



September 22, 2025

Eric J. DeBear

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VIA IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

RE: ZC Case No. 25-01
Applicant's Proposed Findings of Fact and Conclusions of Law

Chairperson Hood and Honorable Members of the Commission:

On behalf of the Applicant, Ward Memorial AME Church (the "Applicant"), please find enclosed draft findings of fact and conclusions of law for the subject application. This filing is made pursuant to the Commission's request during the September 15, 2025 hearing and the requirements of Subtitle Z § 601.1.

Sincerely,
COZEN O'CONNOR


Eric J. DeBear

Certificate of Service

I HEREBY CERTIFY that on this 22nd day of September, 2025, a copy of this Cover Letter with attachments was served, via email, on the following:

District of Columbia Office of Planning
c/o Joshua Mitchum
1100 4th Street SW, Suite E650
Washington, DC 20024
Joshua.Mitchum@dc.gov

Advisory Neighborhood Commission 7F
c/o Tyrell Holcomb, Chair
Kimory Orendoff, SMD 7F03
7F01@anc.dc.gov
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Eric J. DeBear

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF
COLUMBIA ZONING COMMISSION ORDER NO. 25-01
Z.C. Case No. 25-01
Ward Memorial AME Church
(Zoning Map Amendment @ Square 5088, Lots 147 and 852 and Square 5087, Lot 74)
September 15, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on September 15, 2025 to consider the application (the “Application”) of Ward Memorial AME Church (“Applicant”) for approval of an amendment to the Zoning Map from the RA-1 zone to the RA-2 zone (the “Map Amendment”) for the property located at 241 42nd Street NE (Square 5088, Lots 147 and 852) and 227 42nd Street NE (Square 5087, Lot 74) (collectively, the “Property”) pursuant to Subtitle X § 500.1 of the Zoning Regulations for 2016, Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations”). The Commission determined the Map Amendment is not appropriate for Inclusionary Zoning Plus (“IZ+”).

The Commission considered the Application as a contested case pursuant to Subtitle A § 210 and Subtitle Z, Chapter 4. For the reasons set forth below, the Commission hereby **APPROVES** the Application.

FINDINGS OF FACT

I. Background

Parties

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant;
 - Advisory Neighborhood Commission 7F (“ANC 7F”), the ANC in which the Property is located and, therefore, an “affected ANC” pursuant to Subtitle Z § 101.8.
2. The Commission received no requests for party status.

Notice

3. Pursuant to Subtitle Z § 301.6, on July 26, 2024, the Applicant mailed a Notice of Intent to

Applicant's Draft Order

file a Zoning Application to all property owners within 200 feet of the Property and to ANC 7F. (Exhibit (“Ex.”) 3E).

4. On February 6, 2025, the Office of Zoning (“OZ”) provided notice of the Application filing to the following:

- The Applicant;
- ANC 7F;
- ANC Single Member District (“SMD”) 7F01;
- ANC SMD 7F03;
- Councilmember Wendell Felder;
- Office of ANC;
- Office of Planning (“OP”);
- D.C. Department of Transportation (“DDOT”);
- D.C. Department of Buildings (“DOB”);
- Zoning Commission lead attorney;
- D.C. Department of Energy and Environment (“DOEE”);
- At-Large Councilmembers and the Chair of the Council; and
- Owners of property within 200 feet of the Property.

(Ex. 9)

5. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) provided notice of the September 15, 2025 public hearing by:

- On June 5, 2025, a letter with the Notice of Public Hearing sent to:
 - The Applicant;
 - ANC 7F;
 - ANC SMD 7F01;
 - ANC SMD 7F03;
 - Councilmember Wendell Felder;
 - Office of ANC;
 - OP;
 - DDOT;
 - DOB;
 - Zoning Commission lead attorney;
 - DOEE;
 - At-Large Councilmembers and the Chair of the Council; and
 - Owners of property within 200 feet of the Property.

(Ex. 16)

- Publication of the Notice of Public Hearing in the June 20, 2025 edition of the *D.C. Register*. (Ex. 14).

6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on August 5, 2025 and maintained such notice. (Ex. 18, 24).

The Property

7. The Property is comprised of three lots totaling 31,502 sq. ft. Lot 147 and Lot 852 (the “Sanctuary Lots”) in Square 5088 are improved with a church building and Fellowship Hall used by the Applicant. Lot 74 in Square 5987 (the “Vacant Lot”) is improved with a two-story building previously used as a child development center, but currently vacant. (Ex. 3).
8. The Property has frontage on 42nd Street NE. The Sanctuary Lots are contiguous and located between Brooks Street NE and Clay Street NE. The Vacant Lot is located across Brooks Street NE to the south of the Sanctuary Lots. (Ex. 3).
9. The Property is located in the “Mahaning Heights” neighborhood in Ward 7. The surrounding area is residential with some commercial uses along Benning Road. The areas to the south of the Property are also zoned RA-1 and feature low- to moderate-density multi-family buildings. The areas to the north and east of the Property are primarily single-family homes in the R-2 zone. Fort Mahan Park is located directly cross 42nd Street to the west of the Property. (Ex. 3).
10. The Benning Road and Minnesota Avenue Metrorail Stations are approximately ½ mile from the Property. Metrobus lines V7 and V8 run along Benning Road NE with the closest bus stop less than one block from the Property. (Ex. 3).

Current Zoning

11. The Property is currently in the RA-1 zone, which provides for “areas predominantly developed with low- to moderate-density development, including detached houses, row houses, and low-rise apartments.” *See* Subtitle F § 101.4. The RA-1 zone has a maximum floor-area-ratio (“FAR”) of 0.9 that can increase to 1.08 with Inclusionary Zoning (“IZ”) compliance. Subtitle F § 201.1, 201.4. The maximum building height is 40 feet and three stories. Subtitle F § 203.2. The maximum lot occupancy is between 40% and 60%. Subtitle F § 210.1. Multi-family residential uses are not permitted as a matter-of-right in the RA-1 zone.

Comprehensive Plan

12. Pursuant to Subtitle X § 500.3, the Commission shall find that the Map Amendment is not inconsistent with the Comprehensive Plan (Title 10A of the D.C. Municipal Regulations) (the “Comprehensive Plan”) and with other adopted public policies and active programs related to the Property.
13. The Commission is required to determine whether the Map Amendment is not inconsistent with the Comprehensive Plan as viewed through a racial equity lens. 10A DCMR §§ 2501.4-250.16, 2501.8. The consideration of equity is intended to be based on the policies of the Comprehensive Plan, and part of the Commission’s consideration of whether the Map Amendment is “not inconsistent” with the Comprehensive Plan, rather than a separate determination about a zoning action’s equitable impact.

14. The Comprehensive Plan's 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. 10A DCMR § 213.6. Further, “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities.” 10A DCMR § 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. 10A DCMR § 213.9.
15. The Comprehensive Plan's Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas of the District.” 10A DCMR § 2501.6. In addition, 10A DCMR § 2501.8 suggests to prepare and implement tools to use as a part of the Commission's evaluation process. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool (the “Tool”) in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and the Office of Planning analyzing the zoning action's consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action

Generalized Policy Map (the “GPM”)

16. The Comprehensive Plan's GPM identifies the Sanctuary Lots as a “Neighborhood Enhancement Area,” a designation that is intended for neighborhoods with “substantial amounts of vacant and underutilized land. They include areas that are primarily residential in character; as well as mixed-use and industrial areas.” 10A DCMR § 225.6. “These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and, where appropriate, light industrial facilities.” *Id.* Further, “[n]ew housing is encouraged in a Neighborhood Enhancement Area “to improve the neighborhood and must be consistent with the land-use designation on the Future Land Use Map and with Comprehensive Plan policies.” 10A DCMR § 225.7.
17. The GPM identifies the Vacant Lot as a “Neighborhood Conservation Area.” These areas are “generally residential in character,” where “maintenance of existing land uses and community character is anticipated over the next 20 years.” 10A DCMR § 225.4. While “major changes in density over current (2017) conditions are not expected. . .some new

development and reuse opportunities are anticipated, and these can support conservation of neighborhood character..." *Id.* Accordingly, "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." *Id.* § 225.5.

Future Land Use Map (the "FLUM")

18. The Comprehensive Plan's FLUM identifies the Property for "Moderate Density Residential" use. This designation is intended for "areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings." *See* 10A DCMR § 227.6. Density is typically up to 1.8 FAR "although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development." *Id.* The "R-3, RF and RA-2 Zone Districts are consistent with the Moderate Density Residential category." *Id.*
19. The Property is within the Far Northeast and Southeast Area Element, which calls for, among other policies:
 - Recognizing the value and importance of established single-family neighborhoods to the character of the local community and to the entire District. 10A DCMR § 1708.2.
 - Encouraging new mixed-use, mixed-income development for area residents on vacant lots and around Metro stations and on underused commercial sites along the area's major avenues. Also seek to ensure that the housing remains affordable for current and future residents. 10A DCMR § 1708.3.

II. The Application

Proposed Zoning

20. The Applicant seeks to rezone the Property to the RA-2 zone.
21. The purpose of the RA zones are to, among other things:
 - Promote flexibility by allowing all types of residential development;
 - Promote stable residential areas while permitting a variety of types of urban residential neighborhoods
 - Promote a walkable living environment; and
 - Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public space.

See Subtitle F § 101.2.

22. The RA-2 zone "provides for areas developed with predominantly moderate-density

residential" uses. *See Subtitle F § 101.5.*

23. The RA-2 zone provides for a maximum FAR of 1.8, which can increase to 2.16 with Inclusionary Zoning compliance. Subtitle F § 201.1, 201.4. The maximum building height in the RA-2 zone is 50 feet. Subtitle F § 203.2. The maximum lot occupancy is 60%. Subtitle F § 210.1. A multi-family residential use is permitted as a matter-of-right in the RA-2 zone. Subtitle U § 401.1(d)(1).

Applicant's Justification of Relief

Not inconsistent with the Comprehensive Plan

24. In the Application, the Applicant asserts that the proposed Map Amendment is not inconsistent with the Comprehensive Plan, including the Property's designations in the GPM and FLUM, and advances racial equity goals, as more fully set forth below.

GPM

25. The Applicant asserted that the Map Amendment is not inconsistent with the GPM because the Property's "Neighborhood Enhancement Area" encourages compatible infill development, including new housing provided it is consistent with the FLUM and other Comprehensive Plan policies. (Ex. 3).
26. The Applicant also asserted the proposed RA-2 zone would allow for increased residential density at the Property that can help to address city-wide housing needs. Nonetheless, the RA-2 zone is a moderate-density residential zone that will ensure the limited impact and changes in density to the residential character of the area. (Ex. 3).

FLUM

27. The Applicant asserted that the Map Amendment is not inconsistent with the FLUM because the Property's "Moderate Density Residential" designation expressly states that the RA-2 zone is consistent with that category. The contemplated density in the "Moderate Density Residential" designation is 1.8, although increased density can be possible when complying with IZ. The RA-2 zone allows an FAR of 1.8, which can rise to 2.16 with IZ. (Ex. 3).

Land Use Element

28. The Applicant asserted that the Map Amendment is not inconsistent with the policies of the Comprehensive Plan's Land Use Element because the Map Amendment will allow for the adaptive reuse and reinvestment of underutilized property near Benning Road NE, a major thoroughfare connecting the District on each side of the Anacostia River. Further, the Application will upzone the Property to allow for more housing in close proximity to public transit and a large public park. (LU-1.4.6). The RA-2 zone represents a modest increase in permitted density that ensures and redevelopment at the Property will remain compatible with the surrounding neighborhood. (LU-2.1.1, LU-2.1.3, LU-2.1.5, LU-2.1.8)

(Ex. 3).

Transportation Element

29. The Applicant asserted that the Map Amendment is not inconsistent with the policies of the Comprehensive Plan's Transportation Element because the Map Amendment would allow for greater residential density in close proximity to Metrorail and Metrobus lines. (T-1.2.2) (Ex. 3).

Housing Element

30. The Applicant asserted that the Map Amendment is not inconsistent with the policies of the Comprehensive Plan's Housing Element because the Map Amendment would upzone the Property to allow for more affordable housing on site. (H-1.1.3, H-1.2.1, H-1.2.2, H-1.2.3, H-1.2.7). A potential development in the RA-2 zone would create homeownership opportunities as well as larger family units, which are unique and desired in the District as it would contribute to the diversity of the District's housing stock (H-1.1.5, H-1.1.9, H-1.3.1, H-3.1.1) (Ex. 3).

Far Northeast and Southeast Area Element

31. The Applicant asserted that the Map Amendment is not inconsistent with the policies of the Comprehensive Plan's Far Northeast and Southeast Area Element by promoting the development of new housing while also ensuring the Property remains compatible with the surrounding low- to moderate-density neighborhood. (FNS-1.1.1, FNS-1.1.2). (Ex. 3).

Racial Equity

32. The Applicant asserted that the Map amendment would not be inconsistent with the racial equity policies and goals of the Comprehensive Plan. The Applicant analyzed this consistency as viewed through a racial equity lens by applying the Tool. The Applicant noted that the Map Amendment furthers three policies identified in OP's Equity Crosswalk as specifically advancing racial equity. Further, given the Tool's emphasis on community outreach and engagement, the Applicant detailed the extensive outreach with ANC 7F and the community, including through multiple events hosted by the Applicant. The Applicant also outlined the history of the Mahaning Heights neighborhood as a majority-black area that has long faced discrimination and disinvestment that results in lower levels of household income and homeownership. (Ex. 3).

33. In applying the Tool's equitable development indicators, the Applicant asserted the Map Amendment would have a positive outcome in terms of direct physical displacement because there are no residential tenants at the Property. The Applicant also asserted the Map Amendment can allow for an increase of housing and affordable housing at the Property, and, therefore, the Map Amendment has a positive outcome on housing. The Applicant argues that the Map Amendment will have a positive outcome on transportation and infrastructure because the Property is proximate to public transit options and a redevelopment would require improvements to adjacent public space. (Ex. 3).

III. Responses to the Application

Office of Planning

34. OP submitted a report dated April 28, 2025 (the “OP Setdown Report”) recommending that the Commission set down the Application for a public hearing. (Ex. 10). OP concluded the Map Amendment is not inconsistent with the Comprehensive Plan and did not recommend the Map Amendment be subject to IZ+. OP’s analysis of the Map Amendment was based on the following:

- **GPM** – The proposed RA-2 zone is consistent with the Neighborhood Enhancement Area and Neighborhood Conservation Area designation because it provides a modest increase in density while promoting infill housing and strengthening the Applicant’s existing institutional use as a church.
- **FLUM** – The Framework Element specifically identifies the RA-2 zone as consistent with the Moderate Density Residential use designation.
- **Land Use Element** - The proposal would not be inconsistent with the Land Use Element of the Comprehensive Plan because the Property is in close proximity to two Metrorail Stations and is well served by buses on Benning Road. The Map amendment would allow increased affordable housing units but ensure that future development for the Property will remain compatible with the surrounding neighborhood.
- **Housing Element** - The proposed RA-2 zone would allow for more housing units to be developed on the Property and to diversify the neighborhood’s housing stock.
- **Transportation Element** – Benning Road NE is a major corridor in the District, and the proposed RA-2 zone would allow additional housing that would have access to local transit options for residents of a wider income variety.
- **Economic Development Element** – The proposed RA-2 zone would not permit new commercial development, consistent with FLUM and GPM direction, but the new residents of any potential development facilitated by the proposed zoning would support existing close by retail nodes.
- **Far Northeast and Southeast Area Element** - The proposed RA-2 upzoning would increase the amount of affordable housing units available to better utilize the land while still conserving the overall low-to-moderate-density characteristic of the surrounding neighborhood. The subject site is not located within a Policy Focus Area.
- **Racial Equity** – The Map Amendment is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. This conclusion was based on

OP's application of the Tool, including analysis of disaggregated data and equitable development indicators.
(Ex. 10).

35. The OP Setdown Report did not recommend applying IZ+ to the Map Amendment because the Far Northeast/Southeast Planning Area already contains a disproportionately high number of the District's affordable housing. Within this Planning Area, 1,267 new affordable units have been added since 2019, which significantly exceeds the planning area's new affordable housing production target of 490 units.
(Ex. 10).

36. OP submitted a hearing report dated September 5, 2025 ("OP Hearing Report") that reiterated the findings and conclusions in the OP Setdown Report, and continued to recommend approval of the Map Amendment. (Ex. 23).

37. At the September 15, 2025 public hearing, OP testified in support of the Map Amendment and reiterated its recommendation from the OP Setdown Report and OP Hearing Report.

DDOT Report

38. DDOT submitted a report dated September 5, 2025 (the "DDOT Report") stating no objection to the proposed Map Amendment. DDOT's report notes that the Map Amendment could allow for a minor increase in the amount of vehicular trips, transit, biking and walking trips to the Property, but that this would have a minimal impact on the roadway network. (Ex. 21).

ANC Report

39. ANC 7F did not submit a written report in the case record and a representative of ANC 7F did not appear to testify at the public hearing.

Letters in Support or Opposition

40. There is one letter of support filed in the record by the D.C. Office of Attorney General ("OAG"). OAG recommended the Commission approve the Map Amendment due to its many consistencies with the Comprehensive Plan, including policies geared toward the creation of affordable housing and anti-displacement measures. However, OAG did request the Commission apply IZ+ to the Map Amendment because the IZ+ regulations reflect a desire to distribute affordable housing more equitably but also recognized that affordable housing production was insufficient to meet current *and* future demand. Applying IZ+ would better ensure continued production of affordable housing regardless of changes to ownership or in the surrounding neighborhood of the Property. (Ex. 22).

41. There is also a petition in support filed in the record, which is signed by 80 individuals, many of whom live nearby to the Property. (Ex. 20).

42. There is one letter of opposition filed in the record by Kia Chatmon, who lives at 303 42nd Street NE. Ms. Chatmon argues that a building in the RA-2 zone is not sufficiently sensitive to the surrounding residential neighborhood, and that the potential building height is too tall for the lower-density homes in the area. Ms. Chatmon encouraged the church to assess whether the current buildings at the Property could be renovated under the existing zoning. (Ex. 27).

National Capitol Planning Commission (“NCPC”)

43. On _____, the Commission referred the Map Amendment to NCPC for review and comment pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code § 1-201 *et seq.* (Ex. ____).

44. NCPC submitted letter dated _____ stating that the Application was not inconsistent with the Comprehensive Plan for the National Capital and would not adversely impact any other identified federal interests. (Ex. ____).

III. Conclusions of Law

Authority

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797, ch. 534; D.C. Official Code § 6-641.01, *et seq.* (2012 Repl.)) (the “Zoning Act”) authorizes the Commission to create zones within which the Commission may regulate the construction and use of property in order to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital.”
2. Section 2 of the Zoning Act (D.C. Official Code § 6-641.02) further provides that:

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

Not Inconsistent with the Comprehensive Plan (Subtitle X § 500.3)

3. Pursuant to Subtitle X § 300.5, the Commission shall find that the Map Amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property.
4. The Commission concludes, based on the filings and testimony of the Applicant and OP, that the Map Amendment from the RA-1 zone to the RA-2 zone is not inconsistent with the Comprehensive Plan as a whole, including the Comprehensive Plan's maps and elements, and will advance a number of Comprehensive Plan elements as discussed below.
5. Even if the Map Amendment conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the Map Amendment would be consistent with the Comprehensive Plan as a whole. (*See Durant v. D.C. Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013)).

Racial Equity

6. The Commission concludes the Map Amendment is not inconsistent with racial equity policies because
 - The Map Amendment will increase allowable density on the Property, which will enhance the opportunity to redevelop the Property with housing and affordable housing and allow the Applicant to reinvest in its Property and congregation.
 - The Property is in a transit-oriented neighborhood thereby increasing accessibility and opportunity for future residents at the Property.
 - The Map Amendment and potential redevelopment of the Property will not result in any displacement of existing residents because the Property is not currently used for residential purposes.
 - The Applicant conducted extensive community outreach, including 80 signatures in support of the Map Amendment.

(Findings of Fact (“FF”) 32-34).

GPM

7. The Commission concludes the Map Amendment is not inconsistent with the GPM's designation for the Property as a Neighborhood Enhancement Area and Neighborhood Conservation Area because:
 - The Neighborhood Enhancement Area designation encourages compatible infill development, including for new housing, that is otherwise consistent with the FLUM and District-wide Comprehensive Plan policies. The proposed RA-2 zone is directly consistent with the FLUM designation and the Applicant has demonstrated several other District-wide policies that are not inconsistent with the Map Amendment.

- While the Neighborhood Conservation Area is generally intended for stable residential neighborhoods where maintenance of existing land uses is anticipated, development is not precluded in Neighborhood Conservation Areas, particularly where it can help to address city-wide housing needs. The proposed RA-2 zone can support this goal of addressing city-wide housing needs while conserving neighborhood character.
- The impact of increased density on the surrounding neighborhood, some of which is low-density, is further limited by the fact the Property does not directly abut other properties, as it is circumscribed by three public streets and a public alley.

(FF 25-26, 34).

FLUM

8. The Commission concludes the Map Amendment is not inconsistent with the FLUM's designation of Moderate Density Residential uses for the Property because:

- The Moderate Density Residential designation expressly states that the RA-2 zone is consistent with that category.
- The RA-2 zone permits a maximum density of 1.8 (2.16 with IZ), which is within the FAR contemplated in the Moderate Density Residential designation of 1.8 that can be increased when complying with IZ.

(FF 27, 34).

Land Use Element

9. The Commission concludes the Map Amendment is not inconsistent with the Land Use Element because:

- The Map Amendment will encourage redevelopment and reinvestment in the Property, by allowing for the potential of new housing and affordable housing opportunities in a neighborhood that is proximate to public transit options.
- The proposed RA-2 zone represents a modest increase in density and, therefore, will respect the pattern of development in the neighborhood.

(FF 28, 34).

Housing Element

10. The Commission concludes the Map Amendment is not inconsistent with the Housing Element because it encourages new housing and affordable housing opportunities that will include potential homeownership and large unit sizes.

(FF 29, 34).

Transportation Element

11. The Commission concludes the Map Amendment is not inconsistent with the Transportation Element because the Map Amendment would allow for greater residential density in close proximity to Metrorail and Metrobus lines and would potentially result in improvement to surrounding public space if the Property is redeveloped.

(FF 30, 34).

Far Northeast and Southeast Area Element

12. The Commission concludes the Map Amendment is not inconsistent with the Far Northeast and Southeast Area Element, which encourages new housing opportunities while respecting the character of surrounding low- and moderate-density neighborhoods.

(FF 31, 34)

“Great Weight” to the Recommendations of OP

13. The Commission must give “great weight” to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).
14. The Commission finds persuasive OP’s evaluation of the Map Amendment and agrees with OP’s conclusion that the Map Amendment is not inconsistent with the Comprehensive Plan as a whole and other applicable public policies. The Commission also concurs with OP’s recommendation that the Map Amendment is not appropriate for IZ+ set aside requirements because the Far Northeast and Southeast Planning Area has exceeded its affordable housing production goals established by the Mayor’s Office in 2019.

(FF 35).

“Great Weight” to the Written Report of the ANC

15. 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 this 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).

16. ANC 7F did not submit a written report in the case record. Accordingly, there are no issues and concerns for which the Commission shall give great weight.

DECISION

In consideration of the record for Z.C. Case 25-01 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
5088	147 and 852	RA-1 to RA-2
5087	74	RA-1 to RA-2

Proposed Action

Vote (September 15, 2025): 4-0-1 (Anthony J. Hood, Robert E. Miller, Gwen Wright, and Dr. Joseph S. Imamura to APPROVE; Tammy Stidham not present)

Final Action

Vote (____): ____ (Anthony J. Hood, Robert E. Miller, Gwen Wright, and Dr. Joseph S. Imamura to APPROVE; Tammy Stidham not present)

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on _____.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

**ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION**

**SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL

Applicant's Draft Order

APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.