avenue, NE. (Ex. 3, 3C.)
13. The Property is currently improved with a McDonald's fast food restaurant that was built in approximately 1977, and associated surface parking and drive-through lane. The surrounding area contains a mix of other commercial and residential uses. Along this portion of Nannie Helen Burroughs Avenue are a variety of commercial uses, including other eating and drinking establishments, gas stations, a wholesale beverage distributor, liquor store, market/convenience store, laundromat and dry cleaner, and a child development center. To the north and south of Nannie Helen Burroughs Avenue is largely residential. (Ex. 3, 3B.)
14. The Property is well served by public transportation. The Minnesota Avenue Metrorail station is located approximately 0.4 miles to the south of the Property, which is the first Orange Line Metrorail station east of the Anacostia River. This station also supports a bus bay that provides access to a number of Metrobus lines including the U4, U7, V7, and X9 lines and the U5, U6, V2, V4, and X2 Metrobus frequent service lines. The Deanwood Metrorail station is located approximately 0.8 miles to the north of the Property, which also serves the Orange Metrorail line, and the Benning Road Metrorail station is located approximately 0.9 miles to the south of the Property, which serves the Blue and Silver Metrorail lines. A variety of bus lines also run along Nannie Helen Burroughs Avenue directly abutting the Property, including the V2, V4, and X9 lines. (Ex. 3.)

## **EXISTING ZONING**

15. The Property is currently zoned MU-3A. The MU-3 zones are intended to permit low density mixed-use development and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development. (11-G DCMR § 101.8.)
16. The maximum permitted density in the MU-3A zone is 1.0 floor area ratio ("FAR") and 1.2 FAR as an Inclusionary Zoning ("IZ") development, of which up to 1.0 FAR may be devoted to non-residential uses. (11-G DCMR § 201.1.) The maximum permitted building height in the MU-3A zone, not including a penthouse, is 40 feet and three stories. (11-G DCMR § 203.2.)

17. The Comprehensive Plan (“CP”) Framework Element describes the MU-3 zones as being consistent with the Low Density Commercial Future Land Use Map (“FLUM”) designation, and the Zoning Regulations describe the MU-3 zone as being intended to permit low density development. (10-A DCMR § 227.10 and 11-G DCMR § 101.8(a).)

#### **COMPREHENSIVE PLAN (TITLE 10A OF THE DCMR)**

18. Pursuant to Subtitle X § 500.3, the Commission shall find that a Zoning Map amendment is not inconsistent with the CP and with other adopted public policies and active programs related to the Property.
19. 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 §§ 2501.4-2501.8.) Consideration of equity is intended to be based on the policies of the CP, and part of the Commission’s considerations of whether the Zoning Map amendment is “not inconsistent” with the CP, rather than a separate determination about a zoning action’s equitable impact.
20. 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. (CP § 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.” (CP § 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. (CP § 213.9.)
21. In addition, CP § 2501.8 suggests to prepare and implement tools to use as a part of the Commission’s evaluation process. Consistent with CP guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens. The Racial Equity Analysis Tool requires submissions from applicants and OP analyzing the zoning action’s consistency with the Citywide and Area Elements of the CP and Small Area Plans, if applicable (Part 1); a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from OP including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3).

#### **GENERALIZED POLICY MAP**

22. The purpose of the Generalized Policy Map (“GPM”) is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the CP and in follow-up plans, to manage this change. (CP § 225.1.) The GPM is intended to guide land use decision-making in conjunction with the CP text, the FLUM, and other CP maps. Boundaries on the GPM are to be interpreted in concert with these other sources as well as the context of each location. (CP § 225.2.)
23. The Property is designated as a Neighborhood Commercial Center and is located in a Resilience Focus Area on the GPM.

24. Neighborhood Commercial Centers are intended to meet the day-to-day needs of residents and workers in the adjacent neighborhoods. The area served by a Neighborhood Commercial Center is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and childcare. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. Many buildings have upper-story residential uses. (CP § 225.15.)
25. Unlike Main Street Retail Corridors, the Neighborhood Commercial Centers include both auto-oriented centers and pedestrian-oriented shopping areas. Examples include Penn Branch Shopping Center on Pennsylvania Avenue, SE and the Spring Valley Shopping Center on Massachusetts Avenue, NW. New development and redevelopment within Neighborhood Commercial Centers must be managed to conserve the economic viability of these areas while allowing additional development, including residential, that complements existing uses. (CP § 225.16.)
26. Resilience Focus Areas are areas where future planning efforts are anticipated to ensure resilience to flooding for new development and infrastructure projects, including capital projects, especially in areas within the 100- and 500- floodplains. In the Resilience Focus Areas, the implementation of neighborhood-scale, as well as site-specific solutions, design guidelines and policies for a climate adaptive and resilient city are encouraged and determined as part of any future analysis for each area. (CP FLUM and GPM Approval Resolution of 2021 (R24-0292).)

### **FUTURE LAND USE MAP**

27. The FLUM shows the general character and distribution of recommended and planned uses across the District, and, along with the GPM, is intended to provide generalized guidance. The FLUM shows anticipated future land uses, which may be the same, or different than, the current land uses. (CP § 200.5, 224.4.)
28. The FLUM designates the Property as Mixed Use Medium Density Commercial and Medium Density Residential.
29. The FLUM indicates areas where the mixing of two or more land uses is especially encouraged, which generally applies in established, pedestrian oriented areas, commercial corridors where more housing is desired, large sites, and development that includes residential uses, particularly affordable housing. (CP § 227.20.) The general density and intensity of development within a given Mixed-Use area is determined by the specific mix of uses shown therein. The CP Area Elements may also provide detail on the specific mix of uses envisioned. (CP § 227.21.) The “Mixed Use” designation is intended primarily for larger areas where no single use predominates, or areas where multiple uses are specifically encouraged in the future. (CP § 227.22.) A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. (CP § 227.23.)

30. The CP defines Medium Density Commercial as a designation used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply. (CP § 227.12.)
31. The CP defines Medium Density Residential as a designation used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, and other zones may also apply. (CP § 227.7.)

#### **FAR NORTHEAST AND SOUTHEAST AREA ELEMENT**

32. The Property is located within the Far Northeast and Southeast Area Element of the CP. The Far Northeast and Southeast Area Element states:
- Far Northeast and Southeast is known for its established neighborhoods and its diverse mix of housing, including single-family communities, row house and semi-detached housing neighborhoods, and apartment communities. The area has a robust transportation network that links neighborhoods to the underserved communities in Wards 7 and 8 to Central Washington. (CP § 1700.2.)
  - A central commercial area is located along Benning Road, NE and Minnesota Avenue, NE. It is a retail area with fast casual and some sit-down restaurants, as well as convenience stores, but it is still considered underserved regarding restaurant options and grocery stores. (CP § 1700.2.)
  - Many residents must travel long distances for shopping, higher education, and employment opportunities, as well as basic goods and services. Other challenges include an increased growth rate of 13.74 percent between 2000 and 2017, and an increase in its poverty rate by two percent. (CP § 1700.4.)
  - The crime and unemployment rates in the Far Northeast and Southeast Area are above the District average. While a high priority is placed on bringing moderate-income families back to this community, an even higher priority is placed on improving the quality of life for the individuals and families who live there today. (CP § 1700.5.)

#### **NANNIE HELEN BURROUGHS CORRIDOR SMALL AREA PLAN**

33. The Property is located within the identified study area of the Nannie Helen Burroughs Corridor Small Area Plan (“NHBCSAP”), which was approved by the D.C. Council on

November 26, 2024 (PR 25-991).<sup>2</sup> The NHBCSAP Study Area encompasses Nannie Helen Burroughs Avenue, NE between Minnesota Avenue, NE and Division Avenue, NE.

34. The NHBCSAP envisions a vibrant corridor with retail, housing, parks, green spaces, and improved pedestrian and multimodal connections. It also encourages the preservation of the area's unique qualities and celebration of its history. (NHBCSAP, p. ii.) The NHBCSAP provides recommendations to advance:

- Housing and Economic Development: An opportunity-rich, revitalized urban corridor with a distinct neighborhood identity. Priorities include attainable homeownership and rental opportunities, business support, and regular event programming.
- Parks, Green Spaces, and Connectivity: A vibrant network of parks and green spaces safely navigable for all. Priorities include conservation and maintenance of parks and green spaces, art installations, and cross-generational activity.
- Public Realm and Urban Design: An accessible and active streetscape that serves the community. Priorities include Americans with Disabilities Act accessibility, key gateways, green infrastructure, and public rights-of-ways.
- History and Culture: A curated history and celebration of the NHBCSAP study area's character. Priorities include storytelling, wayfinding, commemorative works, preservation, and development incorporating significant community locations.

(NHBCSAP, p. ii.)

35. The NHBCSAP was initiated in response to the 2021 CP amendments, which include updates to the FLUM and GPM, support increased residential and commercial density along the Nannie Helen Burroughs corridor, and promote climate-adaptive, resilient design. Although the corridor has few housing units directly on it, with a predominance of single-family homes in the area, the addition of multifamily buildings could help support new commercial spaces like grocery stores. The NHBCSAP envisions strategic development along the corridor, including a town center that connects to parks and green spaces, ideal for commemorative works. This plan aligns with ongoing city initiatives such as the Main Street program and Metro station redevelopment, while supporting citywide goals of housing production, economic recovery, and racial equity. Implementation will involve both public and private sectors, with community input playing a key role. (NHBCSAP, p. 3.)

## **II. THE APPLICATION**

### **APPLICANT'S FILINGS**

36. The Applicant made the following submissions to the record in support of the Application proposing to rezone the Property from the MU-3A zone to the MU-7B zone:

- On October 21, 2024, the Applicant submitted the Application which included:
  - OZ's application form for a Zoning Map amendment; (Ex. 1)

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<sup>2</sup> At the time that the Application was filed, the NHBCSAP had been filed with but not yet approved by the D.C. Council. However, the NHBCSAP was approved by resolution prior to setdown of the Application.

- A cover letter; (Ex. 2)
- A Statement in Support of the Application, attaching: (Ex. 3-3K)
  - Surveyor's Plat;
  - Certificate of Occupancy;
  - Portion of the Zoning Map;
  - Portion of the FLUM;
  - Copy of the Ward 7 Economic Development Advisory Council ("EDAC") FLUM amendment application;
  - A portion of the GPM;
  - The Applicant's CP and Racial Equity Analysis ("CP Analysis" and "Racial Equity Analysis");
  - Certificate of Notice, NOI, and list of owners of property located within 200 feet of the Property;
  - Application signature page;
  - Authorization letter; and
  - Certificate of Proficiency.
- On February 7, 2025, the Applicant submitted its Prehearing Submission, which included:
  - Cover letter; (Ex. 11)
  - Prehearing Statement, attaching (Ex. 12-12E):
    - List of witnesses and time for the Applicant's hearing presentation;
    - Outlines of witness testimony and resume for the Applicant's proffered expert witness;
    - List of public documents the Applicant would rely on;
    - List of owners of property located within 200 feet of the Property; and
    - OZ hearing fee form.
- On March 7, 2025, the Applicant submitted its Affidavit of Posting. (Ex. 19.)
- On March 21, 2025, the Applicant submitted its Supplemental Prehearing Submission, which provided an update on the Applicant's continued community engagement related to the Application. (Ex. 21.)
- On April 16, 2025, the Applicant submitted its Affidavit of Maintenance. (Ex. 24.)
- On April 18, 2025, the Applicant submitted a copy of its hearing presentation. (Ex. 26.)
- On May 5, 2025, the Applicant submitted draft findings of fact and conclusions of law. (Ex. \_\_.)

### **PROPOSED ZONING**

37. The Application proposed to rezone the Property from the MU-3A zone to the MU-7B zone. The Application asserted that the rezoning is not inconsistent with the CP or with other adopted public policies and active programs related to the Property, particularly when analyzed through a racial equity lens. The Application also stated that the Property's existing low density commercial zone designation is inconsistent with the CP FLUM, which designates the Property as mixed-use Medium Density Commercial and Medium Density Residential.



38. The CP Framework Element describes the MU-7 zones as being representative of zone districts consistent with the Moderate Density Commercial FLUM designation. (CP § 227.11.)
39. The MU-7 zones are intended to permit medium density mixed-use development and be located on arterial streets, in uptown and regional centers, and at rapid transit stops. (11-G DCMR § 101.12.)
40. The maximum permitted density in the MU-7B is 4.0 FAR and 4.8 FAR as an IZ development, of which up to 2.5 FAR may be devoted to non-residential uses. (11-G DCMR § 201.1.) The maximum permitted building height in the MU-7B zone, not including a penthouse, is 65 feet with no limit on the number of stories. (11-G DCMR § 203.2.)

### **APPLICANT'S JUSTIFICATION FOR REZONING**

#### **Not Inconsistent with the CP**

41. The Application asserted that the Zoning Map amendment is not inconsistent with the CP, including the Property's designations on the GPM and the FLUM, advances the objectives and the recommendations of the Far Northeast and Southeast Area Element and Citywide Elements of the CP, including particularly relevant policies under the Land Use, Transportation, Housing, and Environmental Protection, Economic Development, and Urban Design Elements. The Application also explained how any potential inconsistencies with the CP are outweighed by other CP policies or competing considerations, including those of the Housing Equity Report, and that the outcomes of the Zoning Map amendment would advance racial equity. (Ex. 3, 3G.)

#### **GPM**

42. The Applicant asserted that the Zoning Map amendment is not inconsistent with the GPM's designations for the Property as a Neighborhood Commercial Center and within a Resilience Focus Area because: (Ex. 3, 3G.)
  - The proposed rezoning is consistent with the definition of a Neighborhood Commercial Center as set forth in 10-A DCMR § 225.15. The CP specifies that the Neighborhood Commercial Center designation is intended to meet the day-to-day needs of nearby residents and workers, including eating and drinking establishments.
  - Neighborhood Commercial Centers can include both auto-oriented and pedestrian-oriented shopping areas. Establishments that offer walk-in and drive-through services can meet the varying needs of a center's clientele. Such businesses contribute to economic viability by drawing consistent foot traffic and offering accessible neighborhood services. As a result, they complement other retail and service uses, helping to ensure that a commercial center remains a functional, vibrant part of the community.
  - The Property is located within the 100-year floodplain. Thus, redevelopment of the Property will prioritize resilience as part of future redevelopment efforts in accordance with the Resilience Focus Area objectives outlined in the CP. Any new development at the Property would involve close collaboration by the Applicant

with OP and DOEE to integrate climate-adaptive features and ensure that any future redevelopment aligns with the District’s resilience goals.

### **FLUM**

43. The Application asserted that the Zoning Map amendment is not inconsistent with the FLUM’s mixed-use Medium Density Commercial and Medium Density Residential designations for the Property because: (Ex. 3, 3G.)
- The MU-7B zone allows for a density of 4.0 FAR or 4.8 FAR with IZ, which aligns with the Medium Density Commercial designation.
  - Non-residential uses may occupy up to 2.5 FAR, which is consistent with the Medium Density Commercial designation, which encourages retail, office, and service businesses.
  - The FLUM designation for the Property was amended in 2021 from the mixed-use Low Density Commercial and Moderate Density Residential designation as part of the overall CP amendment cycle.
  - The Application asserted that the Zoning Map amendment from the MU-3A zone to the MU-7B zone was exactly the type of rezoning that was anticipated as a result of the D.C. Council’s approval of the 2021 FLUM amendment for the Property.

### **Far Northeast and Southeast Area Element**

44. The Application asserted that the Zoning Map amendment advances the planning objectives outlined in the Far Northeast and Southeast Area Element because: (Ex. 3G.)
- Rezoning the Property to the MU-7B zone creates an opportunity for future redevelopment that could include denser mixed-use projects that enhance neighborhood commercial areas and increase residential density while ensuring that surrounding single-family neighborhoods are respected, supporting a harmonious balance. (FNS-1.1.1.)
  - The rezoning would permit future redevelopment that fosters retail revitalization by encouraging a diverse range of businesses that meet the needs of all residents, including historically underserved populations. (FNS-1.1.4.)
  - The requirement to improve the streetscape as part of a future redevelopment of the Property promotes pedestrian and cyclist safety, ensuring equitable access to transportation and safer streets for all residents, particularly those who rely on non-vehicular modes of transport. (FNS-1.1.9 and FNS-2.2.2.)
  - By encouraging medium density development and supporting local small businesses, the Zoning Map amendment addresses the long-standing disparities in commercial investment and infrastructure in the surrounding area. (FNS-2.2.5.)

### **Land Use Element**

45. The Application stated that the Zoning Map amendment is not inconsistent with the Land Use Element. The Zoning Map amendment has the potential to increase residential and nonresidential density and result in streetscape improvements that would align with key policies in the CP while advancing equity goals. (LU-1.1.1.)
46. The Application asserted that any future redevelopment would promote climate-adaptive solutions that contribute to the District’s watershed resilience and benefit communities that

have been disproportionately affected by environmental risks, such as flooding. Stormwater management designs would mitigate risks and improve water quality, directly supporting underserved areas that have historically lacked investment in resilient infrastructure. Streetscape enhancements, including sidewalks, tree planting, and façade improvements would foster an attractive, livable, and equitable urban environment. (LU-2.2.4.)

47. The Application also found that the rezoning would ensure that multimodal transportation corridors are upgraded with infrastructure that promotes pedestrian and cyclist safety, while respecting the character of adjacent neighborhoods. (LU-1.4.6.) The MU-7B zone encourages development that reduces automobile dependency by maximizing transit ridership. Redevelopment of the Property under the MU-7B development standards would encourage land uses and building forms that align with transit-oriented development, which addresses racial equity concerns by improving transit access for residents, particularly those in low-income and historically marginalized communities who rely on public transportation. This would minimize transportation costs, enhance mobility, and offer a greater opportunity for community members to access employment, education, and healthcare services. (LU-1.4.2.)
48. By leveraging proximity to transit, the Application stated that any future redevelopment of the Property would lower overall transportation costs for low- and moderate-income households, increasing affordability and ensuring that transit-accessible housing remains within reach for residents of diverse income levels, including families, older adults, and individuals with disabilities. (LU-1.4.3.)
49. The Application also found that the MU-7B zone would facilitate infill development that would close gaps in the urban landscape. Redevelopment of the Property would incorporate stormwater management and landscaping improvements that would enhance the design and character of the neighborhood and address historical inequities by focusing on areas in need of public investment. (LU-1.5.1.)
50. The Application asserted that the Zoning Map amendment would also promote equitable neighborhood revitalization by providing public realm improvements that benefit all residents, especially in historically marginalized communities that have long been overlooked for investment. (LU-2.1.2.)
51. Accordingly, upon evaluating the Land Use Element policies and actions, the Application concluded that the Zoning Map amendment would be not inconsistent with the Land Use Element overall and would actively support racial equity by promoting inclusive growth, environmental justice, and infrastructure improvements that directly address the needs of historically underserved communities.

### **Transportation Element**

52. The Application stated that the Zoning Map amendment is not inconsistent with the Transportation Element and that the MU-7B zone would advance several transportation-related policies while addressing long-standing inequities through streetscape, stormwater, and landscape improvements.

53. Specifically, the Application stated that redevelopment of the Property would prioritize streetscape enhancements that ensure safe, accessible, and inclusive transportation for all users, with a specific focus on underserved and historically marginalized communities. By improving walkability and incorporating features that accommodate residents of all physical abilities, income levels, and ages, redevelopment of the Property would foster equitable access to transportation and reduce barriers that have disproportionately impacted communities of color. (T-1.1.7.)
54. The Property is well-connected to public transportation options, including access to multiple Metrorail and Metrobus routes. The Application asserted that this convenient transit access would promote mixed-use development near transit hubs, enhancing job access for local residents, particularly low-income populations reliant on affordable, reliable transit. Streetscape improvements, including enhanced pedestrian links and safer crossings, would further integrate new development with existing infrastructure, expanding equitable access to employment opportunities and essential services for residents historically facing transportation challenges transit. (T-1.3.1 and T-1.1.4.)
55. The Application also stated that the Zoning Map amendment would improve the pedestrian network by upgrading sidewalks, crosswalks, and other safety features to prioritize pedestrian safety and mobility. Such improvements are critical for creating a more connected, safe, and inclusive pedestrian environment, encouraging walking and cycling as viable, sustainable transportation options. Such upgrades would benefit communities that have historically lacked investment in safe, accessible infrastructure, promoting broader equity and sustainability goals by reducing reliance on cars and improving overall public health. (T-2.4.1 and T-2.4.2.)

### **Housing Element**

56. The Application stated that the Zoning Map amendment is not inconsistent with the Housing Element and that the rezoning to MU-7B, which allows for increased residential and non-residential density, would offer a key opportunity to advance racial equity by addressing systemic housing disparities.
57. Higher-density, mixed-use development enabled by the MU-7B zone would encourage private sector involvement in creating housing solutions that benefit all residents, particularly those historically excluded from housing opportunities. (H-1.1.1.) The rezoning could enable the creation of affordable housing near key transit corridors, including Metrorail stations, which are critical to equitable access to transportation and employment opportunities. Ensuring that new developments are accessible to low- and moderate-income residents, particularly those in historically underserved communities, contributes to dismantling transportation barriers and creating pathways to economic mobility. (H-1.1.4.)
58. The Application further stated that the Zoning Map amendment would promote an equitable distribution of affordable housing across neighborhoods, avoiding the concentration of poverty and fostering inclusive, diverse communities. Streetscape improvements, such as safe sidewalks and enhanced public spaces, combined with

stormwater and landscaping upgrades, would create a healthier, more sustainable environment for residents. (H-1.2.3.)

59. In addition, the Application asserted that the Zoning Map amendment would enable redevelopment that would embed long-term affordability into the fabric of the Deanwood neighborhood and advance equitable housing access for historically marginalized residents. This effort would directly contribute to the District's goals of increasing diversity and racial equity in housing across the city. (H-1.2.9 and H-1.2.11.)
60. Accordingly, the Application concluded that the rezoning would serve a multitude of the District's housing goals and advance many policies of the Housing Element.

### **Environmental Protection Element**

61. The Application stated that the Zoning Map amendment is not inconsistent with the Environmental Protection Element and that the rezoning would present an opportunity to address racial and environmental inequities by advancing sustainability and resilience policies. The incorporation of streetscape, stormwater, and landscape improvements would directly contribute to policies aimed at mitigating the urban heat island effect, managing stormwater, and promoting green building practices, with a focus on vulnerable communities that have historically faced environmental burdens.
62. The Application stated that through a racial equity lens, future redevelopment of the Property enabled by the Zoning Map amendment would prioritize the use of green roofs, expanded green spaces, and tree planting. These elements are essential in reducing heat retention in high-density urban areas, particularly benefiting communities of color and low-income residents who are disproportionately affected by extreme heat and lack of green infrastructure. By embedding heat island mitigation into public space design, the Application stated that the rezoning would allow for redevelopment that fosters a healthier, more equitable urban environment, ensuring that traditionally underserved neighborhoods receive these critical environmental upgrades. (E-1.1.2.)
63. The Application also stated that the rezoning would promote equitable access to green spaces by requiring the retention and planting of trees and sustainable landscaping. Redevelopment of the Property would address environmental justice issues by ensuring that the benefits of tree canopy are distributed more equitably across the community, including areas with higher concentrations of marginalized populations. The inclusion of maintenance requirements for green infrastructure would ensure that these benefits would be sustained over time, supporting long-term community health and well-being. (E-2.1.2.)
64. The Application asserted that the Zoning Map amendment would increase vegetated areas and green roofs that would help manage stormwater, reduce runoff, and contribute to energy efficiency and support broader environmental resilience goals. (E-4.1.2.)
65. In addition, the Application stated that the rezoning would ensure that future redevelopment of the Property would incorporate energy-efficient practices that benefit all residents, particularly those in historically underserved communities that have faced the compounded impacts of climate change and poor environmental quality. (E-4.2.1.)

66. Accordingly, the Application concluded that the rezoning is not inconsistent with the Environmental Protection Element and advances many of its stated goals and policies.

### **Economic Development Element**

67. The Application stated that the Zoning Map amendment is not inconsistent with the Economic Development Element and that the MU-7B zone would align with the District's key economic development goals by promoting greater density and fostering mixed-use redevelopment.
68. The Application asserted that the provision of retail, dining, and/or residential uses in future redevelopment of the Property would help tap into the spending power of local residents, workers, and visitors. (ED-2.2.1.)
69. The Application also asserted that the MU-7B zone would allow for vibrant retail and service-oriented businesses that would meet the needs of the community, particularly underserved areas, while enhancing economic growth. The mix of local businesses, regional chains, and nationally recognized retailers enabled by the Zoning Map amendment would diversify the area's commercial offerings and create a lively, economically sustainable environment. (ED-2.2.5.) Furthermore, the Application stated that the Property's location near multimodal transit would help strengthen the connection between retail and transit, encouraging walkability and reducing reliance on cars. (ED-2.2.9.)
70. The Application stated that potential redevelopment of the Property enabled by the Zoning Map amendment would promote neighborhood vitality by retaining existing businesses and attracting new ones, while supporting a growing residential base. Increased foot traffic from residents and visitors would benefit local commerce, ensuring the area remains a vibrant commercial hub. (ED-3.1.1.)
71. The Application also stated that any future redevelopment enabled by the rezoning would allow for the creation of new entry-level job opportunities, particularly for lower-income individuals, youth, and persons with disabilities. (ED-4.2.6.)
72. Accordingly, the Application concluded that rezoning would not be inconsistent with the Economic Development Element and would advance a variety of specific policies aimed at supporting the local economy.

### **Urban Design Element**

73. The Application stated that the Zoning Map amendment is not inconsistent with the Urban Design Element because the rezoning would allow for greater density and mixed-use development, which would align with key urban design policies that emphasize maintaining neighborhood character and promoting high-quality infill development.
74. The Application stated that future redevelopment of the Property would feature architectural designs that complement the surrounding neighborhood's visual qualities while respecting its diverse housing types. By encouraging the use of high-performance materials and ensuring spatial compatibility with nearby buildings, future redevelopment of the Property would enhance the neighborhood's identity without overwhelming its character. (UD-2.2.1.)

75. The Application also asserted that the Zoning Map amendment would help to create walkable, mixed-use neighborhood centers that offer a variety of housing, retail, and services. By introducing new uses such as retail and eating and drinking establishments, future redevelopment would help to create a compact, community-oriented hub that reinforces the local identity and provides essential amenities. (UD-2.2.3.)
76. The Application stated that the future design of improvements to the Property would carefully manage building scale and setbacks to ensure compatibility with the surrounding area, avoiding sharp contrasts in height or appearance. (UD-2.2.5.)
77. Finally, the Application asserted that the MU-7B zone would prioritize the preservation of neighborhood open spaces. Future development would be designed to minimize the impact on sunlight and green spaces, while improvements to the streetscape and stormwater management would enhance the Property's resilience. By integrating community-serving functions and orienting entrances toward shared spaces, such as Watts Branch, future development at the Property would be able to maximize public space usability, contributing to both the livability and sustainability of the neighborhood. (UD-2.2.7.)
78. Accordingly, the Application concluded that the rezoning would not be inconsistent with the Urban Design Element and would advance numerous policies therein.
79. Based on the foregoing and additional information included in the Applicant's filings, the Application concluded that the Zoning Map amendment would result in positive outcomes, and therefore, the Application is not inconsistent with the CP when evaluated through a racial equity lens.

#### **Nannie Helen Burroughs Corridor Small Area Plan (NHBCSAP)**

80. The Application included a detailed analysis of how the Zoning Map amendment would help to advance many of the general recommendations within the NHBCSAP, including its goals for housing and economic development, public realm, and urban design. (Ex. 3G.) Thus, the Application concluded that the Zoning Map amendment would enable future development at the Property that would contribute to the long term growth and vitality of the area, consistent with the many goals of the NHBCSAP.

#### **Comprehensive Community Development Model ("CCDM")**

81. The Application stated that the Property was subject to the Comprehensive Community Development Model ("CCDM"), which is a community-led strategy designed to support neighborhood development in the Northeast End of Ward 7. The Application summarized the CCDM's four key principles for community investment within the Northeast End of Ward 7, and explained how the Zoning Map amendment would help to advance each of those principles. Based on this analysis, the Application concluded that the MU-7B zone, which would allow for mixed-use development with higher density, would help achieve the goals of the CCDM by creating vibrant, inclusive, and sustainable neighborhoods that benefit all residents. (Ex. 3G.)

**Deanwood/Great Streets – Nannie Helen Burroughs Avenue NE & Minnesota Avenue NE Strategic Development Plan**

82. The Application stated that the Property was subject to the Deanwood/Great Streets – Nannie Helen Burroughs Avenue NE & Minnesota Avenue NE Strategic Development Plan (the “Strategic Plan”), approved by the D.C. Council in July 2008. The Strategic Plan aims to provide an implementation framework for public and private investment in the Deanwood neighborhood over a ten year horizon. The Application explained how the Zoning Map amendment would help to advance the Nannie Helen Burroughs Gateway Focus Node and strengthen the goals of promoting opportunity sites, mixed use development, community based uses, and land use change. Overall, the Application noted that the Zoning Map amendment aligned with and furthered the objectives of the Strategic Plan by promoting the revitalization of a key node, increasing density opportunities, attracting new businesses and services, enhancing the area’s vibrancy, and providing essential amenities for residents and visitors. (Ex. 3G.)

**Racial Equity**

83. The Application stated that equity is conveyed through the CP, particularly in the context of zoning, where certain priorities stand out, including affordable housing, displacement, and access to opportunity. In light of the guidance provided by relevant CP policies, the Application asserted that the Zoning Map amendment would be not inconsistent with the CP when evaluated through a racial equity lens. In support of its assertion, the Applicant evaluated the Zoning Map amendment’s consistency with the CP through a racial equity lens by applying the Commission’s Racial Equity Tool. (Ex. 3G.)

84. The Applicant provided an assessment of how the Zoning Map amendment is not inconsistent with the CP when evaluated through a racial equity lens in its CP and Racial Equity Analysis and through testimony at the public hearing. (Ex. 3G, 26.)

85. The Applicant made the following observations and conclusions about the neighborhood in its responses to the Community Outreach and Engagement component of the Commission’s Racial Equity Tool: (Ex. 3G, 26.)

- The area most likely to be impacted by the Zoning Map amendment is the Deanwood neighborhood, which has specific historic, demographic, economic, development, connectivity, and cultural/social identities. The Applicant described these characteristics in its CP Analysis.
- Residents living in the area immediately surrounding the Property would be most likely to be burdened as a result of the Zoning Map amendment. The Application explained that the impacts could potentially be related to construction in the short-term and tax increases in the long term. The Application explained that the Applicant would incorporate measures to reduce any potential impacts during construction, and that a variety of successful programs exist to provide tax relief. The Application also included specific information about how the Zoning Map amendment would benefit the surrounding community.
- The Application provided information about past and present racial discrimination, including data from the Ward 7 Heritage Guide, which describes Deanwood’s history of economic disinvestment, incompatible infill construction, racially discriminatory land use practices, segregated public housing, and white flight. Such



systemic challenges have shaped the Deanwood community and provide an important context for future investment.

- The Application also included a summary of the ongoing efforts in the community that are working to address past discrimination, including the Black Homeownership Strike Force, the District’s Upward Mobility Action Plan, the Greater Deanwood: “Your Voice Your Choice” CHOICE Neighborhoods Transformation Plan (June 2024 Draft Plan), and Empowerhouse. These initiatives work in combination with other existing programs within the District to provide resources to residents throughout the District, including in and around the community that would be directly impacted by the Zoning Map amendment.

86. The Application included information about the Applicant’s community participation and outreach efforts. It described the community’s stated priorities for the neighborhood, summarized the unique factors about the affected community that influenced the Applicant’s outreach efforts, and described how those unique factors influenced its outreach and engagement for the Zoning Map amendment. The Application explained how its outreach efforts were proactive in terms of meeting community needs and addressing specific concerns, and provided a detailed list of its specific engagement efforts and results from those meetings. In addition, the Application summarized the community’s stated priorities related to the Zoning Map amendment and described the community’s support for the Application. In the event that the Zoning Map amendment could potentially create negative outcomes, the Application explained the Applicant’s mitigation plans. (Ex. 3G, 26.)

87. Finally, the Applicant’s Racial Equity Analysis included a detailed chart demonstrating how the Zoning Map amendment would result in positive outcomes when considered through several racial equity themes, including displacement, transportation, employment, and community. Overall, the Application concluded that when analyzed through a racial equity lens, the Zoning Map amendment would create favorable outcomes for District residents by allowing for the underutilized Property to be redeveloped with additional density near neighborhood-serving amenities and extensive public transportation options. The outcomes of the Zoning Map amendment would allow for greater redevelopment opportunities in the Deanwood neighborhood, including the provision of neighborhood-serving amenities, and would produce physical improvements, enhance accessibility, improve the environment, and address the specific priorities of the specific community in which the Property is located. (Ex. 3G, 26.)

88. Based on the foregoing, and based on the Applicant’s filings, the Application concluded that the Zoning Map amendment would result in positive outcomes, and therefore, the Application is not inconsistent with the CP when evaluated through a racial equity lens.

### **Potential Inconsistencies With The CP**

89. The Application identified three policies that were potentially inconsistent with the Zoning Map amendment, specifically: (i) Policy LU-2.1.4 Rehabilitation Before Demolition; (ii) Policy E-3.2.2 Net Zero Buildings; and (iii) Policy E-3.2.3 Renewable Energy. However, the Application concluded that while these CP policies may be viewed as inconsistent, the potential inconsistencies are far outweighed by the Zoning Map amendment’s overall

consistency with the FLUM and other CP policies relating to land use, housing, transportation, environmental sustainability, economic development, and urban design. (Ex. 3G, 26.)

### **Public Hearing Testimony**

90. At the public hearing on April 21, 2025, the Applicant presented its case, including testimony from Ms. Brandice Elliott, Director of Planning Services, Holland & Knight, LLP, whom the Commission recognized as an expert in land planning and zoning.

## **III. RESPONSES TO THE APPLICATION**

### **OP REPORTS AND TESTIMONY**

91. OP submitted a report dated December 20, 2024 (the “OP Setdown Report”), recommending the Commission setdown the Application for a public hearing. (Ex. 9.)

92. The OP Setdown Report stated that it did not recommend applying IZ Plus in this case because the Far Northeast Southeast Planning Area has a considerable number of dedicated affordable units and far exceeds the target for the provision of affordable housing. (Ex. 9, pp. 1, 4.)

93. The OP Setdown Report made the following findings:

- The MU-7B zone would be more consistent with the Property’s designations on the FLUM as compared to the existing MU-3A zone. Unlike the MU-3A zone, the MU-7B zone allows mixed-use development up to medium density levels. Furthermore, the FLUM designation for the Property was changed from moderate density to medium density to encourage more development. The MU-7B zone permits more housing, retail and neighborhood services opportunities than are permitted today. (Ex. 9, pp. 5-6.)
- The MU-7B zone would not be inconsistent with the GPM designations for the Property, which would allow the existing restaurant on the Property to expand or allow for a neighborhood-focused commercial and/or residential development to replace it. (Ex. 9, pp. 6-7.)
- The Zoning Map amendment, on balance, would not be inconsistent with the Citywide Elements of the CP and would particularly further the policies of the Land Use, Transportation, Housing, and Economic Development Elements. It would also further many of the policies in the Far Northeast/Southeast Area Element. (Ex. 9, pp. 7-8.)
- The rezoning would allow the property to redevelop with more commercial, housing, and services to this underserved area, consistent with themes for racial equity found in the CP. (Ex. 9, p. 7.)
- The Application would be not inconsistent with the NHBCSAP, the CCDM, and the Strategic Plan. (Ex. 9, pp. 17-18.)

94. The OP Setdown Report included a detailed analysis of disaggregated data to assist the Commission in its evaluation of the zoning action through a racial equity lens. (Ex. 9, pp. 10-15.)

95. The OP Setdown Report provided information for the Commission’s evaluation regarding the Zoning Map amendment’s impact on a variety of factors, including displacement, housing, transportation, physical, employment, environmental impacts, and the community. (Ex. 9, pp. 16-17.)
96. Overall, the OP Setdown Report concluded that the Zoning Map amendment would rezone the Property to a zone that is more consistent with the CP’s land use recommendations for the subject property. The proposed MU-7B zone could potentially help the Property to realize the medium density mixed use development recommended in the FLUM and the small area plan. (Ex. 9 pp. 18.)
97. OP submitted a report dated April 9, 2025 (the “OP Hearing Report”), which reiterated the OP Setdown Report’s conclusions and recommended approval of the Application. (Ex. 22.)
98. At the public hearing, OP reiterated its support for the Application as detailed in its reports.

#### **DDOT REPORT AND TESTIMONY**

99. DDOT submitted a report dated April 11, 2025 (the “DDOT Report”), stating that it objected to the Application due to its determination that the “Applicant intends to rebuild and expand an existing fast food restaurant with a drive through.” (Ex. 23, p. 2.)
100. At the public hearing, DDOT reiterated its position on the Application, as detailed in the DDOT Report.

#### **ANC REPORT AND TESTIMONY**

101. ANC 7C submitted a letter dated March 20, 2025 (the “ANC Letter”), stating that at its regularly scheduled public meeting on March 13, 2025, which was properly noticed and attended by a quorum of commissioners, the ANC voted 9-0 in support of the Application. (Ex. 27.)
102. The ANC Letter stated that ANC 7C “strongly supports” the Application, including its “overwhelming[] support [for] the planned renovation project. This initiative represents much more than a zoning change — it is a step forward for revitalization of the business corridor the Nannie Helen Burroughs corridor.” (Ex. 27, p. 1.)
103. The ANC Letter stated that the Applicant had “completed extensive community outreach, meeting with residents, stakeholders, and ANC 7C commissioners, and responding to community concerns. The business owner met personally with ANC Commissioners to hear concerns, discuss future engagement, and to forge a partnership that seeks benefit the community the restaurant serves. This open and collaborative process has made it clear that this project has broad, enthusiastic support across the neighborhood.” (Ex. 27, p. 1.)
104. Commissioner Carrie Brown, the single member district representative for ANC 7C-09, which includes the Property, testified at the public hearing, expressing the community’s overwhelming support for the Application and reiterating the points made in the ANC Letter. (Ex. 28.)

## **PERSONS AND ORGANIZATIONS**

105. No persons or organizations appeared at the hearing to testify on the Application.
106. The Commission referred the Application to the National Capital Planning Commission (“NCPC”) on April 22, 2025, for the 30-day review period required by § 492(b)(2) of the District Charter. (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2); D.C. Official Code 6-641.05)). (Ex. 29.)
107. On \_\_\_\_, NCPC filed a report stating \_\_\_\_\_.

## **CONCLUSIONS OF LAW**

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797; 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.”
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 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. 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 Zoning Map amendments be “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.”
4. The Commission concludes the Application advances the purposes of the Zoning Act and is not inconsistent with the CP and with other adopted public policies and active programs related to the Property for the reasons discussed below.

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

5. Pursuant to Subtitle X § 500.3, the Commission shall find that the Zoning Map amendment is not inconsistent with the CP and with other adopted public policies and active programs related to the Property.
6. The Commission concludes, based on the filings and testimony of the Applicant and OP, and as set forth in Findings of Fact (“FF”) Nos. 41-79 and 91-98 that the Zoning Map amendment from the MU-3A zone to the MU-7B zone is not inconsistent with the CP in its entirety, including the CP maps and elements, and will advance a number of CP Element policy objectives.
7. Even if the Zoning Map amendment 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 Map Amendment would be consistent with the CP as a whole. *See Durant v. D.C. Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013); *see also* FF No. 89.

### **RACIAL EQUITY**

8. The Commission concludes that the Zoning Map amendment is not inconsistent with the CP when evaluated through a racial equity lens. The Commission reached this conclusion based on the case record and the Racial Equity Analysis provided by the Applicant, inclusive of community outreach and engagement information, and the OP Reports, which included disaggregated race and ethnicity data for the Far Northeast and Southeast Planning Area. (FF 83-88, 91-98.) The Commission concludes that the racial equity analyses provided address the components of the Commission’s Racial Equity Tool, and that the Zoning Map amendment will further CP racial equity goals for all of the reasons set forth in Exhibits 3, 3G, 9, 10, 12, 21, 22 and 26-28 and FF No. FF 83-88, 91-98.

### **GPM**

9. The Commission concludes that the Zoning Map amendment is not inconsistent with the GPM’s designation of the Property as a Neighborhood Commercial Center because the Neighborhood Commercial Center designation is intended to meet the day-to-day needs of nearby residents and workers, which includes food establishments like restaurants that would be enabled by the MU-7B zone. The Commission further concludes that the Zoning Map amendment is not inconsistent with the Property’s location within a Resilience Focus Area and within the 100 year floodplain, because redevelopment of the Property would prioritize resilience in accordance with the Resilience Focus Area objectives outlined in the CP. As part of any future redevelopment process, the Applicant would collaborate with District agencies to integrate climate-adaptive features and ensure that any future redevelopment aligns with the District’s resilience goals. (FF 22-26, 41-42 and 93.)

### **FLUM**

10. The Commission concludes that the Zoning Map amendment is not inconsistent with the Property’s FLUM designation as Mixed-Use Medium Density Commercial and Medium Density Residential because the MU-7B zone would allow for a density of 4.0 FAR, or 4.8 FAR with IZ, which aligns with the Medium Density Commercial designation. The Commission also concludes that the Zoning Map amendment from the MU-3A zone to the MU-7B zone is exactly the type of rezoning that was anticipated and intended as a result

of the D.C. Council’s approval of the 2021 FLUM amendment for the Property, which had previously been mixed-use Low Density Commercial and Moderate Density Residential. (FF 27-31, 41, 43 and 93.)

### **FAR NORTHEAST AND SOUTHEAST AREA ELEMENT**

11. The Commission concludes that the Zoning Map amendment furthers the policies of the Far Northeast and Southeast Area Element because the Zoning Map amendment would permit future redevelopment that fosters retail revitalization by encouraging a diverse range of businesses that meet the needs of all residents, including historically underserved populations. Moreover, the Commission finds that by encouraging medium density development and supporting local small businesses, the Application addresses the long-standing disparities in commercial investment and infrastructure in the surrounding area. For these and other reasons described in FF Nos. \_\_\_\_, the Commission concludes that the Application is not inconsistent with the Far Northeast and Southeast Area Element.

### **LAND USE ELEMENT**

12. The Commission concludes that the Zoning Map amendment furthers the Land Use Element because it will allow for increased density potential along a multimodal transportation corridor, thus encouraging land uses that align with transit oriented development and addressing racial equity concerns. The Zoning Map amendment would also equitable neighborhood revitalization, improve the streetscape, facilitate infill development, and generally benefit District residents, particularly those in historically marginalized communities that have long been overlooked for investment. For these and other reasons described in FF Nos. 45-51, and as set forth in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Land Use Element.

### **TRANSPORTATION ELEMENT**

13. The Commission concludes that the Zoning Map amendment furthers the Transportation Element because it will advance numerous transportation-related policies while addressing long-standing inequities through streetscape, stormwater, and landscape improvements. The Commission concludes that the MU-7B would allow for development that improves walkability and incorporates features that accommodate residents of all physical abilities, income levels, and ages, thus fostering equitable access to transportation and reducing barriers that have disproportionately impacted communities of color. For these and other reasons described in FF Nos. 52-55 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Transportation Element.

### **HOUSING ELEMENT**

14. The Commission concludes that the Zoning Map amendment furthers the Housing Element because it would allow for increased residential and non-residential density at the Property, offering a key opportunity to advance racial equity by addressing systemic housing disparities. The MU-7B zone would enable future redevelopment of the Property along a key transit corridor and near Metrorail stations, which are critical to equitable access to transportation and employment opportunities. For these and other reasons described in FF Nos. 56-60 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Housing Element.

### **ENVIRONMENTAL PROTECTION ELEMENT**

15. The Commission concludes that the Zoning Map amendment is not inconsistent with the policies of the Environmental Protection Element because it would create an opportunity to address racial and environmental inequities by advancing sustainability and resilience policies while increasing density on an underutilized site. The incorporation of streetscape, stormwater, and landscape improvements would directly contribute to policies aimed at mitigating the urban heat island effect, managing stormwater, and promoting green building practices, with a focus on vulnerable communities that have historically faced environmental burdens. For these and other reasons described in FF Nos. 61-66 and the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Environmental Protection Element.

### **ECONOMIC DEVELOPMENT ELEMENT**

16. The Commission concludes that the Zoning Map amendment is not inconsistent with the policies of the Economic Development Element because the MU-7B zone would align with the District's key economic development goals by promoting greater density and fostering mixed-use redevelopment. The provision of retail, dining, and/or residential uses in future redevelopment of the Property will help tap into the spending power of local residents, workers, and visitors, and allow for vibrant retail and service-oriented businesses that would meet the needs of the community and enhance economic growth. For these and other reasons described in FF Nos. 67-72 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Economic Development Element.

### **URBAN DESIGN ELEMENT**

17. The Commission concludes that the Zoning Map amendment is not inconsistent with the policies of the Urban Design Element because the rezoning would allow for greater density and mixed-use development, which would align with key urban design policies that emphasize maintaining neighborhood character and promoting high-quality infill development. By introducing new uses such as retail and eating and drinking establishments, future redevelopment would help to create a compact, community-oriented hub that reinforces the local identity and provides essential amenities. For these and other reasons described in FF Nos. 73-79 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Urban Design Element.

### **NANNIE HELEN BURROUGHS CORRIDOR SMALL AREA PLAN (NHBCSAP)**

18. The Commission concludes that the Zoning Map amendment is not inconsistent with the NHBCSAP because it would help to advance the corridor as a vibrant thoroughfare with a variety of uses including retail, housing, parks, green spaces, and improved pedestrian and multimodal connections. It would also allow for the Property to preserve its unique qualities and celebrate the community's history. Moreover, it would help to advance the NHBCSAP's goals for housing and economic development, improving connectivity, and providing an inclusive public realm. For these and other reasons described in FF Nos. 33-35 and 80 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the NHBCSAP.

### **COMPREHENSIVE COMMUNITY DEVELOPMENT MODEL (CCDM)**

19. The Commission concludes that the Zoning Map amendment is not inconsistent with the CCDM because it would help to advance the CCDM's key principles for community investment by allowing for mixed-use, higher density development and creating a vibrant, inclusive, and sustainable neighborhood that benefits all residents. For these and other reasons described in FF No. 81 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the NHBCSAP

### **DEANWOOD/GREAT STREETS – NANNIE HELEN BURROUGHS AVENUE NE & MINNESOTA AVENUE NE STRATEGIC DEVELOPMENT PLAN (STRATEGIC PLAN)**

20. The Commission concludes that the Zoning Map amendment is not inconsistent with the Strategic Plan because it would help to advance the Nannie Helen Burroughs Gateway Focus Node and strengthen the goals of promoting opportunity sites, mixed use development, community based uses, and land use change. The Application aligns with and furthers the objectives of the Strategic Plan by promoting the revitalization of a key node, increasing density opportunities, attracting new businesses and services, enhancing the area's vibrancy, and providing essential amenities for residents and visitors. For these and other reasons described in FF No. 82 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the NHBCSAP

### **POTENTIAL INCONSISTENCIES OUTWEIGHED**

21. The Applicant identified three CP policies that are potentially inconsistent with the Zoning Map amendment; specifically (i) Policy LU-2.1.4 Rehabilitation Before Demolition; (ii) Policy E-3.2.2 Net Zero Buildings; and (iii) Policy E-3.2.3 Renewable Energy. However, the Commission concludes that while these policies may be viewed as inconsistent, the potential inconsistencies are far outweighed by the Zoning Map amendment's overall consistency with the FLUM and other CP policies relating to land use, housing, transportation, environmental sustainability, economic development, and urban design that are discussed above. (FF 41-79, 89.)

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

22. The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
23. The Commission concludes that the OP Reports, which provided an in-depth analysis of the Zoning Map amendment, are persuasive and the Commission concurs with OP's recommendation that the Property's rezoning would not be inconsistent with the CP overall, including the GPM and FLUM, the Citywide Elements, and the Far Northeast and Southeast Area Element, and, as discussed above, would advance the CP racial equity goals when evaluated through a racial equity lens. The Commission also concurs with OP that the proposed Zoning Map amendment is not appropriate for an IZ Plus set-aside requirement. (FF 91-98.)



### **GREAT WEIGHT TO THE ANC REPORT**

24. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).
25. The ANC 7C Report expressed the ANC’s recommendation of support for the Zoning Map amendment and did not raise any issues or concerns. ANC Commissioner Carrie Brown also testified at the public hearing in support of the Application. The Commission concurs with ANC 7C’s recommendation. (FF 101-104.)

### **DECISION**

In consideration of the record for Z.C. Case No. 24-13 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	MAP AMENDMENT
5094	0104	MU-3A to MU-7B

### **Proposed Action**

Vote (April 21, 2025): 5-0-0 (Anthony J. Hood, Joseph Imamura, Robert E. Miller, Tammy M. Stidham, Gwen Wright to approve)

### **Final Action**

Vote (\_\_\_\_\_): \_\_\_\_\_

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 24-13 shall become final and effective upon publication in the District of Columbia Register, that is on \_\_\_\_\_.