

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSIONER ORDER NO. 25-04**  
**Z.C. CASE NO. 25-04**  
**Ed Villard**  
**Zoning Map Amendment @ Square 5341, Lot 34**  
**5045 Hanna Place SE Washington, DC 20019**  
**January 17, 2026**

Pursuant to notice, at its public hearing on January 8, 2026, the Zoning Commission for the District of Columbia (the “Commission”) considered an application filed by Ed Villard (the “Applicant”) pursuant to Subtitle X, Chapter 5 and Subtitle Z §§ 201.2(e) and 304 of the District of Columbia Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”)), to which all references are made unless otherwise specified, for an amendment to the Zoning Map from the R-2 zone to the MU-4 zone (the “Map Amendment” or “Application”) for property located at 5045 Hanna Place SE (Square 5341, Lot 34) (the “Property”).

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

**FINDINGS OF FACT**

**I. BACKGROUND**

**PARTIES**

1. In addition to the Applicant, the only other party to this case was Advisory Neighborhood Commission (“ANC”) 7E, the ANC in which the Property is located and the “affected ANC” pursuant to Subtitle Z §§ 101.8 and 403.5(b).
2. The Commission received no requests for party status.

**NOTICE**

3. On March 10, 2025, the Applicant mailed a Notice of Intent to file the Application to all property owners within 200 feet of the Property and to ANC 7E, as required by Subtitle Z § 304.5 (Exhibit [“Ex.”] 3D).
4. On May 7, 2025, the Office of Zoning (“OZ”) sent copies of the Notice of Filing to:
  - *District of Columbia Register*;
  - Applicant;
  - ANC 7E;
  - ANC Single Member District (“SMD”) 7E03
  - Councilmember Wendell Felder, the Ward 7 Councilmember in whose district the Property is located;

- Chairman and At-Large Members of the D.C. Council;
  - Office of the ANCs;
  - Office of Planning (“OP”);
  - District Department of Transportation (“DDOT”);
  - Department of Energy & Environment (“DOEE”)
  - Department of Buildings (“DOB”) General Counsel; and
  - Zoning Commission Lead Attorney
- (Ex. 8).

5. On November 21, 2025, OZ sent notice of the January 13, 2025, virtual public hearing to:
  - *District of Columbia Register*;
  - Applicant;
  - ANC 7E;
  - ANC SMD 7E03
  - Councilmember Wendell Felder, the Ward 7 Councilmember;
  - Chairman and At-Large Members of the D.C. Council;
  - Office of the ANCs;
  - OP;
  - DDOT;
  - DOEE;
  - DOB General Counsel;
  - Commission Lead Attorney; and
  - Property owners within 200 feet of the Property

(Ex. 14).
6. OZ published notice of the public hearing in the November 21, 2025 *District of Columbia Register* (71 DCR 014211 *et seq.*), as well as on the calendar on OZ’s website (Ex. 12).
7. The Applicant submitted evidence that it posted notice of the public hearing on the Property in accordance with Subtitle Z § 402.9 and maintained said notice in accordance with Subtitle Z § 402.10 (Ex. 11, 18).

### **THE PROPERTY**

8. The Property is located in the Marshall Heights neighborhood of Ward 7, and is bounded by Hanna Place, S.E. to the north, 51st Street, S.E. to the east, private property to the south, and an apartment building to the west. The property has approximately 5,312 square feet and is generally rectangular in shape (Ex. 2G).
9. The Property is improved with a four-unit apartment building. The surrounding area contains a mix of apartment buildings and single-family homes. The property is well served by public transportation. The Benning Road Metrorail station is located less than one mile to the northwest of the property. The Benning Road Metrorail station serves the Blue and Silver Metrorail lines. KIPP DC LEAP Academy is located to the northwest of the Property (Ex. 2D).

10. The surrounding Property area is mostly zoned residential with the property to the north zoned RA-1 and the property immediately surrounding the subject property zoned R-2 (Ex. 2A).
11. The Property is located less than .1 miles east of the high-frequency C21 Metrobus line (Ex. 2D)

### **CURRENT ZONING**

12. The Property is currently zoned R-2 which is a Residential House (R) zone (Ex. 2A).
13. The Residential House (R) zones are residential zones, designed to provide for stable, low-to moderate-density residential areas suitable for family life and supporting uses (Subtitle D § 101.1).
14. The R-2 zone imposes the following limits and permissions for matter of right development:
  - A maximum building height of 40 feet and three stories (Subtitle D § 203.2);
  - A maximum lot occupancy of 40% for structures other than public centers, public libraries, and places of worship (Subtitle D § 210.1).

### **COMPREHENSIVE PLAN (TITLE 10-A OF THE DCMR, THE “CP”)**

#### **Equity and the Comprehensive Plan**

15. Pursuant to Subtitle X § 500.3, the Commission shall find that the Map Amendment is not inconsistent with the CP and with other adopted public policies and active programs related to the Property.
16. In applying the standard of review applicable to the Map Amendment, the CP requires the Commission to do so through a racial equity lens (CP § 2501.4-2501.6, 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 Map Amendment is “not inconsistent” with the CP, rather than a separate determination about a zoning action’s equitable impact.
17. 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).
18. The CP Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states “[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” (CP § 2501.6). In addition, the CP Implementation Element suggests preparing and implementing tools to use as a part of the Commission’s evaluation process. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The 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. The Racial Equity Tool emphasizes community outreach and is intended to facilitate proactive and meaningful engagement with the community most likely to be affected by the proposed zoning action to gain insight on negative conditions that may exist in the community, particularly those that are a result of past and present discrimination, develop an understanding of community priorities, and solicit input on potential positive and negative outcomes of the proposed zoning action.

### **Generalized Policy Map**

19. The CP’s GPM designates the Property as a Neighborhood Conservation Area, which the Framework Element describes as:

- *“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 Comprehensive Plan policies and the Future Land Use Map. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided.*

*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 Future Land Use Map and Comprehensive Plan 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 §§ 225.4-225.5).*

#### **Future Land Use Map (the “FLUM”)**

20. The CP’s FLUM designates the Property as Mixed Use Moderate Density Residential and Moderate Density Commercial.

- Moderate Density Residential – *“This designation is used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply” (CP § 227.6);*
- Moderate Density Commercial – *“This designation is 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);*
- **Mixed Use**
  - The FLUM indicates areas where the mixing of two or more land uses is encouraged, and the mixed-use category generally applies in established, pedestrian-oriented commercial areas, commercial corridors where more housing is desired in the future, large sites where opportunities for multiple uses exist, 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. 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 today, or areas where multiple uses are specifically encouraged in the future (CP § 227.22); and
  - A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities (CP § 227.23).

### **Far Northeast & Southeast Area Element**

21. The Property is located within the Far Northeast & Southeast Area Element of the Comprehensive Plan. The Far Northeast & Southeast Area encompasses the 8.3 square miles located east of I-295 and north of Naylor Road, S.E. (CP § 1700.1). Far Northeast and Southeast is known for its established neighborhoods and its diverse mix of housing. The area has a robust transportation network, including the Benning Road Metrorail station, Interstate I-295, and several major avenues linking neighborhoods to the underserved communities in Wards 7 and 8 to Central Washington (CP § 1700.2). According to the CP, the addition of new residents and daytime office workers near Benning Road and Minnesota Avenue, N.E. has made the ground floor retail here a success, sparking more interest from the private sector to consider Far Northeast and Southeast as an upcoming retail and commercial market (CP § 1700.7).

## **II. THE APPLICATION**

### **PROPOSED ZONING**

22. The Application proposes to rezone the Property from the R-2 zone to the MU-4 zone. The Application asserted that the rezoning is not inconsistent with the CP or with other adopted public policies and active programs related to the Property, particularly when analyzed through a racial equity lens. The Application also stated that the Property's existing low density residential zone designation is inconsistent with the CP FLUM, which designates the Property as mixed-use Moderate Density Residential and Moderate Density Commercial.
23. The MU-4 zone is intended to (Subtitle G § 101.9):
- Permit moderate density mixed-use development
  - Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
  - Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.
24. As a matter of right, the MU-4 zone permits:
- A maximum density of 2.5 FAR and 3.0 FAR for IZ developments, of which up to 1.5 FAR can be devoted to non-residential uses (Subtitle G § 201.1);
  - A maximum building height of 50 feet with no limit on the number of stories (Subtitle G § 203.2);
  - A 60% maximum lot occupancy and a 75% lot occupancy for IZ developments (Subtitle G § 210.1).

### **APPLICANT'S JUSTIFICATION OF RELIEF**

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

25. The Application stated that the Map Amendment would not be inconsistent with the CP, nor would it be inconsistent with other adopted public policies and active programs applicable to the Property (Ex. 2D).

26. The Applicant submits that the proposed rezoning of the Property to the MU-4 zone meets all of the requirements for an amendment to the official Zoning Map of the District of Columbia. The proposed Zoning Map amendment is consistent with the District's plans and policies for the Property and the surrounding area. Furthermore, the proposed rezoning is not inconsistent with the Comprehensive Plan and will further each of the specific objectives set forth in the Zoning Act. Moreover, the Map Amendment is not inconsistent with the District's racial equity objectives (Ex. 2D).

#### **GPM**

27. The Comprehensive Plan Generalized Policy Map (GPM) designates the subject site, 5045 Hanna Place SE (Square 5341 Lot 0034), as being located in a Neighborhood Conservation Area.

Per the GPM, "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."

The purpose of this map amendment application is to address the District's dire need for affordable housing units. The proposed map amendment would be in alignment with the purpose of the GPM.

According to the GPM, "Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan Policies." The Future Land Use Map designates the subject site as Moderate Residential Density and Moderate Commercial Density which translates to a MU-4 zoning designation. With this being the case, the propose zoning map amendment is not inconsistent with the GPM or the FLUM (Ex. 10A).

#### **FLUM**

28. The Map Amendment would not be inconsistent with the Property's FLUM designation of Mixed Use (Moderate Density Residential/Moderate Density Commercial) because:
- The Moderate Density Commercial category contemplates a range in density between a FAR of 2.5 and 4.0, with greater density possible when complying with IZ (CP § 227.11);
  - The MU-4 zone is specifically intended to permit mixed-use development with an emphasis on employment and residential development, and permits a maximum FAR of 2.5 (3.0 for an IZ development), of which up to 1.5 FAR can be devoted to non-residential use;
  - The density permissions of the MU-4 zone fall within the density ranges contemplated by the Property's FLUM designations; and
  - The Mixed-Use designation indicates where the mixing of two or more land uses is especially encouraged, and the Map Amendment would provide opportunities to integrate multiple uses at the Property (CP § 227.20).

### **Racial Equity**

29. The Map Amendment furthers CP racial equity goals. Specifically, the proposed rezoning will facilitate the redevelopment of the Property with a significant amount of new housing, including a substantial amount of affordable housing that will meet or exceed the District's requirements for public land dispositions under D.C. Code § 10-801.
30. Displacement - The Applicant stated that the Property does contain active tenants who are all in support of the proposed rezoning. All tenants will be temporarily displaced but will return to the property upon the completion of any redevelopment; at a discounted rental rate (Ex. 10A).
31. Community Outreach and Engagement - The Applicant presented the proposed the map amendment, in-person, at the ANC 7E Monthly Meeting on October 8, 2024. No specific development was proposed at that time. The comments received at that time were primarily centered on the Applicants abilities as a landlord/developer. The applicant provided information/details on his experience as he has owned and operated the site since the year 2018. The Applicant remained engaged with the affected ANC throughout the application process and attends all monthly ANC 7E meetings.

After officially notifying all property owners within 200ft of the subject property the applicant has had numerous meetings with community members and residents near the subject property. The applicant has had in person conversations with neighborhood residents in person over the past few years but multiple in-depth conversations have taken place since notifying all property owners within 200ft. (Ex. 2D).

32. The Applicant identified the following concerns raised by the community:
  - Incorporation of retail into the redevelopment of the Property
33. In response to those concerns, the Applicant took the following steps:
  - The Applicant informed the community that no retail will be incorporated into any redevelopment and also stated that a covenant will be place on the property, by the Applicant, to restrict commercial uses. The Applicant ensured all stakeholders that any redevelopment will only incorporate residential uses (Ex. 10A).

### **Far Northeast / Southeast Area Element**

34. The Map Amendment advances the goals of the Far Northeast/Southeast Area Element. Rezoning the Property to the MU-4 zone provides an opportunity to redevelop an underutilized site with new construction that can provide new, diverse housing options. The proposed Map Amendment to the MU-4 zone will support the redevelopment of an underutilized property with a new development containing a significant amount of new rental housing to help meet the housing goals of the FNS Planning Area and the District overall (FNS-1.1.2, FNS-1.1.3, FNS-1.1.4) (Ex. 2D).



### **Land Use Element**

35. The Application asserted that any future redevelopment would promote climate-adaptive solutions that contribute to the District's watershed resilience and benefit communities that have been disproportionately affected by environmental risks, such as flooding. Stormwater management designs would mitigate risks and improve water quality, directly supporting underserved areas that have historically lacked investment in resilient infrastructure. Streetscape enhancements, including sidewalks, tree planting, and façade improvements would foster an attractive, livable, and equitable urban environment (LU-2.2.4).
36. By leveraging proximity to transit, the Application stated that any future redevelopment of the Property would lower overall transportation costs for low- and moderate-income households, increasing affordability and ensuring that transit-accessible housing remains within reach for residents of diverse income levels, including families, older adults, and individuals with disabilities (LU-1.4.3).
37. The Application asserted that the Zoning Map amendment would also promote equitable neighborhood revitalization by providing public realm improvements that benefit all residents, especially in historically marginalized communities that have long been overlooked for investment (LU-2.1.2).

### **Transportation Element**

38. The Property is well-connected to public transportation options, including access to multiple Metrorail and Metrobus routes. The Application asserted that this convenient transit access would promote mixed-use development near transit hubs, enhancing job access for local residents, particularly low-income populations reliant on affordable, reliable transit. Streetscape improvements, including enhanced pedestrian links and safer crossings, would further integrate new development with existing infrastructure, expanding equitable access to employment opportunities and essential services for residents historically facing transportation challenges transit (T-1.3.1, T-1.1.4).

### **Housing Element and OP Housing Equity Report**

39. The Map Amendment is not inconsistent with the policies of the Housing Element because the Map Amendment increases the permitted residential density at the Property, thus creating new opportunities for varied housing types. The Property is located within the Far Northeast/Southeast Area Element, where the recommended number of affordable housing units is satisfied. Still, the Map Amendment advances high-priority planning objectives related to inclusivity and equity, increasing potential for demographic diversity and access to market-rate housing in a high-opportunity, transit-accessible area. The various housing opportunities facilitated by the Map Amendment and the District's disposition requirements include market-rate, affordable, for-sale, and rental housing, and could address citywide housing needs for a mixture of household income levels and tenure types (Ex. 3, 3I; H-1.1.1, H-1.1.3, H-1.1.4, H-1.1.9, H-1.2.1, H-1.2.3, H-1.2.4, H-1.2.11, H-1.3.1, H-1.3.2, H-2.1.6, H-3.1.1, H-4.3.2).

### **Environmental Protection Element**

40. The Map Amendment is not inconsistent with the policies of the Environmental Protection Element because future development of the Property will lead to the removal of an inefficient building in exchange for more efficient and sustainable construction. Given the Property's proximity to multiple modes of transit, including Metrorail and well-connected bicycle and pedestrian networks, future development of the Property should not induce automobile dependency. Furthermore, the Map Amendment and any associated redevelopment of the Property will require compliance with the District's various "green," efficiency, and sustainability requirements, will involve community input, and could trigger new landscaping, and environmentally friendly enhancements to the abutting streetscape (Ex. 3I; E-1.1.2, E-2.1.2, E-3.2.3, E-3.2.6, E-3.2.7, E-4.1.2, E-4.2.1, E-6.7.2).

### **Economic Development Element**

41. The Map Amendment is not inconsistent with the policies of the Economic Development Element. The proposed MU-4 zone creates opportunities for nearby residents to operate and work in businesses near their neighborhood. Furthermore, the District disposition and public review process for any redevelopment on the Property will ensure that any new commerce at the Property will be commensurate with the community's needs and wants. The proposed rezoning allows development of new housing near Metrorail and Metrobus corridors (Ex. 3I; ED-1.1.4, ED-1.1.5, ED-2.2.3, ED-2.2.4, ED-2.2.5, ED-3.2.8, ED-4.2.1, ED-4.2.3, ED-4.2.6, ED-4.2.12).

### **Urban Design Element**

42. The Map Amendment is not inconsistent with the policies and actions of the Urban Design Element. The proposed Map Amendment allows for the redevelopment of the Property with new development on a large, underutilized site in an established neighborhood that can bring needed neighborhood-serving housing to the community in a well-planned and designed redevelopment. Future development on the Property will likely involve reconstruction of adjacent public space to DDOT standards (Ex. 3I; UD-2.2.7, UD-3.2.3).

### **Potential Inconsistencies with the CP**

43. The Application identified two policies that were inconsistent with the Zoning Map amendment, specifically: (i) Policy LU-2.1.4 Rehabilitation Before Demolition; and (ii) Policy E-3.2.2 Net Zero Buildings. However, the Application concluded that while these CP policies may be viewed as inconsistent, the potential inconsistencies are far outweighed by the Zoning Map amendment's overall consistency with the FLUM and other CP policies relating to land use, housing, transportation, environmental sustainability, economic development, and urban design (Ex. 2D).

### **Public Hearing Testimony**

44. At the January 8, 2026 public hearing, the Applicant presented its case.

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

#### **OP REPORTS AND TESTIMONY**

45. OP submitted a report dated July 21, 2025 (the “OP Setdown Report”), recommending the Commission set down the Application for a public hearing (Ex. 9)
46. The OP Setdown Report made the following findings:
- The proposed rezoning to MU-4 would not be inconsistent with the FLUM designations for the subject property. The FLUM categories designate the property for moderate-density residential/commercial development, which is consistent with the type and intensity of uses permitted in the proposed MU-4 Zone. The MU-4 Zone would allow for more density, and subsequently, the potential to produce more affordable housing units, which would be consistent with the planning and development strategy of the surrounding area;
  - The proposed map amendment would not be inconsistent with the GPM designations for the subject property. The proposed MU-4 zoning is consistent with the policy of promoting modest infill housing. The proposed MU-4 zoning represents a modest increase in density that would still maintain an overall residential neighborhood character;
  - This proposal would not be inconsistent with the Comprehensive Plan Generalized Policy Map and the Future Land Use Map. The proposed development, on balance, would not be inconsistent with the Citywide Elements of the Comprehensive Plan. Although it can be difficult to assess the exact impact of development in a map amendment case, the proposed map amendment would provide additional opportunities to further the policies of the Land Use and Housing Elements. Furthermore, it would also advance several policies for the Far Northeast/Southeast Area Element;
  - The proposed map amendment would not be inconsistent with the Land Use Element of the Comprehensive Plan. Through the amendment, the property would be rezoned to allow it to address citywide policy objectives regarding the need of more housing and more affordable housing units within an infill building. The proposed MU-4 Zone allows a low to moderate intensity of development which would be generally compatible with the surrounding neighborhood;
  - The proposed map amendment would, on balance, not be inconsistent with the Housing Element of the Comprehensive Plan, and could further the policies noted above. As stated in the Land Use Element section, the proposed rezoning to the MU-4 Zone would allow for more housing and more affordable housing units. The subject property is currently improved with a four-unit multifamily residential building (an existing non-conforming use), which the Applicant intends to redevelop as a low-rise multifamily residential building containing twenty affordable dwelling units. This redevelopment that would increase housing units would advance the District’s goal of providing more affordable units as part of new infill development in historically disadvantaged areas. Any new development would also be subject to all current green building, site disturbance and stormwater management requirements;

- The proposed map amendment would not be inconsistent with the Environmental Protection Element of the Comprehensive Plan. Any new development on this site would be subject to current environmental protection, green building and stormwater management requirements;
- The proposed map amendment would not be inconsistent with the Far Northeast/Southeast Area Elements of the Comprehensive Plan. The MU-4 upzoning would further the above policies by increasing 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 area. The subject property is not located within a Policy Focus Area;
- OP has identified the following policies with which the proposal may be inconsistent: LU-2.1.4: Rehabilitation Before Demolition –Although there is no development proposal being reviewed as part of this zoning map consistency case, the application notes that the small existing apartment building would be razed and replaced with one within the parameters of the proposed zoning, with additional units. They believe the existing building is unlikely to support a vertical addition and the cost of doing rehabilitation may negatively impact the financial viability of a project. Policy H-2.1.4: Avoiding Displacement – The application notes that the existing building tenants would be relocated and invited to return once the redevelopment is completed. The applicant also notes that existing tenants would be temporarily displaced through the reconstruction process, but that existing tenants would be allowed to return. Although this is a map amendment case, not one for which a project is being reviewed, the applicant should provide additional information regarding tenant communications, and the relocation and return process. The addition of new housing opportunities, including new affordable housing for residents of the neighborhood and the city, would outweigh and balance the policies with which the proposal may not directly further, provided the questions regarding relocation and return are addressed (Ex. 9)

47. The OP Setdown Report included an analysis of disaggregated race and ethnicity data for the Far Northeast and Southeast Planning Area, in which the Property is located, noting the following:

- In the 2012 to 2016 time period, the largest portion of the Far Northeast/Southeast (FNFS) planning area were Black residents, which amounted to 93.8% of the area's population. The second largest group was Hispanic/Latino residents at 3.47%. In the 2019-2023 period, Black residents saw a slight decrease in the total percentage of the planning area's population, but still make up the largest portion of FNFS at 88.4%. Most other races and/or ethnicity groups saw slight increases in population between the two time periods. As was the case for the city as a whole, the "Two or more races" group, while remaining a relatively small portion of the area's population, saw the greatest increase among the groups - from 1.15% in 2012-2016 to 4.20% in 2019-2023;

- The median income of the planning area was much lower than Districtwide in both the 2012-2016 and 2019-2023 periods. Between the two periods, FNFS saw a median income increase of approximately \$24,565. Despite this increase, it is still lower than the Districtwide increase of approximately \$35,275. Black and African American populations had the lowest median income of all groups with available income information during the two periods (\$36,614 and \$58,784), as well as the lowest increase of \$22,170 (up from \$36,614 in 2012-2016). The White and Some Other Races groups had higher median incomes in the FNFS area, with the Some Other Races group having a substantial increase of \$75,875 (up from \$38,723 in 2012-2016). The planning area's overall lower median income is reflected in its 2019-2023 poverty rate of 22.4%, compared to the 2019-2023 Districtwide rate of 14.5%;
- Between 2012-2016 and 2019-2023, the percentage of Districtwide owner occupancy saw a very slight increase from 40.7% to 41.1%. Between the time periods, FNFS saw a higher increase from 35% to 41.2%. In the 2019-2023 period, White and Hispanic/Latino households had the highest percentage of owner occupancy at 81.5% and 54.6% respectively, while Native Hawaiian and Other Pacific Islander and American Indian and Alaskan Native households had the lowest owner occupancy. The Black and African American and Two or More Races groups were also on the lower end of owner occupancy for the planning area;
- In the 2012-2026 period, the unemployment rate in the planning area was 18.2%, which was more than double the Districtwide rate of 8.7%. Although the planning area's unemployment rate fell to 13.5% in the 2019-2023 period, it remains more than double the Districtwide rate of 6.5% (of the same period) (Ex. 9)

48. The OP Setdown Report noted the following about potential inconsistencies with the Comprehensive Plan:

- LU-2.1.4: Rehabilitation Before Demolition –Although there is no development proposal being reviewed as part of this zoning map consistency case, the application notes that the small existing apartment building would be razed and replaced with one within the parameters of the proposed zoning, with additional units. They believe the existing building is unlikely to support a vertical addition and the cost of doing rehabilitation may negatively impact the financial viability of a project;
- Policy H-2.1.4: Avoiding Displacement – The application notes that the existing building tenants would be relocated and invited to return once the redevelopment is completed. The applicant also notes that existing tenants would be temporarily displaced through the reconstruction process, but that existing tenants would be allowed to return. Although this is a map amendment case, not one for which a project is being reviewed, the applicant should provide additional information regarding tenant communications, and the relocation and return process;
- The addition of new housing opportunities, including new affordable housing for residents of the neighborhood and the city, would outweigh and balance the

policies with which the proposal may not directly further, provided the questions regarding relocation and return are addressed (Ex. 9).

49. OP submitted a report dated December 24, 2025 (the “OP Report”), which reiterated the OP Setdown Report’s conclusions and recommended approval of the Application (Ex. 15).

#### **DDOT REPORT**

50. DDOT submitted a December 29, 2025, report (the “DDOT Report”), stating that it had no objection to the Application because the proposed rezoning would support nearby transit and generate additional foot traffic to support nearby businesses. This is consistent with DDOT’s approach to infill sites which should be dense, compact, transit-oriented, and improve the public realm (Ex. 17)
51. At the January 8, 2026 public hearing, DDOT did not provide testimony.

#### **ANC REPORTS AND TESTIMONY**

52. On January 8, 2026, the Zoning Commission notified the affected ANC that the letter submitted by the ANC was acknowledged, however, it could not be given great weight because it lacked several items required for great weight. Therefore, the Commission left the record open only for the ANC to revise their report to include the missing information. As of January 17, 2026, the ANC has not submitted a revised report.
53. At the January 8, 2026 public hearing, ANC 7E did not provide testimony.

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

54. The Commission referred the Application to NCPC on January 9, 2026, 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 6-6401.05)) (Ex. 26).

### **CONCLUSIONS OF LAW**

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.*

3. The Commission must ensure that the Zoning Map, and all amendments to it, are “not inconsistent” with the CP pursuant to § 492(b)(1) of the District of Columbia Home Rule Act (§ 2 of the Zoning Act; D.C. Official Code § 6-641.02)). Subtitle X § 500.3 incorporates this intent to the Zoning Regulations by requiring that map amendments be “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.”
4. The Commission concludes the Application advances the purposes of the Zoning Act and is not inconsistent with the CP and with other adopted public policies and active programs related to the Property for the reasons discussed below.

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

5. Pursuant to Subtitle X § 500.3, the Commission shall find that the Zoning Map amendment is not inconsistent with the CP and with other adopted public policies and active programs related to the Property.
6. The Commission concludes, based on the filings and testimony of the Applicant and OP, and as set forth in Findings of Fact (“FF”) Nos. 41-79 and 83-98 that the Zoning Map amendment from the R-2 zone to the MU-4 zone is not inconsistent with the CP in its entirety, including the CP maps and elements, and will advance a number of CP Element policy objectives.
7. Even if the Zoning Map amendment conflicts with one or more individual policies associated with the CP, this does not, in and of itself, preclude the Commission from concluding that the Map Amendment would be consistent with the CP as a whole. See *Durant v. D.C. Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013); see also FF Nos. 89, 96.

**Racial Equity**

8. The Commission concludes that the Map Amendment is not inconsistent with the CP when evaluated through a racial equity lens. The Commission reaches this conclusion based on the case record and the racial equity analyses provided by the Applicant, inclusive of community outreach and engagement information, and the OP Reports, inclusive of disaggregated race and ethnicity data for the Far Northeast/Southeast Planning Area (FF 32-36, 47, 50). The Commission finds that the racial equity analyses provided address the

components of the Commission's Racial Equity Tool and that the Map Amendment furthers CP racial equity goals for all the reasons set forth in the record. The Commission notes the community input citing support for the Applicant's proposal as well as the Applicants efforts in the Community.

#### **GPM**

9. The Commission concludes that the Map Amendment is not inconsistent with the GPM's designation of the Property as a Neighborhood Commercial Center because the Map Amendment permits redevelopment of a currently vacant infill site with medium density mixed-use development compatible with the scale and character of the surrounding area, and that could help to address the District's city-wide housing needs and provide commercial services for existing and future residents (FF 22, 30, 47, 50).

#### **FLUM**

10. The Commission concludes that the Map Amendment is not inconsistent with the FLUM's designation of the Property as Mixed-Use Moderate Density Residential and Moderate Density Commercial. The Map Amendment to the MU-4 zone provides for increased density on a site that is vacant and underutilized and would facilitate development with housing uses. The recent 2021 update to the Comprehensive Plan modified the Property's FLUM designation to Mixed-Use (Moderate Density Residential and Moderate Density Commercial), thus contemplating greater density and commercial uses for the Property than allowed under the existing R-2 zone. Consistent with the FLUM's preferred mix and intensity of uses, the MU-4 zone balances the density of residential and non-residential uses. The Commission finds the MU-4 zone appropriate for the Property as it allows for moderate density development, as contemplated by the FLUM (FF 23, 31, 47, 50).

#### **Far Northeast / Southeast Planning Area**

11. The Commission concludes that the Map Amendment furthers policies of the Far Northeast/ Southeast Area Element based on the findings stated above (FF 24, 37, 47, 50).

#### **Land Use Element**

12. The Commission concludes that the Map Amendment furthers policies of the Land Use Element based on the findings stated above (FF 38, 47, 50).

#### **Transportation Element**

13. The Commission concludes that the Map Amendment furthers policies of the Transportation Element based on the findings stated above (FF 39, 47, 50).

#### **Housing Element and OP Housing Equity Report**

14. The Commission concludes that the Map Amendment furthers policies of the Housing Element based on the findings stated above (FF 40, 47, 50).
15. The Commission concludes that the Map Amendment furthers the OP Housing Equity Report and Mayor's 2025 affordable housing goals as future development on the Property



site will be subject to the affordable housing requirements of District dispositions under District Law 10-801 as well as regular IZ requirements (FF 32, 47, 48, 50.)

#### **Environmental Protection Element**

16. The Commission concludes that the Map Amendment furthers policies of the Environmental Protection Element based on the findings stated above (FF 41, 47, 50).

#### **Economic Development Element**

17. The Commission concludes that the Map Amendment further policies of the Economic Development Element based on the findings stated above (FF 42, 47, 50).

#### **Urban Design Element**

18. The Commission concludes that the Map Amendment furthers policies of the Urban Design Element based on the findings stated above (FF 43, 47, 50).

#### **Potential Inconsistencies Outweighed**

19. The Applicant identified two CP policies that are potentially inconsistent with the Zoning Map amendment; specifically (i) Policy LU-2.1.4 Rehabilitation Before Demolition; and (ii) Policy E-3.2.2 Net Zero Buildings. However, the Application concluded that while these CP policies may be viewed as inconsistent, the potential inconsistencies are far outweighed by the Zoning Map amendment's overall consistency with the FLUM and other CP policies relating to land use, housing, transportation, environmental sustainability, economic development, and urban design (Ex. 2D).

The Commission agrees with OP's conclusion that the addition of new housing opportunities, including new affordable housing for residents of the neighborhood and the city, would outweigh and balance the policies with which the proposal may not directly further, provided the questions regarding relocation and return are addressed (Ex. 9).

These concerns have been addressed and commended by the Zoning Commission.

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

20. 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)).
21. The Commission concludes that OP's Reports, which provided an in-depth analysis of the Map Amendment, are persuasive and concurs with OP's recommendation that the Property's rezoning would not be inconsistent with the CP Maps, the Citywide Elements and Far Northeast/Southeast Area Element and would advance CP equity goals when evaluated through a racial equity lens, as discussed above (FF 47, 50). The Commission also concurs with OP that the proposed Zoning Map amendment is not appropriate for an

IZ Plus due to the disproportionate amount of existing affordable housing in the Far Northeast and Southeast Planning Area (FF 92).

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

22. The Commission was not able to give great weight to the submitted ANC report. The Commission acknowledged the ANC's letter; however, it could not be given great weight because it lacked several items required for great weight. Therefore, the Commission left the record open only for the ANC to revise their report to include the missing information, i.e., date the meeting was held, what the vote was, was the meeting properly noticed, etc. The required information for great weight can be found in the Zoning Regulations at Subtitle Z, Section 406.2, which states:

406.2 The Commission shall give "great weight" to the written report of the ANC(s), pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuation thereof on the application. All written reports shall contain the following:

- (a) The case name and number;
  - (b) The date the public meeting of the ANC to consider the application occurred;
  - (c) A statement that proper notice of that public meeting was given by the ANC;
  - (d) The number of members of the ANC that constitute a quorum and the number of members present at the public meeting;
  - (e) The issues and concerns of the ANC about the application, as related to the standards against which the application shall be judged;
  - (f) The recommendation, if any, of the ANC as to the disposition of the application;
  - (g) The outcome of the vote on the motion to adopt the report to the Commission;
  - (h) The name of the person who is authorized by the ANC to present the report; and
  - (i) The signature of the ANC Chairperson or Vice-Chairperson.
23. The Commission has requested that the ANC submit a revised report by 3:00PM, February 2<sup>nd</sup>, if the ANC chooses to do so. The record will otherwise be closed.

### **DECISION**

In consideration of the record for Z.C. Case No. 25-04 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
5341	34	R-2 to MU-4

**Proposed Action**

**Vote (January 8, 2026): 5-0-0**

(Joseph S. Imamura, Tammy Stidham, Anthony J. Hood, Robert E. Miller, and Gwen Wright to approve).

**Final Action**

**Vote (February 12, 2026): 5-0-0**

(Anthony J. Hood, Joseph S. Imamura, Robert E. Miller, Gwen Wright, and Tammy Stidham to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 25-04 shall become final and effective upon publication in the *District of Columbia Register*, that is on July 25, 2026.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

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

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**ANTHONY HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.