

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 25-10

Alturas, LLC

(Text Amendment to Subtitle U § 514.3 to Amend Prohibited Uses in Reed-Cooke Overlay)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend Subtitle U § 514.3 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), to amend prohibited uses in Reed-Cooke Overlay applicable to the property located at 1781 Florida Avenue, N.W. (Sq. 2557, Lot 800) (the Property).

SETDOWN

On July 31, 2025, Alturas, LLC (the Petitioner) filed a Petition to the Zoning Commission (the Commission) proposing a text amendment to the Zoning Regulations to amend prohibited uses in the Reed-Cooke Overlay to allow the following four (4) uses on the Property:

- Off-premises alcoholic beverage sales;
- Restaurant;
- Veterinary Hospital; and
- Parcel delivery service establishment.¹

(Exhibit [Ex.] 2C, 11, 11C).

The Petition stated that the Property is the southernmost parcel within the Reed-Cooke Overlay, located at the junction of Adams Morgan and the U Street corridor. The Property is improved with a two-story commercial building (the Building) and is an island not abutting any other private property with frontage on public rights-of-way on all four sides. The Building opened in 2006 and has experienced substantial tenant turnover. Most recently, CVS Pharmacy vacated in early 2025 with seven (7) years remaining on its lease. The Petition stated that the proposed amendment would allow currently prohibited uses on the Property and would alleviate challenges the Petitioner faces to attract and keep tenants due to the current use restrictions.

The Petition stated that the Reed-Cook neighborhood is generally bound by Florida Avenue, N.W. to the south, 16th Street, N.W. to the east, Columbia Road, N.W. to the north, and 18th Street, N.W. to the west (Ex. 2C). In Z.C. Case Nos. 86-12 and 88-19, the Commission approved rezonings that were intended to implement the Comprehensive Plan's designation of Reed-Cooke as a special treatment area. As set forth in the then Comprehensive Plan, the policy goals of the Reed-Cooke special treatment area were to:

¹ The original Petition (Ex. 2C) did not propose to allow a parcel delivery service establishment use; on September 4, 2025, the Applicant filed a prehearing statement that requested to add a parcel delivery service establishment use to the amendment to permit space in the Property to be leased to a FedEx or UPS Store (Ex. 11, 11C).

1. Protect current housing in the area, and provide for the development of new housing;
2. Maintain heights and densities at appropriate levels; and
3. Encourage small-scale business development that will not adversely affect the residential community.²

The third policy – to encourage business that will not adversely affect the residential community – resulted in a list of forty-one (41) prohibited uses in the Overlay.³ The prohibited uses are set forth under Subtitle U § 514.3 (*Id.*).

The Petition stated that with the current Overlay use restrictions, the Petitioner is limited to leasing the Property to retail businesses that are largely less neighborhood centric, and more specialty retail and the surrounding neighborhood is not retail focused. The Petition contends that the Petitioner needs to curate a neighborhood-oriented tenancy at the Property that is effectively restricted by the use prohibitions currently in place (*Id.*).

Comprehensive Plan and Racial Equity

The Petition stated that the proposed amendment would not be inconsistent with the Comprehensive Plan, including the Property’s Mixed-Use Moderate Density Residential and Low-Density Commercial designations on the Future Land Use Map, the Property’s Main Street Mixed-Use Corridor designation on the Generalized Policy Map, and when viewed through a racial equity lens⁴. The Petition also stated that the proposal would further policies of the Land Use, Economic Development, Urban Design, and Mid-City Area Elements as well as objectives of the Adams Morgan Vision Framework (Ex. 2D).

Community Outreach and Engagement – The Petitioner stated that its community outreach and engagement was based on balancing resident and business interests and it primarily conducted meetings with ANC 1C and its Planning Zoning and Transportation Committee (Ex. 2D).

Displacement – The Petitioner stated that no residents would be displaced because of the proposal as there is no residential use at the Property. The Petitioner noted that no commercial displacement or indirect displacement should occur as most of the Building is vacant (*Id.*).

² As reflected in Z.C. Order No. 523-A, at the time of the re-zonings, the applicable version of the Comprehensive Plan was the “District of Columbia Comprehensive Plan Amendments Act of 1989,” which became effective on May 23, 1990. The Comprehensive Plan has been revised and updated, with the most recent version becoming effective on August 21, 2021. While Reed-Cooke is no longer identified as a “special treatment area,” the Mid City Area Element identifies the same policy goals for the Reed-Cooke neighborhood as under the 1989 Comprehensive Plan (*See* 10A DCMR § 2014.13).

³ 17 of these uses arise from a cross-reference to uses prohibited in the MU-10 zone (*See* Subtitle U § 514.3(b); *see* Subtitle U § 519.1).

⁴ Pursuant to 10-A DCMR §§ 2501.4-2501.6, 2501.8, the Commission is tasked with evaluating the Petition’s consistency with the Comprehensive Plan through a racial equity lens. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from petitioners 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 petitioners 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.

OP SETDOWN REPORT

Comprehensive Plan and Racial Equity

On July 21, 2025, the Office of Planning (OP) submitted a report (OP Setdown Report), stating that the proposed amendment would not be inconsistent the Comprehensive Plan maps; would further policy goals of Citywide Elements, including the Land Use, Economic Development, and Urban Design Elements; would further policy goals of the Mid-City Area Element; and would have a relatively neutral racial equity impact given its limited scope (Ex. 9).

Disaggregated Race and Ethnicity Data – OP provided disaggregated race and ethnicity data for the Mid-City Planning Area, in which the property is located, and concluded that the proposal should have limited if any impact on neighborhood demographics given its scope (Ex. 9, pp. 7-9).

At the Commission’s July 31, 2025 public meeting, OP presented its Setdown Report on the Petition, and the Commission voted to set down the Petition for public hearing.

NOTICE

Pursuant to Subtitle Z § 502, on October 20, 2025, the Office of Zoning (OZ) sent notice of the December 4, 2025 public hearing, and published notice of the public hearing in the October 31, 2025, *District of Columbia Register* as well as on the calendar on OZ’s website (Ex. 14, 15, 16).

PUBLIC COMMENTS

On November 19, 2025, Reed-Cooke Neighborhood Association filed a letter in support of the proposal noting that the proposal would only apply to the Property and no other properties in Reed-Cooke Overlay; and would allow uses at the Property similar to other commercial establishments in the Adams-Morgan/U Street neighborhoods (Ex. 17). The letter also noted that the Property is physically separated from the residential parts of Reed-Cooke, meaning the proposed uses are unlikely to impact neighbors (*Id.*).

No other public comments were filed to the record in response to the public hearing notice.

OP HEARING REPORT

On November 24, 2025, OP submitted a report (OP Hearing Report⁵) that largely reiterated its Setdown Report and recommended approval of the text amendment concluding that it would not be inconsistent with the Comprehensive Plan (Ex. 18).

PUBLIC HEARING

At the December 4, 2025 public hearing, the Petitioner presented the Petition, including a discussion of the history of the Reed-Cooke Overlay and the challenges the Property owner has faced since 2006 with securing tenants in the Property. Specifically, the goal of this proposal is to attract quality tenants to the Property to provide neighborhood-oriented uses and avoid long-term Property vacancies. The Petitioner also explained that the Property is an island with no abutting properties; therefore, the proposal should not adversely affect the nearby residential community.

⁵ The OP Hearing Report noted OP’s support of the Petitioner’s revision to the proposal to add parcel delivery service establishment as an allowed use on the Property.

OP testified in support of the Petition at the public hearing.

No other persons or organizations testified at the public hearing.

Great Weight to the Recommendations of OP

The Commission must give great weight to the recommendations of the Office of Planning (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 § 504.6 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016))).

The Commission finds persuasive, and concurs with, OP’s analyses in its reports and its recommendation that the Commission take proposed action to adopt the proposed amendment to amend prohibited uses in Reed-Cooke Overlay applicable to the Property to allow the following uses: off-premises alcoholic beverage sales; restaurant; veterinary hospital; and parcel delivery service establishment.

Great Weight to the Written Report of the ANC

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 505.1. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

On May 12, 2025, ANC 1C filed a report in response to the Petition stating that at its regularly scheduled and properly noticed public meeting on April 2, 2025, with a quorum present, the ANC voted 7-0-0 in support of the Petition (Ex. 2E).

PROPOSED ACTION

At the conclusion of the December 4, 2025 public hearing, the Zoning Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE (December 4, 2025): 4-0-1

(Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, and Gwen Wright to **APPROVE**; Tammy Stidham, not present, not voting)

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *District of Columbia Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov; by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows) text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

I. Amendments to Subtitle U, USE PERMISSIONS

Subsection 514.3 of § 514, PROHIBITED USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended as follows:

514.3 In the MU-4/RC and MU-5A/RC zones, the following uses shall be prohibited:

...⁶

- (r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36, may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area, **and that the off-premises beer and wine sales may be permitted as a matter of right primary or accessory use in Square 2557, Lot 800;**

...

- (t) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991, **except that a parcel delivery service establishment may be permitted as a matter of right in Square 2557, Lot 800;**

⁶ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

- (u) Restaurant or fast-food establishment, **except that a restaurant may be permitted as a matter of right in Square 2557, Lot 800;**
- ...
- (x) Veterinary hospital, **except that a veterinary hospital may be permitted as a matter of right in Square 2557, Lot 800;** and
- ...