

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 24-16**

**Z.C. CASE NO. 24-16**

**MR 1401 15th ST LLC**

**Zoning Map Amendment @ Square 210, Lots 839 and 840**  
**1401-1405 15<sup>th</sup> Street, N.W.**

**May 22, 2025**

Pursuant to notice, at its public hearing on May 22, 2025, the Zoning Commission for the District of Columbia (the “Commission”) considered an application filed by MR 1401 15th ST LLC (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 of the District of Columbia from the RA-5 zone to the ARTS-3 zone (the “Map Amendment” or “Application”) for property located at 1401-1405 15<sup>th</sup> Street, N.W. (Square 210, Lots 839 and 840) (the “Property”).<sup>2</sup>

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 Commissions (“ANCs”) 2B and 2F were automatic parties to the Application. (Subtitle Z § 403.5.) The Property is within the boundary of ANC 2F and across 15<sup>th</sup> Street, N.W. from ANC 2B; therefore, both are “affected ANCs” pursuant to Subtitle Z § 101.8.
2. The Commission did not receive any requests for party status.

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<sup>1</sup> The Application was originally filed by MR 1401 15th Street Retail LLC, which at the time was the contract purchaser of the Property. On March 31, 2025, the Property was sold to MR 1401 15th ST LLC, and thereafter MR 1401 15th ST LLC sold Lot 840 to 1405 15th St LLC. New authorization letters from the new owners and applicant were filed to the case record on April 9, 2025. (Ex. 21 and 21B.)

<sup>2</sup> At the time the Application was filed on November 18, 2024, the Property was known as Lot 827 in Square 210. Per Assessment & Taxation (“A&T”) Plat dated March 17, 2025, Lot 827 was divided into new Lots 839 and 840 in Square 210. (Ex. 21A.)

3. On September 25, 2024, the Applicant mailed a Notice of Intent to file the Application to all property owners within 200 feet of the Property and to ANCs 2B and 2F, as required by Subtitle Z § 304.5. (Exhibit (“Ex.”) 3I.)
4. On December 4, 2024, the Office of Zoning (“OZ”) sent notice of the Application’s filing to:
  - The Applicant;
  - ANCs 2B and 2F;
  - ANC Single Member Districts (“SMDs”) 2B04 and 2F03;
  - 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 2 Councilmember; and
  - OZ Legal Division (“OZLD”).(Ex. 11.)
5. OZ published notice of the filing of the Application in the December 4, 2024, *District of Columbia Register* (71 DCR 15772). (Ex. 11.)
6. On April 2, 2025, OZ sent notice of the May 22, 2025, public hearing to all property owners within 200 feet of the Property and to ANCs 2B and 2F. (Ex. 19.)
  - The Applicant;
  - ANCs 2B and 2F;
  - SMDs 2B04 and 2F03;
  - Office of ANCs;
  - OP;
  - DDOT;
  - DOEE;
  - DOB General Counsel;
  - At-Large Councilmembers and the Chairman of the Council;
  - The Ward 2 Councilmember;
  - OZLD; and
  - Property owners within 200 feet of the Property. (Ex. 19A.)
7. OZ published notice of the May 22, 2025, public hearing in the April 22, 2025, *District of Columbia Register* (72 DCR 4452-4455). (Ex. 18, 19A.)
8. The Applicant submitted evidence that it 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. 20, 34.)

## **THE PROPERTY**

9. The Property is located in the Logan Circle neighborhood of the District and specifically along the 15<sup>th</sup> Street mixed-use corridor. The Property is bounded by private property to the north, public alleys to the east and south, and 15th Street, N.W. to the west. (Ex. 5, 3A.)
10. The Property has approximately 7,200 square feet of land area and is generally rectangular in shape. (Ex. 5, 3A.)
11. The Property is improved with the Grace Reformed Church and Sunday School (together, the “Church”) and the Parish House (the “Parish House”), which collectively are (i) designated as an historic landmark in the D.C. Inventory of Historic Sites; (ii) listed in the National Register of Historic Places; and (iii) contributing structures to the Greater 14th Street Historic District. (Ex. 5, 3A, 3D.)
12. The Church is located on the southern portion of the Property and is zoned RA-5; the Parish House is located on the northern portion of the Property and is also zoned RA-5. (Ex. 5, 5E.)
13. Properties immediately surrounding the subject Property are zoned as follows: to the north and east along 15th Street and P Street, and farther east along the 14th Street corridor, properties are zoned ARTS-3; to the south and on the east side of 15th Street, properties are zoned RA-5; and on the west side of 15th Street, properties are zoned RA-2/DC. (Ex. 5, 5E.)
14. The Logan Circle neighborhood supports a wide variety of residential, retail, service, office, lodging, and other commercial uses. A mix of single- and multi-family residential buildings are located in the immediate vicinity, as are a large number of eating and drinking establishments, hotels, fitness studios, salons, theaters, and banks. A Whole Foods grocery store is located a half block to the east on P Street, NW. Many public open spaces are also in close proximity, including Logan Circle to the east, Scott Circle to the southwest, and Stead Park to the west. (Ex. 5.)
15. The Church is comprised of the sanctuary building and the Sunday school. The Gothic Revival styled sanctuary building was designed by Paul J. Pelz and A.A. Ritcher and constructed in 1902-1903. The Sunday school addition at the rear of the sanctuary was designed by Paul J. Pelz and constructed in 1911-1912. The bay-fronted Victorian Parish House, preceding construction of the Church, was erected as a rowhouse in 1892 by W.H.H. Knight. The three structures are situated so that the sanctuary and Parish House front 15th Street, N.W., and the Sunday school addition faces a public alley that runs north-south through the square. (Ex. 5, 3B, 3D.)
16. The Application stated that the historic structures on the Property operated as a Church for many years but are currently vacant. The prior owner of the Property, the Central Atlantic Conference of the United Church of Christ (“CAC”), ended its services due to declining congregation numbers, high operating costs, and increasing capital improvement costs. CAC leased the Property to the Christ Reformed Church until 2019, and to the Community Church of Washington DC until 2022. Prior to selling the Property to the Applicant, CAC

was at a point where the capital required to renovate and maintain the Property was insurmountable, and declining congregation numbers and insufficient on-site parking for a typical congregation no longer made the Property a desirable location for religious use. (Ex. 5, 3B, 3D.)

17. Given the Property's landmark designation and unique architectural configuration, there are few realistic options for adaptive reuse. While the RA-5 zone would allow for up to 90 feet in height and 6.0 floor area ratio ("FAR") as a matter of right, such height and density is unrealistic given the landmark status of the Church and Parish House. (Ex. 5, 3D.)
18. The Application stated that the Church was evaluated for residential use, but such conversion was difficult for a variety of reasons, including complexities in meeting Building Code requirements and obtaining Historic Preservation Review Board ("HPRB") approval for exterior modifications. (Ex. 5, 3D.) The Application also stated that the Church would be well-suited for reuse as an eating and drinking establishment or other commercial establishment, thereby necessitating the Zoning Map amendment to the ARTS-3 zone. The Zoning Map amendment would allow the Property to accommodate a mix of residential and non-residential uses that serve the surrounding community, which is consistent with the purposes of the ARTS zones, as set forth in 11-K DCMR § 800.1, which include increasing the housing supply, promoting retail activity, and encouraging the adaptive reuse of existing buildings. (Ex. 5.)
19. The Property is located in a transit-rich area. The Dupont Circle Metrorail station is located approximately 0.6 miles to the west of the Property, which services the red line, and the McPherson Square Metrorail station is located approximately 0.5 miles to the south of the Property, which services the blue, orange, and silver lines. A variety of Metrobus lines run along corridors immediately adjacent to the Property, including the G2 line, which runs along P Street, NW, the 52, 54, 59, and WP-AM lines, which run along 14th Street, N.W., and the S2, S9, 315, and 325 lines, which run along 16th Street, N.W. Numerous Capital Bikeshare stations are also located within several blocks of the Property, including one at the corner of 15th and P Streets. Accordingly, access to public transportation from the Property is convenient and easily accessible. (Ex. 5.)

## **EXISTING ZONING**

20. The Property is zoned RA-5. The purposes of the RA zones are to: (a) permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and (b) permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones. (11-F DCMR § 101.3.) The RA-5 zone provides for areas developed with predominantly high-density residential uses. (11-F DCMR § 101.8.)
21. The maximum permitted density in the RA-5 zone is 6.0 FAR for an apartment house or hotel, 1.8 FAR for a public recreation or community center, and 5.0 FAR for all other structures. (11-F DCMR § 201.1.) Up to 7.2 FAR is permitted for an Inclusionary Zoning ("IZ") development. (11-F DCMR § 201.4.) The maximum permitted building height in the RA-5 zone, not including a penthouse, is 90 feet. (11-F DCMR § 203.2.)

22. The Comprehensive Plan (“CP”) Framework Element describes the RA-5 zone as being consistent with the High Density Residential Future Land Use Map (“FLUM”) designation, and the Zoning Regulations describe the RA-5 zone as being one which should provide for areas developed with predominantly high-density residential. (10A DCMR § 227.8 and 11-F DCMR § 101.8.) However, the RA-5 zone does not permit retail or eating and drinking establishment uses as a matter-of-right or as a special exception.

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

23. 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.
24. The CP requires the Commission to apply the standard of review applicable to a Zoning Map Amendment 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.
25. 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.)
26. In addition, CP § 2501.8 suggests the preparation and implementation of 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 that analyze 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**

27. 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.)

28. Most of the Property is designated as a Neighborhood Conservation Area on the GPM. A small portion at the north end of the Property could be interpreted as being designated as a Main Street Mixed Use Corridor on the GPM<sup>3</sup>.
29. Neighborhood Conservation Areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by CP policies and the FLUM. (CP § 225.4.)
30. The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the FLUM and CP policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities. (CP § 225.5.)
31. Main Street Mixed Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). 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. (CP § 225.14.)

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<sup>3</sup> The Applicant's original application filing and CP Evaluation (Ex. 3, 3H), revised application filing and CP Evaluation (Ex. 5, 5H), and the OP Setdown Report (Ex. 13) all stated that the GPM designation for the Property was a Neighborhood Conservation Area only. The OP Hearing Report (Ex. 28) stated that "a small portion at the north end of the site could be interpreted as being within the Main Street Mixed Use Corridor designation" and provided an analysis of how the Application was not inconsistent with the GPM designations for both a Neighborhood Conservation Area and a Main Street Mixed Use Corridor. (Ex. 28, pp. 12-13.) At the public hearing, the Applicant stated its agreement with OP's analysis and review of the GPM, and provided a summary of how the Application was not inconsistent with the GPM designations for both a Neighborhood Conservation Area and a Main Street Mixed Use Corridor. See Applicant's Powerpoint Presentation at Ex. 36 and testimony at the public hearing.

## **FUTURE LAND USE MAP**

32. 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.)
33. The FLUM designates the Property as Mixed Use Medium Density Residential and Moderate Density Commercial.
34. 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.)
35. 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.)
36. The CP defines Moderate Density Commercial as a designation used to define 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 Zone Districts are representative of zone districts consistent with the Moderate Density Commercial category, and other zones may also apply. (CP § 227.11.)

## **NEAR NORTHWEST AREA ELEMENT**

37. The Property is located within the Near Northwest Area Element of the CP. The Near Northwest Area Element states:

- Near Northwest is known for its historic architecture, well-established neighborhoods, lively shopping areas, and nationally recognized institutions. (CP § 2100.2.)
- Near Northwest neighborhoods contain some of the most diverse housing stock in the District, varying from single-family homes to high-rise apartments. Townhouses and mid-rise apartment buildings dating from the mid-19th to early 20th centuries define the area’s residential neighborhoods; they are most prominent in Georgetown, Burleith, Dupont Circle, Foggy Bottom, Logan Circle, Shaw, and Mount Vernon Square. (CP § 2100.3.)
- The area is well connected to other parts of the District and region by mass transit, including the Red, Green, Orange, Blue, and Silver Metrorail (Metro) lines and multiple bus lines. The overall street pattern reflects the L’Enfant Plan, with prominent diagonal boulevards bisecting a rectangular grid. (CP § 2100.4.)
- The more prominent retail areas are on the major streets and avenues, including Connecticut Avenue, U Street, and 7th, 9th, and 14th Streets, N.W. There are smaller retail districts throughout the area and corner stores in almost every residential neighborhood. (CP § 2100.5.)
- 14th Street, N.W. is home to the Studio Theater, as well as other performing arts venues and galleries. After years of disinvestment following the unrest in 1968, 14th Street has experienced intense development activity and restaurant openings, which have contributed to establishing the corridor as one of Washington, DC’s premier food and entertainment districts. Foreign embassies are concentrated along Massachusetts Avenue NW., in the Dupont Circle neighborhood, and in Kalorama. (CP § 2100.6.)

### **LOGAN CIRCLE NEIGHBORHOOD INVESTMENT PLAN**

38. The Property is located within the study area of the Logan Circle Neighborhood Investment Plan (“LCNIP”), which was approved by the D.C. Council by Resolution on December 2, 2008 (R17-0881). The Neighborhood Investment Fund (“NIF”) area is bound by U Street to the north, Massachusetts Ave to the south, 9th Street to the east and 15th Street to the west. (LCNIP, p. 9.)
39. The LCNIP was “designed to identify community priorities for NIF investments and to set an investment agenda for NIF resources over a five year period.” It was created by OP and the Office of the Deputy Mayor for Planning and Economic Development with the aim of directing funding from the NIF to projects that align with community-driven goals for economic development and neighborhood revitalization in the Logan Circle area. (LCNIP, p. 5.)
40. The LCNIP outlines a strategic approach to revitalizing the Logan Circle neighborhood through targeted investments and community engagement. Key points from the LCNIP include promoting arts and culture, improving and attracting retail, enhancing the public realm, preserving affordable housing, supporting community-driven projects, recognizing historical significance, highlighting development projects, and prioritizing community outreach efforts. (LCNIP, pp. 19-24.)



41. The proposed rezoning advances key components of the Logan Circle Investment Plan by allowing for redevelopment that would attract neighborhood-serving retail, support cultural revitalization, enhance public spaces, and recognize the historical significance of the existing buildings on the Property, all of which contribute to a vibrant, inclusive, and economically thriving community. (Ex. 5H.)

## **II. THE APPLICATION**

### **APPLICANT'S FILINGS**

42. The Applicant made the following submissions to the record in support of the Application proposing to rezone the Property from the RA-5 zone to the ARTS-3 zone:
- On November 18, 2024, the Applicant submitted the Application which included:
    - OZ's application form for a Zoning Map amendment; (Ex. 1)
    - A cover letter; (Ex. 2)
    - A Statement in Support of the Application, attaching: (Ex. 3-3L.)
      - Surveyor's Plat;
      - National Register Registration Form;
      - Photographs of the Property;
      - 2022 HPO Report;
      - Portion of Zoning Map;
      - Portion of the FLUM;
      - Portion of the GPM;
      - CP and Racial Equity Analysis ("CP Analysis" and "Racial Equity Analysis");
      - Certificate of Notice, Notice of Intent, and list of owners of property located within 200 feet of the Property;
      - Application signature page;
      - Authorization letter; and
      - Certificate of Proficiency.
  - On December 2, 2024, the Applicant submitted revised portions of the Application to accurately request the rezoning of the entire Property from the RA-5 zone to the ARTS-3 zone. This revision was made after the Applicant was informed by OZ that the Official Zoning Map had incorrectly depicted the Property as split-zoned, when in fact the entire Property is zoned RA-5. The revised portions of the Application included:
    - A revised cover letter; (Ex. 4.)
    - A revised Statement in Support of the Application, attaching: (Ex. 5, 5E, 5H.)
      - Revised portion of the Zoning Map; and
      - Revised CP and Racial Equity Analysis ("CP Analysis" and "Racial Equity Analysis").
  - On March 17, 2025, the Applicant submitted its Prehearing Submission, which included:
    - Cover letter; (Ex. 15.)
    - Prehearing Statement, attaching: (Ex. 16-16E.)
      - 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 on which the Applicant would rely;
  - List of owners of property located within 200 feet of the Property;
  - OZ hearing fee form; and
  - ANC 2F Report in support of the Application.
- On April 9, 2025, the Applicant submitted its Affidavit of Posting. (Ex. 20.)
  - On April 9, 2025, the Applicant also submitted a cover letter explaining that the Property had been divided into two new tax lots and sold to two new owners. (Ex. 21-21B). The Applicant submitted the following attached to the cover letter:
    - New A&T plat showing new tax lots 839 and 840; and
    - Two letters authorizing Holland & Knight LLP to represent the new owners of the Property.
  - On May 19, 2025, the Applicant submitted its Affidavit of Maintenance. (Ex. 34.)
  - On May 21, 2025, the Applicant submitted a copy of its hearing presentation. (Ex. 36.)
  - On June 5, 2025, the Applicant submitted draft findings of fact and conclusions of law. (Ex. \_\_.)

### **PROPOSED ZONING**

43. The Application proposed to rezone the Property from the RA-5 zone to the ARTS-3 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.
44. The ARTS-3 zone is consistent with the density parameters established for the Medium Density Residential and Moderate Density Commercial land use designations, as outlined in the CP Framework Element. (CP §§ 227.6 and 227.11.)
45. The ARTS-3 zone is intended to permit medium density, mixed-use development, with a balance of uses conducive to a higher quality of life and environment for residents, business, employees, and institutions. (11-K DCMR § 800.4.)
46. The maximum permitted density in the ARTS-3 zone 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-K DCMR § 801.1.) The maximum permitted building height in the ARTS-3 zone, not including a penthouse, is 65 feet or 75 feet with an IZ development, with no limit on the number of stories. (11-K DCMR § 803.1.)

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

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

47. 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 recommendations of the Near Northwest Area Element and Citywide Elements of the CP, including particularly relevant policies under the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Historic Preservation 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. 5, 5H.)

### **GPM**

48. The Application asserted that the Zoning Map amendment is not inconsistent with the GPM's designations for the Property as a Neighborhood Conservation Area and Main Street Mixed Use Corridor. because: (Ex. 5, 5H, 36.)

- The proposed rezoning is consistent with the definition of a Neighborhood Conservation Area as set forth in CP § 225.4. The CP specifies that Neighborhood Conservation Areas have little vacant or underutilized land and are generally residential in character. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation or neighborhood character where guided by CP policies and the FLUM.
- The proposed rezoning is also consistent with the definition of a Main Street Mixed Use Corridor as set forth in CP § 225.14. The CP states that Main Street Mixed Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. 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.
- The proposed rezoning from RA-5 to ARTS-3 is not inconsistent with the GPM designations of Neighborhood Conservation Area and Main Street Mixed Use Corridor. While Neighborhood Conservation Areas are generally residential in character, the CP anticipates limited change, including infill and reuse that supports neighborhood conservation goals. The ARTS-3 zone permits compatible non-residential uses that reinforce neighborhood vitality without introducing major density changes. Additionally, the rezoning aligns with the Main Street Mixed Use Corridor designation, which encourages pedestrian-oriented, mixed-use development that enhances economic and housing opportunities. The proposed change supports these objectives by facilitating context-sensitive reinvestment and improved neighborhood-serving uses.

### **FLUM**

49. The Application asserted that the Zoning Map amendment is not inconsistent with the FLUM's mixed-use Medium Density Residential and Moderate Density Commercial designations for the Property because: (Ex. 5, 5H.)

- The Medium Density Residential designation applies to neighborhoods generally suited for mid-rise apartment buildings, and can also include pockets of low and moderate density housing within a predominantly medium-density context.
- The Moderate Density Commercial designation is intended for shopping and service areas that are greater in scale and intensity than those found in Low Density Commercial areas.
- Predominant uses in Moderate Density Commercial areas include retail, office, and service businesses, with a range of businesses serving neighborhood to broader market areas.
- Buildings in these areas are generally larger and/or taller than in Low Density Commercial areas, with typical density ranging from 2.5 to 4.0 FAR, although greater density may be permitted through an IZ development or a PUD.
- The ARTS-3 zone allows for a density of 4.0 FAR or 4.8 FAR with IZ, which aligns with the Medium Density Residential and Moderate Density Commercial designations. Specifically, non-residential uses may occupy up to 2.5 FAR, which is consistent with the Moderate Density Commercial designation, which encourages retail, office, and service businesses.

### **Near Northwest Area Element**

50. The Application asserted that the Zoning Map amendment advances the planning objectives outlined in the Near Northwest Area Element because: (Ex. 5H.)

- Rezoning the Property to the ARTS-3 zone permits non-residential uses, such as retail and eating and drinking establishments, within the existing historically designated Church building. This type of adaptive reuse supports the continued use of the structure and contributes to the vitality of established commercial areas, particularly along pedestrian-oriented streets. (NNW-1.1.2.)
- Rezoning the Property to the ARTS-3 zone will ensure that new commercial uses will complement neighboring properties, enrich the community, and contribute to the overall vibrancy of the surrounding area. (NNW-1.1.4.)
- The Property's proximity to the cycle track on 15th Street, along with improved streetscape maintenance associated with future redevelopment, will encourage safer and more accessible connections for both pedestrians and cyclists. (NNW-1.1.10.)
- Revitalizing the Church with new retail uses will foster stronger pedestrian connections and contribute to a more comfortable and inviting environment for the community, consistent with the goal of improving pedestrian links throughout the Near Northwest area. (NNW-1.1.11.)
- The historic preservation design review process will be utilized to promote high-quality architecture and urban design within the Greater Fourteenth Street Historic District. Adaptive reuse of the Church and Parish House will be designed to minimize adverse impacts on adjacent residential areas and historic structures and will maintain the area's historic character. (NNW-1.2.9.)

### **Land Use Element**

51. The Application stated that rezoning the Property will allow non-residential uses, such as retail and eating and drinking establishments, to occupy the Church, thereby encouraging

the development of Metro station areas as mixed-use, walkable neighborhood centers. The Property is located approximately 0.6 miles from the Dupont Circle Metrorail station and approximately 0.5 miles from the McPherson Square Metrorail station. The proposed rezoning will enhance access to local services, jobs, and amenities while reducing reliance on automobiles due to the site's proximity to public transit. (LU-1.4.1.)

52. As provided by the Application, future uses at the Property will be complemented and served by nearby transit infrastructure, such as the bike lanes on 15th Street and nearby bus routes and will promote pedestrian and bicycle access while minimizing the need for automobile use. (LU-1.4.2.)
53. The Application found that the proposed rezoning will enable active, transit-supportive use of a historic landmark located within walking distance of two Metrorail stations, multiple bus routes, and adjacent bike lanes. By promoting pedestrian- and bicycle-oriented activity without introducing suburban development patterns, the amendment enhances safety, accessibility, and the overall transit experience. (LU-1.4.5.)
54. The Application supports that the adaptive reuse of a historic landmark building for non-residential uses along a major corridor promotes growth near transit while preserving the character, scale, and integrity of the surrounding neighborhood. Rezoning the Property will enhance corridor vitality and provide community-serving uses without introducing incompatible development, thereby balancing the District's broader goals for transit-oriented growth with neighborhood conservation. (LU-1.4.6.)
55. The Application asserted that rezoning the Property will help to maintain the neighborhood's historic character while supporting adaptive reuse that will sustain population growth, affordability, and racial equity. (LU-2.1.1.)
56. The Application recognized the importance of revitalizing neighborhoods through adding housing and neighborhood commerce while conserving historic resources and advancing sustainability goals. (LU-2.1.3.)
57. The Zoning Map amendment will result in a project that prioritizes the rehabilitation and adaptive reuse of the historically significant structures on the Property instead of demolition, thereby preserving architectural heritage for continued community use. (LU-2.1.4.)
58. The Application stated that a compatible, small-scale commercial use within a historic landmark in a mixed-use neighborhood near public transportation would enhance the area's pedestrian character and accessibility. By activating an underused site, the Zoning Map amendment would allow for a reuse that serves the neighborhood and creates job opportunities for nearby residents without disrupting the surrounding residential fabric. (LU-2.1.10.)
59. The Application found that adaptive reuse of the historic landmark Church and Parish House enabled by the Zoning Map amendment would not only respect the Property's

historical importance but would also serve as a model for green building and low-impact development, reinforcing the community's character and environmental goals. (LU-3.3.2.)

60. By repurposing the existing structures, the Application asserted that future redevelopment of the Property will contribute to the pedestrian-friendly and transit-accessible character of the area while introducing compatible commercial uses that enhance the neighborhood. (LU-2.1.10.)
61. The Application found that facilitating the adaptive reuse of a historically significant but underused property in a mixed-use, transit-accessible neighborhood will activate the site, deter neglect, and enhance visual quality and public safety by bringing regular foot traffic and ongoing maintenance to the area. (LU-2.2.2.)
62. By allowing for new uses that can bring the existing buildings back into productive use, the Application maintained that vacancy and deterioration would be reduced, thereby encouraging reinvestment and preserving a valued neighborhood institution through rehabilitation rather than demolition. (LU-2.2.3.)
63. The Application stated that continued maintenance of the streetscape and the addition of "eyes on the street" that would be increased with reuse of the Church and Parish House would contribute to neighborhood beautification and improve public safety. Overall, future development of the Property enabled by the Zoning Map amendment directly aligns with key District-wide goals of enhancing livability, promoting transit-oriented growth, and respecting neighborhood character. (LU-2.2.4.)
64. The Application asserted that the Zoning Map amendment would ensure long-term compatibility with the neighborhood by bringing the Property into conformance with updated zoning following the cessation of its institutional use. (LU-2.3.7.)
65. The Application asserted that the character of the surrounding mixed-use neighborhood would be maintained by discouraging auto-oriented strip development and ensuring that any future redevelopment respects the height, mass, and scale appropriate to nearby residential areas. (LU-2.4.5.)
66. The Application stated that the adaptive reuse of the historic landmark Church and Parish House would ensure continued compatibility with surrounding uses and neighborhood character, while also supporting the District's goals for growth and increased density. (LU-2.4.6.)
67. By repurposing the Church for non-residential use while maintaining its historic exterior, the Application confirmed that institutional properties can serve as role models in enhancing the physical environment. The Application further noted that the project supports sustainable development by avoiding demolition and embracing preservation, aligning with the District's broader goals for green building practices and low-impact development. (LU-3.3.2.)
68. The proposed Zoning Map amendment is consistent with the Land Use Element and promotes racial equity by supporting inclusive economic opportunities and access to

revitalization benefits. It fosters a walkable, transit-oriented environment that reduces transportation costs and improves access to jobs and services for lower-income and minority residents. The adaptive reuse of the Church and Parish House enabled by the Zoning Map amendment preserves cultural heritage, creates space for local businesses, and allows for residential use, collectively supporting equitable and sustainable growth.

### **Transportation Element**

69. The Application stated that the Zoning Map amendment is not inconsistent with the Transportation Element and that the ARTS-3 zone would advance several transportation-related policies while addressing long-standing inequities through connectivity, sustainability, and accessible development.
70. The Application stated that the Zoning Map amendment supports transit-oriented development by enabling neighborhood-serving non-residential uses within walking distance of two Metrorail stations, several bus routes, and adjacent bike lanes. This proximity promotes last-mile connectivity and more efficient use of existing transit infrastructure. The adaptive reuse of the historic Church and Parish House will help restore connections between neighborhoods and expand access to jobs and services for all residents, regardless of income or physical ability, thereby advancing equitable transportation outcomes. (T-1.1.4, T-1.1.7, T-1.3.1, T-2.2.1, T-2.2.2)
71. As provided in the Application, the reuse of the Property along the 15th Street cycle track will promote pedestrian and bicycle safety through infrastructure upgrades, such as protected bike lanes, traffic-calming measures, and sidewalk enhancements. These improvements will help transform nearby arterials into safe, multimodal corridors and strengthen pedestrian connectivity in the neighborhood. The proposed changes will benefit communities that have historically lacked investment in accessible infrastructure, thereby promoting equitable, sustainable mobility. (T-2.3.1, T-2.3.2, T-2.3.3, T-2.4.1, T-2.4.2, T-2.5.1)
72. The Application asserted that the adaptive reuse of the historic Church and Parish House will help beautify and stabilize a prominent corridor by encouraging pedestrian-oriented commercial uses without introducing drive-through facilities, surface parking, or new curb cuts. Located in a dense, mixed-use area along a major thoroughfare, the Property supports a vibrant, walkable streetscape and aligns with the District's goals of discouraging automobile-oriented development and enhancing the visual and functional quality of public spaces. (T-1.2.1, T-1.2.3)
73. Through transit-oriented development, inclusive transportation, and enhanced pedestrian and bicycle infrastructure, the Application stated that racial equity will be advanced by reducing car reliance, lowering transportation costs, and expanding access to jobs and services. The resulting streetscape improvements will ensure equitable mobility and economic opportunities for all, advancing a connected, walkable, bikeable, and inclusive community that promotes racial equity through sustainable and accessible development.

## **Housing Element**

74. The Zoning Map amendment would allow for both commercial and residential uses at the Property. Due to practical constraints, the historic Church is better suited for commercial rather than residential use, while the Parish House can accommodate residential use. Upon approval of the Zoning Map amendment, the Property will allow for both residential and non-residential uses consistent with the purposes of the ARTS zones—to expand housing, encourage retail, and promote adaptive reuse—as well as relevant Housing Element policies of the CP.
75. Rezoning the Property to the ARTS-3 zone fosters balanced development that combines residential and non-residential uses, including neighborhood-serving retail and dining. The Application asserts that future retail tenants will enhance access to essential services, stimulate local economic activity, and contribute to a vibrant, inclusive community. Further, neighborhood connectivity would be supported through proximity to bike lanes on 15th Street and potential streetscape enhancements, thereby promoting safer, multimodal access. (H-1.4.6.)
76. The Zoning Map amendment would allow for a mix of residential and commercial uses at the Property. The Application noted that the resulting mixed-use environment will support neighborhood vitality and complement nearby commercial corridors and transit routes, fostering sustainable, transit-oriented development. (H-1.1.4.)
77. The Application asserted that rezoning would support private-sector investment in the adaptive reuse of a historic landmark and in revitalizing the area with neighborhood-serving uses in alignment with District objectives. (H-1.1.1.)
78. The Zoning Map amendment allows for both residential and non-residential uses. Thus, it sets the stage for future inclusive development by enhancing the neighborhood’s vibrancy and accessibility. The Application stated that improvements to the Property enabled by the Zoning Map amendment may attract additional investment, including potential affordable housing, thereby supporting equitable access to opportunity in a high-cost area. (H-1.1.8.)
79. The ARTS-3 zone would allow for the provision of family-sized units. The Application stated that providing new housing opportunities in a walkable, mixed-use neighborhood—proximate to schools, transit, and neighborhood-serving amenities—supports the creation of family-oriented housing in a high-opportunity area. This approach aligns with District goals to increase the availability of suitable housing for families throughout the District. (H-1.1.9.)
80. 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**

81. 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 adaptive reuse of the existing Church and Parish House, and 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.

82. The Application asserted future redevelopment of the Property enabled by the Zoning Map amendment would involve streetscape improvements that could include tree planting and expanded green space, which would help mitigate the urban heat island effect. The adaptive reuse of the existing structures, as permitted by the map amendment, would reduce the need for new construction, and potential landscaping efforts could further decrease heat retention in the area. Given the Property's proximity to numerous public transportation options—including Metrorail, bus routes, bike lanes, and extensive pedestrian infrastructure—the Zoning Map amendment would promote sustainable transportation options, reduce reliance on cars, and contribute to the District's overall sustainability goals. (E-1.1.2.)
83. Additionally, the Application stated that future development is likely to include new street tree planting and maintenance as part of streetscape upgrades. (E-2.1.2.)
84. The Application also asserted future redevelopment of the Property could incorporate green infrastructure, native species planting, and stormwater management techniques. (E-2.1.3.)
85. In addition, the Application stated that the rezoning would ensure that future reuse of the Property would incorporate energy-efficient practices that benefit all residents, particularly sustainable landscaping practices, such as native tree planting and green infrastructure, to beautify the area, manage stormwater, and create a more welcoming pedestrian environment. (E-4.2.1.)
86. 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**

87. The Application stated that the Zoning Map amendment is not inconsistent with the Economic Development Element and that the ARTS-3 zone would align with the District's key economic development goals by promoting non-residential density and fostering mixed-use redevelopment.
88. The Application asserted that rezoning the Property to the ARTS-3 zone will enable the establishment of accessible commercial space that could foster local entrepreneurship. The Application stated that by adaptively reusing a historic building, the map amendment would help create a vibrant commercial environment that attracts diverse business owners and promotes community wealth building. (ED-1.1.4 and ED-2.2.4.)
89. The Application asserted that the Zoning Map amendment would allow for the development of commercial uses at the Property, thereby reinforcing an existing retail node and encouraging new retail activity. The ARTS-3 zone permits a broad mix of commercial uses, which will attract a diverse range of tenants, including local businesses, regional chains, and nationally recognized retailers. This flexibility will help create a dynamic retail

environment that serves both neighborhood needs and broader market demand, strengthening the area's role as a commercial destination. (ED-2.2.5 and ED-3.1.1.)

90. The Application asserted that the Zoning Map amendment will transform an underutilized site into a neighborhood retail hub. The Application stated that this redevelopment supports the District's retail strategy by meeting the demand for goods and services and leveraging the area's local spending power. (ED-2.2.1 and ED-2.2.3.)
91. Furthermore, the Application asserted that the Property's proximity to bike lanes and high pedestrian activity fosters a strong retail node linked to multimodal transit options. (ED-2.2.9.)
92. The Application stated that future commercial uses enabled by the rezoning will potentially create entry-level job opportunities in retail and food services for local residents, particularly those from lower-income households. (ED-4.2.6.)
93. The Application asserted that the Zoning Map amendment will advance racial equity by allowing for the establishment of commercial uses that support local entrepreneurship and economic opportunities for historically marginalized communities. Offering space not otherwise permitted under the current zoning ensures that the economic benefits of reuse are equitably shared. The Application further stated that the transformation of the Property into a mixed-use site will support the surrounding neighborhood by delivering essential services and job opportunities for lower-income residents, many of whom are from communities of color.
94. The Application also asserted that the Property's access to Metrorail, bus routes, and bike infrastructure enhances connectivity to jobs and services, further supporting inclusive and economically vibrant development.
95. 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.

### **Historic Preservation Element**

96. The Application stated that the Zoning Map amendment is not inconsistent with the Historic Preservation Element because the rezoning would allow for mixed-use development while enabling adaptive reuse without compromising the historic integrity of the Church and Parish House.
97. The Application stated that maintaining the historic Church and Parish House, which are contributing structures to the area's heritage and Historic District, and adapting them for new residential and commercial uses, would activate the Property and bring vibrancy to the neighborhood. Adaptive reuse of the historic buildings also ensures that they remain relevant for modern uses without compromising historic integrity. (HP-1.6.1 and HP-2.5.2.)

98. The Application asserted that the Zoning Map amendment to the ARTS-3 zone advances multiple historic preservation policies by enabling the adaptive reuse of the historic Church and Parish House, both of which are contributing structures that define the area's character. This approach preserves the buildings' historic scale and architectural integrity. The District's design heritage will also be enriched by allowing for thoughtful reinvestment that brings modern functionality to the Property. Additionally, reactivating the landmark with new uses compatible with the surrounding neighborhood will enhance the area's identity and reinforce its role as a vibrant, historic part of the District. (HP-1.6.2, HP-1.6.3, HP-1.6.4.)
99. The Application stated that the adaptive reuse of the existing historic Church and Parish House may be done in a manner that balances restoration with modern functionality. Due to the buildings' landmark status, no exterior modifications are permitted, ensuring that their historic façades and architectural features are fully preserved. The Zoning Map amendment facilitates interior renovations only, allowing creative and appropriate adaptations for new uses, such as residential, retail and dining, while maintaining the buildings' historic integrity. This approach supports a thoughtful historic preservation review process and promotes the long-term preservation and relevance of the structures within their historic context. (HP-2.5.1 and HP-2.5.6.)
100. The Application confirmed that any future reuse of the Church and Parish House will reflect appropriate height, density, and design characteristics, ensuring that new interventions are compatible with the neighborhood's historic context in terms of lot coverage, height, and architectural style. Additionally, the Application asserted that the Church and Parish House are historic landmarks, and that the exterior of the buildings may not be altered without HPRB approval. (HP-2.4.1, HP-2.5.3, HP-2.5.4, HP-2.5.5.)
101. Finally, the Application asserted that the Zoning Map amendment supports using historic preservation as a strategy for community-oriented economic growth and activation. Adaptive reuse of the historic structures will also advance equity goals by creating inclusive economic opportunities and accessible community spaces that benefit historically marginalized groups. (HP-4.1.1, HP-4.1.2, HP-4.1.3.)
102. Accordingly, the Application concluded that the rezoning would not be inconsistent with the Historic Preservation Element and would advance numerous policies therein.
103. 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.

#### **Logan Circle Neighborhood Investment Plan**

104. The Application included a detailed analysis of how the Zoning Map amendment would help to advance many of the general recommendations within the LCNIP, including its goals for affordable housing, neighborhood-oriented retail, public realm enhancements, and revitalization through arts and culture. (Ex. 5H.) Thus, the Application concluded that the Zoning Map amendment would enable future reuse of the Property that would

contribute to the long term growth and vitality of the area, consistent with many of the goals of the LCNIP.

### **Racial Equity**

105. 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. 5H.)
106. 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. 5H, 36.)
107. 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. 5H, 36.)
- The area most likely to be impacted by the Zoning Map amendment is the Logan Circle 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 2 Heritage Guide, which describes Logan Circle's history of residential segregation, urban decay due to federal policies related to the distribution of loans, displacement from urban renewal, exclusion from new suburbs, housing inequity, educational disparities, economic marginalization, and health disparities. Such systemic challenges have shaped the Logan Circle 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, and tax incentives through the Office of Tax and Revenue. 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.

108. 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. 50, 36.)
109. 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 historic structures on the Property to be rehabilitated and put to productive use within the context of a mixed use neighborhood along a prominent corridor with extensive public transportation options. The proposed Zoning Map amendment would facilitate the reuse of the Church and Parish House historic landmarks in a manner that reflects the mixed-use character of the Logan Circle neighborhood. The adapted structures could include both residential and commercial uses, thus contributing to the area's vibrancy while preserving its historic fabric. Rezoning would result in physical improvements, enhance accessibility, improve the environment, and address the specific priorities of the community in which the Property is located. (Ex. 50, 36.)
110. Based on the foregoing, and as further described 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.

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

111. The Application identified five policies that were potentially inconsistent with the Zoning Map amendment, specifically: (i) Policy H-1.1.8: Production of Housing in High-Cost Areas; (ii) Policy E-3.2.2 Net Zero Buildings; (iii) Policy E-3.2.3 Renewable Energy; (iv) E-4.1.1: Maximizing Permeable Surfaces; and (v) E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff. 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 protection, economic development, and historic preservation. (Ex. 50, 36.)

### **Public Hearing Testimony**

112. At the public hearing on May 22, 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**

113. OP submitted a report dated January 24, 2025 (the “OP Setdown Report”), recommending the Commission set down the Application for a public hearing. (Ex. 13.)
114. The OP Setdown Report stated that it did not recommend applying IZ Plus in this case because rezoning the Property from the RA-5 zone to the ARTS-3 zone would result in rezoning the Property from a higher maximum FAR to a lower maximum FAR, which does not meet the applicability requirements of 11-X DCMR § 502.1. Additionally, because the Property is fully developed with a structure on the National Register of Historic Places, the development capacity of the Property is significantly limited. Due to historic preservation regulations limiting exterior changes or expansion, the Property does not have a development capacity for additional density beyond the existing building envelope. (Ex. 13, pp. 1, 4.)
115. The OP Setdown Report made the following findings:
- The proposed ARTS-3 zone would be more consistent with the Property’s designations on the FLUM as compared to the existing RA-5 zone. Unlike the RA-5 zone, the ARTS-3 zone allows mixed use development with medium density residential permitted. The RA-5 zone is a high-density residential zone which is not fully consistent with the FLUM map designation. On balance, the ARTS-3 zone is more appropriate for the site as it permits the types of uses envisioned by the mixed-use designation on the FLUM map. (Ex. 13, p. 6.)
  - The ARTS-3 zone would not be inconsistent with the GPM designations for the Property, which would enable the small site to be adaptively reused and add vitality to the neighborhood consistent with the intent of the Neighborhood Conservation Area designation within the GPM. (Ex. 13, pp. 7-8.)<sup>4</sup>
  - 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, Economic Development, and Historic Preservation Elements. It would also further many of the policies in the Near Northwest Area Element. (Ex. 13, pp. 8-9.)
  - The rezoning could allow the Property to be adaptively reused with commercial and residential uses as supported by the FLUM, GPM. The proposed zoning designation would enhance the existing neighborhood and would be consistent with themes for racial equity found in the CP. (Ex. 13, p. 8.)
  - The Application would be not inconsistent with the LCNIP. (Ex. 13, p. 18.)

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<sup>4</sup> The OP Setdown Report stated that the Property was designated only as a Neighborhood Conservation Area on the GPM. As previously noted, OP’s Hearing Report provided further analysis that “a small portion at the north end of the site could be interpreted as being within the Main Street Mixed Use Corridor designation.”

116. 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.)
117. 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.)
118. 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 Property. The proposed ARTS-3 zoning could potentially help the Property move from vacant unused buildings to become adaptively reused as a mixed use development as encouraged by the FLUM. (Ex. 13 pp. 6 and 18.)
119. On March 13, 2025, OP submitted a powerpoint presentation that summarized its conclusions from the OP Setdown Report. (Ex. 14.)
120. OP submitted a report dated May 12, 2025 (the “OP Hearing Report” and together with the Setdown Report, the “OP Reports”), which reiterated the OP Setdown Report’s conclusions and recommended approval of the Application. (Ex. 28.)
121. The OP Hearing Report concluded that the Zoning Map amendment would not be inconsistent with the GPM and FLUM designations or with other adopted policies, including the LCIFP. The OP Hearing Report stated that on balance, the Zoning Map amendment would be more appropriate for the Property, as it would permit the types of uses envisioned by the FLUM’s mixed-use designation and would be consistent with the intent of the Neighborhood Conservation Area and Main Street Mixed Use Corridor designations on the GPM. Although the rezoning is technically a downzoning, it would provide greater flexibility for matter-of-right uses, enabling adaptive reuse of the small site and contributing to neighborhood vitality. The OP Hearing Report also stated that the proposed zone would be consistent with existing zoning to the north and east of the Property. (Ex. 28, pp. 5–8, 18.)
122. At the public hearing, OP reiterated its support for the Application as detailed in its reports.

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

123. DDOT submitted a report dated May 9, 2025 (the “DDOT Report”), stating that it had no objection to the approval of the requested Zoning Map amendment. (Ex. 27, p. 2)
124. DDOT did not testify at the public hearing.

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

125. ANC 2F submitted Form 130 – ANC Setdown Form, dated December 6, 2024, recommending that the Commission set down the Application for a public hearing. (Ex. 12.) The ANC Setdown Form stated that the Property is “severely dilapidated with pest

infection” and described the Applicant’s proposal to rezone the Property to ARTS-3. The ANC Setdown Form asserted that the “proposal raised no controversy among the [ANC Community Development Committee], Commission, or public and the CDC recommended that the ANC support the application for the zoning map amendment.”

126. ANC 2F also submitted a letter dated October 15, 2024 (the “ANC Letter”), stating that at its regularly scheduled public meeting on October 2, 2023,<sup>5</sup> which was properly noticed and attended by a quorum of commissioners, the ANC voted 4-0-0 in support of the Application. (Ex. 16E.)
127. ANC 2F did not testify at the public hearing.
128. ANC 2B did not submit a report on the Application or testify at the public hearing.

## **PERSONS AND ORGANIZATIONS**

129. Three persons appeared at the hearing to testify on the Application.
  - Ms. Britney Sawyer testified in opposition to the proposed rezoning, stating that another church congregation was prepared to purchase the Property, with the intent to maintain its use as an active church. She expressed concern that conversion of the Church to a commercial use would fail to preserve the Property’s historic legacy and would be inconsistent with its longstanding religious and cultural significance.
  - Ms. Selwa “Lucky” Roosevelt testified in opposition to the Zoning Map amendment, describing the Church’s historical and personal significance as the spiritual home of President Theodore Roosevelt. She stated that converting the Church to a commercial use would dishonor its civic and religious legacy, undermine historic preservation efforts, and erase a valuable piece of the city’s cultural heritage. She urged the Commission to reject the proposal and preserve the Church as a space for community inspiration, reflection, and historical continuity.
  - Mr. Christopher Moerman testified in opposition to the proposed Zoning Map amendment, also emphasizing the Property’s historic significance and its association with President Theodore Roosevelt. He noted that there have been multiple offers to purchase the Property that would preserve its historic and spiritual character and expressed concern that approving the rezoning would effectively endorse the Property’s neglect and disregard its historical importance.
130. Several individuals also submitted letters to the case record expressing their opposition to the Application on the grounds that they did not want the buildings on the Property to be redeveloped due to their historic significance. (Ex. 25-26, 29-33, 35, 37-38.) The written letters highlighted the buildings’ historic and spiritual significance, including its association with President Theodore Roosevelt, and expressed concerns with potential conversion to commercial use. While such concerns are valid, the Commission’s role is limited to land use and zoning matters. Issues related to architectural integrity and historic preservation fall under the jurisdiction of the HPRB, and the Property’s landmark status is distinct from its zoning designation. The Property is listed on the National Register of

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<sup>5</sup> The ANC Report incorrectly references that the public meeting was held on October 2, 2023; the correct date was October 2, 2024.



Historic Places and is a contributing building within the 14<sup>th</sup> Street Historic District. Thus, any future alterations of the existing buildings on the Property will be subject to review by the HPRB. Zoning decisions fall within the Commission's purview, while preservation matters are handled by the HPRB. Rezoning to ARTS-3 does not affect existing historic protections and is not a determination on future use. Any adaptive reuse will remain subject to all applicable historic preservation requirements

131. The Commission also finds that the Applicant had robust community outreach, including engagement with ANC 2F, which unanimously supported the Zoning Map amendment.

### **NATIONAL CAPITAL PLANNING COMMISSION**

132. The Commission referred the Application to the National Capital Planning Commission ("NCPC") on May 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.)

133. 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 CP and with other adopted public policies and active programs related to the subject site.”

4. The Commission concludes that 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. 47-112, that the Zoning Map amendment from the RA-5 zone to the ARTS-3 zone for the Property 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 Zoning 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.
8. Based on the foregoing, the Commission finds that the Zoning Map amendment is not inconsistent with the CP. While some inconsistencies with certain individual policies may exist, these concerns are outweighed by broader CP policies that support land use, transportation, housing, environmental preservation, economic development, and historic preservation.

#### **RACIAL EQUITY**

9. 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, including 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 Near Northwest Planning Area. The Commission concludes that the racial equity analyses provided addresses 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 5, 5H, 13, 14, 16, 28, and 36 and FF No. 105-110.

#### **GPM**

10. The Commission concludes that the Zoning Map amendment is not inconsistent with the GPM’s designations of the Property as a Neighborhood Conservation Area and a Main Street Mixed Use Corridor. The Zoning Map amendment will enable the adaptive reuse of existing historic structures to accommodate a new mix of uses, thereby introducing neighborhood-serving uses that will serve the surrounding community. This aligns with the

goal of increasing access to services and amenities at well-located properties—particularly those with access to public transportation—while preserving the historic character of the neighborhood. (FF 27-31, 48, 115, 121.)

### **FLUM**

11. The Commission concludes that the Zoning Map amendment is not inconsistent with the Property’s FLUM designation as Mixed-Use Medium Density Residential and Moderate Density Commercial because the ARTS-3 zone would allow for a density of 4.0 FAR, or 4.8 FAR with IZ, which aligns with the Moderate Density Commercial designation. The Commission also concludes that the Zoning Map amendment from the RA-5 zone to the ARTS-3 zone will allow for a maximum non-residential density of 2.5 FAR, which is also consistent with the Moderate Density Commercial designation and encourages retail, office, and service uses. (FF 32-36, 49, 115, 121.)

### **NEAR NORTHWEST AREA ELEMENT**

12. The Commission concludes that the Zoning Map amendment furthers the policies of the Near Northwest Area Element by allowing for future reuse of the historically designated Property through rezoning to the ARTS-3 zone. This rezoning will enable both residential and non-residential uses at the Property, which will revitalize the vacant site, contribute to the area’s unique character, and provide services that meet the needs of residents, workers, and visitors. The proposal will enhance pedestrian-oriented streets, complement neighboring properties, and promote a vibrant mixed-use corridor. For these and other reasons described in FF Nos. 37 and 50, the Commission concludes that the Application is not inconsistent with the Near Northwest Area Element.

### **LAND USE ELEMENT**

13. The Commission concludes that the Zoning Map amendment furthers the Land Use Element because it supports the adaptive reuse of the historic Property by permitting both residential and non-residential uses. Situated near two Metrorail stations and well-served by transit infrastructure, reuse of the Property will foster a walkable, transit-oriented environment, reduce reliance on automobiles, and improve access to jobs, services, and amenities. The amendment balances historic preservation with thoughtful adaptation, maintaining the neighborhood’s character while enhancing sustainability and avoiding demolition of culturally significant structures. It also contributes to pedestrian safety, public space activation, and streetscape improvements. Importantly, the rezoning advances racial equity by creating inclusive economic opportunities, reducing transportation burdens, and supporting neighborhood-serving businesses that benefit historically marginalized communities. Through these outcomes, the amendment promotes equitable, resilient growth that aligns with citywide land use priorities. For these and other reasons described in FF Nos. 51-68 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Land Use Element.

### **TRANSPORTATION ELEMENT**

14. The Commission concludes that the Zoning Map amendment furthers the Transportation Element because it will support transit-oriented development, improve pedestrian and bicycle infrastructure, and enhance multimodal connectivity in a walkable, mixed-use neighborhood. By allowing both residential and non-residential uses, the Zoning Map

amendment will enable the activation of an underutilized site adjacent to protected bike lanes and near major bus routes, strengthening last-mile connections and reducing reliance on cars. Future redevelopment will also incorporate streetscape improvements that promote safety, accessibility, and neighborhood beautification. The adaptive reuse of existing buildings enabled by the Zoning Map amendment will create direct multimodal links between neighborhoods, while upgraded pedestrian environments will further support a safe and connected transportation network. Importantly, the amendment advances racial equity by expanding access to transit-served jobs and services, lowering transportation costs, and ensuring that mobility improvements benefit all residents, including low-income and historically marginalized communities. For these and other reasons described in FF Nos. 69-73 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Transportation Element.

### **HOUSING ELEMENT**

15. The Commission concludes that the Zoning Map amendment furthers the Housing Element because it facilitates a balanced mix of uses within the existing structures, expanding housing opportunities while supporting neighborhood-serving retail. This approach promotes vibrant, transit-accessible development that enhances access to jobs, amenities, and essential services. The adaptive reuse of existing buildings respects historic preservation goals and encourages private-sector participation in revitalization efforts. By fostering inclusive growth and improving neighborhood vitality, the rezoning supports racial equity by ensuring that longstanding and historically marginalized residents benefit from new investments, reduced transportation costs, and an enhanced quality of life within a more accessible and economically diverse community. For these and other reasons described in FF Nos. 74-80 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Housing Element.

### **ENVIRONMENTAL PROTECTION ELEMENT**

16. The Commission concludes that the Zoning Map amendment furthers the Environmental Protection Element because it supports environmentally responsible development through the adaptive reuse of existing structures and the potential for enhanced landscaping and green infrastructure. The Zoning Map amendment will allow the reuse of a historic landmark building, mitigate the urban heat island effect, and support sustainable transportation due to the Property's proximity to public transit, bike lanes, and pedestrian infrastructure. Future redevelopment would include streetscape improvements such as tree planting and sustainable landscaping, contributing to neighborhood beautification and resilience. These enhancements will promote a healthier and more livable community while advancing racial equity by ensuring that the environmental and transportation benefits of redevelopment—such as reduced heat exposure, lower transportation costs, and improved public spaces—are accessible to all residents, including those from historically underserved communities. For these and other reasons described in FF Nos. 81-86 and the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Environmental Protection Element.

### **ECONOMIC DEVELOPMENT ELEMENT**

17. The Commission concludes that the Zoning Map amendment furthers the Economic Development Element because it will enable the adaptive reuse of an underutilized

property into a vibrant mixed-use space that can support local entrepreneurship, attract diverse business owners, and strengthen neighborhood retail offerings. By facilitating a mix of commercial and housing uses near transit and pedestrian infrastructure, the Zoning Map amendment promotes economic activity and job creation, particularly in entry-level sectors such as retail and food services. This increased access to employment and commercial opportunities benefits surrounding residents and contributes to a more dynamic and resilient local economy. The Zoning Map amendment also advances racial equity by fostering inclusive economic growth, expanding access to affordable commercial space, and promoting community wealth building for historically marginalized populations, particularly those from communities of color who disproportionately face barriers to business ownership and employment. For these and other reasons described in FF Nos. 87-95 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Economic Development Element.

### **HISTORIC PRESERVATION ELEMENT**

18. The Commission concludes that the Zoning Map amendment furthers the Historic Preservation Element because it facilitates the adaptive reuse of historically significant buildings in a manner that retains their architectural integrity and ensures their continued relevance in the community. By preserving the historic Church and Parish House and allowing them to accommodate new, neighborhood-serving uses and housing, the amendment protects the character and identity of the area while promoting compatible development. This approach discourages demolition and facadism, prioritizing the integrity of the original structures and enhancing the neighborhood's cultural fabric. The amendment also advances racial equity by using preservation as a tool for inclusive community development, fostering economic opportunity, and creating accessible spaces that benefit historically marginalized residents. For these and other reasons described in FF Nos. 96-103 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the CP Historic Preservation Element.

### **LOGAN CIRCLE NEIGHBORHOOD INVESTMENT PLAN (LCNIP)**

19. The Commission concludes that the Zoning Map amendment is not inconsistent with the LCNIP because it would support key revitalization strategies by promoting neighborhood-serving retail, enhancing the public realm, and fostering cultural vibrancy. By allowing for commercial uses through the adaptive reuse of existing structures, the Zoning Map amendment contributes to a more active and attractive streetscape, increases pedestrian activity, and strengthens the local economy. These uses also align with efforts to support arts and culture by creating spaces that serve as social and community hubs. Collectively, the Zoning Map amendment advances the overarching goals of the LCNIP to create a vibrant, inclusive, and economically resilient neighborhood. For these and other reasons described in FF Nos. 38-41 and in the OP Reports, the Commission concludes that the Application is not inconsistent with the LCNIP.

### **POTENTIAL INCONSISTENCIES OUTWEIGHED**

20. The Application identified five CP policies that were potentially inconsistent with the Zoning Map amendment, specifically: (i) Policy H-1.1.8: Production of Housing in High-Cost Areas (ii) Policy E-3.2.2 Net Zero Buildings; (iii) Policy E-3.2.3 Renewable Energy; (iv) E-4.1.1: Maximizing Permeable Surfaces; and (v) E-4.1.2: Using Landscaping and

Green Roofs to Reduce Runoff. However, the Commission concludes that while the Zoning Map amendment may be viewed as being potentially inconsistent with these identified CP policies, 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 protection, economic development, and historic preservation that are discussed above. (FF 47, 111.)

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

21. 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)).
22. 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 Near Northwest 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 113-122.)

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

23. 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)).
24. The ANC 2F Report expressed the ANC’s recommendation of support for the Zoning Map amendment and did not raise any issues or concerns. The Commission concurs with ANC 2F’s recommendation. (FF 125-127.)

### **CONCLUSION**

25. The Commission acknowledges the opposition testimony submitted to the record and presented at the public hearing and understands the concerns related to preserving the historic structures on the Property. However, for the reasons stated herein, the Commission finds that the Application fully meets the standards for approval of a Zoning Map amendment under Subtitle X, Chapter 5, and that any proposed redevelopment of the

Property under the approved ARTS-3 zone will be not inconsistent with the CP and will be fully evaluated under all applicable historic preservation laws. As set forth in the Applicant's materials submitted to the case record, the Commission finds that the purpose of this Zoning Map amendment is to allow for greater flexibility in the types of uses that could potentially be permitted to occupy the interior of the vacant historic structures on the Property. Doing so would allow for limited commercial uses that are not currently permitted under the existing RA-5 zone designation, but which would fulfill the District's goals of creating areas with access to opportunity, services, and amenities for District residents, and for reusing existing structures in a sustainable and productive manner.

### **DECISION**

In consideration of the record for Z.C. Case No. 24-16 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  |
|--------|----------|----------------|
| 210    | 839, 840 | RA-5 to ARTS-3 |

### **Proposed Action**

Vote (May 22, 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. 24-16 shall become final and effective upon publication in the District of Columbia Register, that is on \_\_\_\_\_.