

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
(Map Amendment @ Square 5341, Lot 34)
February 26, 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 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, S.E. (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.”] 2C).
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 8, 2026, 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. 13, 14).
6. OZ published notice of the public hearing in the November 21, 2025, *District of Columbia Register* (72 DCR 012993 *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 § 402.3 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 is 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 Property is located less than .1 miles east of the high-frequency C21 Metrobus line. 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).

CURRENT ZONING

11. The Property is currently zoned R-2 which is a Residential House (R) zone (Ex. 2A).
12. 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).
13. 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 height for penthouse or rooftop structures of 12 ft. or one story (Subtitle D § 205.3);
 - A minimum rear yard of 20 ft. (Subtitle D § 207.1);
 - Two minimum side yards of eight feet for detached buildings; one minimum side yard of eight feet for semi-detached buildings; and no side yards for row buildings (Subtitle D §§ 208.2, 208.3, 208.5); and
 - A maximum lot occupancy of 40% for structures other than public recreation and community centers, and places of worship (Subtitle D § 210.1).

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

Equity and the Comprehensive Plan

14. 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.
15. 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.
16. 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).

17. 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 (the “GPM”)

18. 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”)

19. The CP’s FLUM designates the Property as Mixed Use Moderate Density Residential and Moderate Density Commercial, which is:

- 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); and*
- 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 and Southeast Area Element

20. The Property is located within the Far Northeast and Southeast Area Element. The Far Northeast and 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, Far Northeast and Southeast has experienced investment over the last decades; however, there are still gaps in equitable opportunities relative to the District that need to be addressed to ensure that benefits of the District’s economic and population resurgences are broadly shared. While a high priority will be placed on bringing moderate-income families back to this community, an even higher priority shall be placed on improving the quality of life for the individuals and families who live there today (CP § 1700.5).

II. THE APPLICATION

PROPOSED ZONING

21. 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 (Ex. 2D).
22. The MU-4 zone is intended to:
- 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 (Subtitle G § 101.9).

23. 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 maximum penthouse height of 12 feet, except 15 feet for penthouse mechanical space and 1 story, second story permitted for penthouse mechanical space (Subtitle G § 205.1); and
 - 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

24. 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).
25. The proposed rezoning of the Property to the MU-4 zone meets all of the requirements for an amendment to the Zoning Map. 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

26. The Map Amendment would not be inconsistent with the Property's GPM designation as a Neighborhood Conservation Area. According to the CP Framework Element, "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 proposed map amendment would facilitate affordable housing development on the Property site in alignment with the guiding philosophy of the Property's GPM designation (Ex. 2D).

FLUM

27. 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 Residential category contemplates a density of up to 1.8 FAR and the Moderate Density Commercial category contemplates a density ranging between 2.5- 4.0 FAR, with greater density possible when complying with IZ (CP § 227.6, 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).
- (Ex. 2D).

Racial Equity

28. 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.
29. Displacement – the Applicant stated that the Property does contain tenants who will be temporarily displaced but will have a right to return to the property upon the completion of any redevelopment at a discounted rental rate (Ex. 10A).
30. Community Outreach and Engagement – the Applicant stated it presented the proposal at the ANC 7E meeting on October 8, 2024. The comments received at that time were primarily centered on the Applicant's abilities as a landlord/developer. The Applicant provided information/details on his experience as he has owned and operated the site since 2018. The Applicant stated he has remained engaged with ANC 7E throughout the application process and has had numerous meetings with community members and in person conversations with neighborhood residents about the proposal (Ex. 2I, 10A).
31. The Applicant identified the following concern raised by the community: incorporation of retail into the redevelopment of the Property (Ex. 10A).
32. In response to this concern, the Applicant took the following steps: the Applicant informed the community that no retail will be incorporated into any redevelopment and also proposed placing a covenant on the Property to restrict commercial uses (Ex. 10A).

Citywide Elements and the Far Northeast / Southeast Area Element

33. 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 a significant amount of new, diverse housing options. The Application asserted that the proposed Map Amendment to the MU-4 zone would not be inconsistent with the Citywide Elements of the Comprehensive Plan, including the Environmental Protection Element, and the Far Northeast and Southeast Area Element because it would facilitate new development on an underutilized site incorporating resilient features and improving environmental quality, and it would allow for additional housing on the site, including affordable housing (Ex. 2D).

Public Hearing Testimony

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

III. RESPONSES TO THE APPLICATION

OP REPORTS AND TESTIMONY

35. 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).
36. 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 designation 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, and, on balance, would not be inconsistent with the written elements of the Comprehensive Plan, including when viewed through a racial equity lens. 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 several of its policies. 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; and
- OP has identified the following policies with which the proposal may be inconsistent:
 - Policy LU-2.1.4: Rehabilitation Before Demolition –OP stated 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. The Applicant believes 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; and
 - Policy H-2.1.4: Avoiding Displacement- OP stated the Application notes that the existing building tenants would be temporarily displaced relocated during construction and invited to return once the redevelopment is completed. OP stated that 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.

OP concluded 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).

37. 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; and
 - In the 2012-2016 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).
38. The OP Setdown Report stated that IZ Plus is not recommended for the proposed Map Amendment due to the substantial amount of affordable housing already existing in the Far Northeast and Southeast Planning Area. Further, the number of new affordable units that have been added within the planning area since 2019 exceeds the affordable housing production target for the area (Ex. 9).
39. 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). The OP Report noted that the Applicant's supplemental submission at Exhibit 10A of the case record provided information about the Applicant's tenant relocation plan and provision for tenants to have ample time to plan for any future displacement along with responses to the questions raised by the Commission at setdown (Ex. 15).

DDOT REPORT

40. DDOT submitted a December 29, 2025, report (the "DDOT Report"), stating that it had no objection to the Application noting that the proposed MU-4 zone would likely only result in a minor increase in vehicle trips on the transportation network (Ex. 17).
41. At the January 8, 2026, public hearing, DDOT did not provide testimony.

ANC REPORT

42. ANC 7E submitted a January 8, 2026, report (ANC Report"). The ANC Report stated that it opposed the Application for the following reasons:
- The Application lacks support from neighboring residents;
 - The mixed-use designation is infeasible for this specific location because of limited lot sizes, constrained street width, and insufficient parking availability. Introducing mixed-

use development in this context raises concerns about traffic congestion, parking spillover and incompatibility with the existing residential character of the block and surrounding area. Additionally, clarity is needed on an enforcement mechanism to restrict the inclusion of retail; and

- The ANC stated that there was disconnect between the written submission to the Commission and the Applicant's statements made at ANC meetings and public presentations (Ex. 20).

43. At the January 8, 2026, public hearing, ANC 7E did not provide testimony.

IV. HEARING AND POST-HEARING ACTIONS AND SUBMISSIONS

44. At the January 8, 2026, public hearing, the Commission heard testimony from:

- The Applicant;
- OP; and
- Jemila Daniels, a nearby resident who testified as an individual in opposition.

The Applicant testified in support of the Application. In response to opposition concerns, the Applicant stated willingness to record a covenant to restrict the Property from any commercial development.

45. OP testified in support of the Application and reiterated the conclusions in its reports.

46. Ms. Jemila Daniels testified in opposition to the Application because it would allow commercial use on the Property, which she believes is inappropriate due to the Property's location on a residential street. Ms. Daniels noted that she would not be opposed to the Application if the Applicant agreed to limit future use of the Property to non-commercial use.

47. At the hearing, the Commission stated that the ANC Report did not meet several requirements under Subtitle Z § 406.2 of the Zoning Regulations to be afforded "great weight." Namely the report did not indicate the date of the public meeting the ANC considered the application, a statement that proper notice of that public meeting was given, the number of the members of the ANC that constitute a quorum, the number of members present at the public meeting, the outcome of the vote on the motion to adopt the report, or the name of the person who is authorized to present the report, all of which are required. The Commission instructed OZ staff to reach out to the ANC to allow it an opportunity to cure its report.

48. At the hearing, the Commission discussed the Application, as follows:

- The Commission stated that it believed the requested MU-4 Zoning was fully consistent with the Comprehensive Plan's Future Land Use Map designation for the site and was not inconsistent with the Comprehensive Plan as a whole. The rezoning would allow for more intense residential development of the site, which would increase the potential housing available, consistent with many applicable Comprehensive Plan policies;

- The Commission stated that if the Applicant wanted to record a covenant restricting future use of the Property, he was free to do so, even if the Commission did not require it;
 - The Commission further stated that it did not believe the Property was likely to be used for any commercial use because of the constraints of the site, which include a steep hill and mandatory street setback requirements;
 - The Commission indicated that it did not wish to require a covenant restricting use of the Property, but that it wished that the Applicant would continue conversations with the ANC; and
 - The Commission stated that it would leave the record open for the ANC to submit a revised report that met the requirements of the Zoning Regulations for it to give great weight, and any further comments that it might deem appropriate.
49. At the conclusion of the January 8, 2026, hearing, the Commission took proposed action to approve the Application.
 50. By email dated January 8, 2026, OZ staff notified ANC 7E of the deficiencies with its report, providing the text of Subtitle Z § 406.2; and stated that the case record would remain open until February 2, 2026, for the ANC to revise its report (Ex. 20A).
 51. 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. 22).
 52. On January 28, 2026, NCPC's Deputy Executive Director submitted a letter stating that the NCPC staff reviewed the Application and concluded that it was exempt from NCPC review (Ex. 24).
 53. ANC 7E did not submit a revised report by February 2, 2026, or prior to the Commission considering final action at its February 26, 2026 public meeting.
 54. On February 26, 2026, the Commission took final action to approve the Application. The Commission stated that it does not agree with requiring a covenant restricting commercial use on the Property because it would be inconsistent with the Comprehensive Plan's Future Land Use Map, which calls for allowing both residential and commercial uses. The Commission stated that the Property will likely be put to residential uses in the foreseeable future. The Commission further stated that it concurs with OP that IZ Plus should not apply to the Map Amendment.

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. 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)).
7. The Commission concludes, based on the filings and testimony of the Applicant and OP, 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 CP policy objectives.

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. 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 primarily because the provision of additional density on the Property site will facilitate the opportunity for additional housing development.
- *Community Outreach and Engagement* – The Commission concludes that the Applicant provided adequate evidence of its community outreach and engagement efforts regarding the Application, which included attending ANC 7E meetings, and conducting meetings with community members and neighboring residents. The ANC and some residents expressed concern about the Map Amendment allowing for commercial uses on the Property, which they believe is not appropriate for this site. In response, the Applicant confirmed that commercial development is not intended for the site and offered to record a covenant to restrict development on the site to non-commercial uses; and
 - *Displacement* – The Commission concludes that the Map Amendment will result in displacement of the existing residents on the Property site. The Applicant provided evidence of its efforts to work with the residents on a tenant relocation plan and a right of return at a discounted rental rate. Accordingly, the Commission believes displacement impacts will be mitigated, and the Map Amendment will allow the Property to be redeveloped with additional housing of a higher quality than the currently existing housing on the site.

GPM

9. The Commission concludes that the Map Amendment is not inconsistent with the GPM designation of the Property as a Neighborhood Conservation Area because the Map Amendment permits redevelopment of the site with additional housing, which could help to address the District's city-wide housing needs.

FLUM

10. The Commission concludes that the Map Amendment is not inconsistent with the FLUM 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 would facilitate development with housing uses. 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.

Citywide and Far Northeast/Southeast Area Element

11. The Commission concludes that the Map Amendment furthers policies of the Citywide Elements, including the Land Use, Housing, and Environmental Protection Elements, and the Far Northeast/ Southeast Area Element. Primarily because the Map Amendment will

allow an underutilized site to be redeveloped with additional density for housing, including affordable housing, and the new development will include environmentally beneficial resilient features.

Potential Inconsistencies Outweighed

12. OP 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 H-2.1.4: Avoiding Displacement

The Commission concludes that these potential CP inconsistencies are outweighed by the Map Amendment's overall consistency with the FLUM and other CP policies relating to land use, housing, environmental sustainability, and because of its potential for increasing the supply of housing on the Property site.

GREAT WEIGHT TO THE RECOMMENDATIONS OF OP

13. 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)).
14. 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 to approve the Application. The Commission also concurs with OP that the Map Amendment is not appropriate for an IZ Plus due to the amount of existing affordable housing in the Far Northeast and Southeast Planning Area. Moreover, the area has exceeded its affordable housing production target.

GREAT WEIGHT TO THE ANC REPORT

15. The Commission is required to give "great weight" to the issues and concerns of the affected ANC. D.C. Code § 1-309.10(d)(3)(A). The ANC recommendations that are entitled to "great weight" are the ANC's recommendations set out in a written report submitted pursuant to D.C. Official Code § 1-309.10(d)(1) and Subtitle Z § 406.2 (*see also Friendship Neighborhood Coalition v. District of Columbia Bd. of Zoning Adjustment*, 40A.2d 291, 295 (D.C.1979)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978)). 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 (*See Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
16. In this case, ANC 7E submitted a written report that listed its issues and concerns. However, the report failed to meet several requirements of Subtitle Z § 406.2 to be afforded "great weight", which ensure that the ANC report is approved by the full ANC, at a properly noticed meeting, with a quorum of ANC Commissioners present, and that it is

approved by a majority vote, and authorized by the ANC. The Commission instructed OZ staff to contact ANC 7E, describe the ANC report's deficiencies, and allow the ANC additional time to submit a revised report to the case record. OZ staff complied and the case record was left open until February 2, 2026, for ANC 7E to file a revised report. ANC 7E did not file a revised report by February 2, 2026, or prior to the Commission considering final action at its February 26, 2026 public meeting. Accordingly, the Commission will not afford the issues and concerns raised in the ANC 7E report "great weight."

17. The Commission nonetheless carefully considered the issues and concerns expressed in the ANC 7E Report and provides responses that meet the "great weight" requirement as follows, even though the ANC Report was deficient in the ways described above:
- Issue: The Application lacks support from neighboring residents.
Commission response: The Commission's decision to amend the Zoning Map is made in accordance with the applicable laws and regulations, with the primary considerations being the proposed zoning designation's consistency with the Comprehensive Plan and the purposes of the Zoning Act (See Subtitle X § 500.3). Support of the proposed zone by nearby residents is not a consideration in the Commission's evaluation of a Map Amendment;
 - Issue: The mixed-use designation is infeasible for this specific location because of limited lot sizes, constrained street width, and insufficient parking availability. Introducing mixed-use development in this context raises concerns about traffic congestion, parking spillover and incompatibility with the existing residential character of the block and surrounding area. Additionally, clarity is needed on an enforcement mechanism to restrict the inclusion of retail.
Commission response: The proposed MU-4 zone allows both commercial and residential development. The Commission believes that the constraints of the site make commercial use unlikely, and that any redevelopment that does occur as a result of the rezoning in the short, medium, and long term, will be residential development with a larger building envelope than permitted under the current zoning. The Property owner's testimony at the hearing that he was willing to encumber the property with a covenant restricting use of the Property to non-commercial use further bolsters the Commission's assessment that it will likely result in redevelopment of the existing building with new residential uses as a result of the rezoning. Given the Property's mixed-use FLUM designation, for both moderate density residential and commercial, the Commission does not agree with restricting development on the Property to non-commercial uses. The Commission therefore believes the Map Amendment is appropriate because it will allow for a more intensive type of residential development on the site, and would allow mixed use development in the future if circumstances changed. The Commission is not persuaded that redevelopment of the site with more intense residential use will result in significant traffic and parking impacts or be out of character with the existing residential character of the area; and
 - Issue: The ANC stated that there was disconnect between the written submission to the Commission and the Applicant's statements made at ANC meetings and public presentations.

- Commission response: The Commission assessed the credibility of the witness and believes that he intends to redevelop the Property with a residential development if the rezoning is approved as he testified. There was hearing testimony from a witness who lived nearby who testified that her opposition with based on a belief that he was seeking to use the property for commercial use. The Commission believes that there was a misapprehension in the community that if the proposed MU-4 zoning was approved, the Property would be put to commercial use. While the MU-4 does allow commercial use, it does not require it, and it also permits more intensive residential development. The Commission believes that residential development is the likely outcome if the Property is rezoned, as the Property owner testified.

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 Final Action

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

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

Final Action

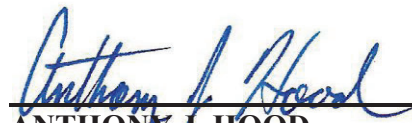
Vote (February 26, 2026): 5-0-0

(Anthony J. Hood, Joseph Imamura, Robert E. Miller, Tammy Stidum, and Gwen Wright 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 on September 18, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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