

**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**Z.C. CASE NO. 25-15
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT
FROM THE MU-4 ZONE TO THE MU-7B ZONE**

SQUARE 3100, LOT 48

FLORIDA AND Q STREET LLC

March 6, 2026

Respectfully submitted by:

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CERTIFICATE OF COMPLIANCE
WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS

Pursuant to Subtitle Z § 401.4 of the 2016 District of Columbia Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”)), the undersigned, on behalf of the FLORIDA AND Q STREET LLC (the “Applicant”), hereby certifies that the application and this supplemental filing comply with the provisions of 11-Z DCMR § 401.1 *et seq.* Further, and in accordance with Subtitle Z § 401.5, the application will not be modified less than thirty (30) days prior to the public hearing.

<u>Subtitle Z Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
401.1(a)	Information requested by the Zoning Commission	Page 6
401.1(b)	List of witnesses prepared to testify on behalf of the Applicant	Page 7
401.1(c)	Written summary of all witness testimony	Exhibit A
401.1(d)	Additional information introduced by the Applicant	Page 7
401.1(e)	Reduced plan sheets	N/A
401.1(f)	List of maps, plans, and other documents readily available that may be offered into evidence	Exhibit B
401.1(g)	Estimated time required for presentation of the Applicant’s case	Page 7
401.3(a)	Names and addresses of owners of all property within 200 feet of the Property	Exhibit C
401.3(b)	Name and address of each person having a lease with the owner for all or part of any building located on the Property	N/A
401.8	Transportation memorandum prepared by traffic consultant	Page 7

Respectfully submitted,

s/ Kyrus L. Freeman
Kyrus L. Freeman
Madeline Shay Williams

LIST OF EXHIBITS

- Exhibit A:** Outline of Witness Testimony and Resume of Expert Witness
- Exhibit B:** List of Maps, Plans, and Other Documents Readily Available that may be Offered into Evidence
- Exhibit C:** List of Names and Addresses of All Owners of Property Within 200 Feet of the Property
- Exhibit D:** Hearing Fee Calculator – Form 116

PREHEARING STATEMENT OF THE APPLICANT

I. Introduction

This Prehearing Statement and the accompanying documents (the “Prehearing Submission”) are submitted on behalf of FLORIDA AND Q STREET LLC (the “Applicant”) in support of its application (the “Application”) to the District of Columbia Zoning Commission (the “Commission”) for a Zoning Map Amendment. The Application is a request to rezone Lot 48 in Square 3100 (the “Property”) from the current MU-4 zone to the MU-7B zone.

A. The Property

The Property is located at the intersection of the Truxton Circle and Eckington neighborhoods in the northwest quadrant of the District of Columbia. The Property is bounded by North Capitol Street to the east, Florida Avenue, NW to the southwest, Q Street to the south, and Truxton Circle/Q Street slip lane to the southeast. The Property is also bounded by private property to the north and west, and has frontage along a portion of a dead-end public alley that runs east-west through the Square. The Property is irregularly shaped and has approximately 18,984 square feet of land area. The Property is vacant.

The Property is located in Ward 5 within the boundaries of Advisory Neighborhood Commission (“ANC”) 5E02, and across North Capitol Street from ANC 5F. The Property is also well served by many diverse modes of transportation, including readily accessible public transit. The Property is located approximately 0.5 miles from the NoMa-Gallaudet University-New York Avenue Metrorail station, which services the red Metrorail line, approximately 0.8 miles from the Shaw-Howard University Metrorail station, which services the green line, and approximately one mile from the Mt. Vernon Square 7th Street-Convention Center Metrorail station, which services the green and yellow lines. A variety of Metrobus routes and stops are conveniently located in close proximity to the Property, as are numerous Capital Bikeshare stations. The website walkscore.com gives the Property a Walk Score and Bike Score of 95 given its location in an accessible, mixed-use neighborhood with a variety of walking, biking, and transit options.

The surrounding area boasts a diverse array of residential and commercial properties, featuring a blend of housing types, retail stores, service establishments, and institutional buildings. North Capitol Street and Florida Avenue serve as prominent gateways into the District, each offering a vibrant mix of neighborhood-serving amenities. The Property is centrally located in this eclectic, mixed-use, and walkable area, with convenient access to nearby retail and service establishments.

B. Request for Zoning Map Amendment

The Application is a request to rezone the Property from the MU-4 zone to the MU-7B zone. *See* Case Record, Exs. 1–3H. The MU zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling residential development at varying densities. *See* 11-G DCMR § 101.1. The MU zones are designed to provide facilities for

housing, shopping, and business needs, including residential, office, service, and employment centers. *See* 11-G DCMR § 101.2.

Rezoning the Property to the MU-7B zone would not be inconsistent with the Comprehensive Plan, as doing so would permit an increase in allowable residential density at the Property that is currently not permitted, and facilitate the future redevelopment of a vacant and underutilized site consistent with the Property’s Main Street Mixed Use Corridor designation on the GPM. *See* Statement in Support of Map Amendment, Ex. 3. Additionally, the Application furthers several policies under the Mid City East Small Area Plan, Mid-City Planning Area Element, and under Citywide Elements, such as the Land Use, Transportation, Housing, Environmental Protection, Economic Development Element, and Historic Preservation Element. *See* Comprehensive Plan Evaluation, Ex. 3E. The Application addresses historic inequities by promoting inclusive growth, expanding access to opportunity, and supporting long-term affordability in a neighborhood with a legacy of racial exclusion. *Id.* Finally, as required by 11-X DCMR § 500.3, the Application is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. *Id.*

C. Setdown and Request for Public Hearing

The Office of Planning (“OP”) filed a report dated September 29, 2025, recommending that the Commission set down the Application for a public hearing. *See* Ex. 10 (the “OP Setdown Report”), pp. 1. The OP Setdown Report states that “MU-7B zone would allow for medium-density mixed-use development, including residential and commercial uses, consistent with the site’s Comprehensive Plan Future Land Use Map (“FLUM”) and Generalized Policy Map (“GPM”) designations.” *See* OP Setdown Report, pg. 1. More specifically, the OP Setdown Report states the proposed Application:

- “Is not inconsistent with the Comp Plan and is appropriate for this site.” OP Setdown Report at pg. 4.
- “Would be more in line with [the FLUM] designations than the existing MU-4 zone which existed prior to the amended FLUM and only allows for low- to moderate-density development.” OP Setdown Report at pg. 5.
- “Would not be inconsistent with the Comprehensive Plan maps, as on balance it would not be inconsistent with the Plan’s Citywide Elements and would particularly further the policies of the Land Use, Transportation, Housing, and Economic Development, Historic Preservation Elements.” OP Setdown Report at pg. 7.
- “Would also further many policies in the Mid City Area Element.” OP Setdown Report at pg. 7.
- “Would allow for additional affordable and market rate housing within the planning area, [and] could help to alleviate inequity somewhat, especially

regarding housing costs and the number of families that are housing-cost-burdened.” OP Setdown Report at pg. 13.

- “Would rezone the site to a zone that is more consistent with the Comprehensive Plan’s land use recommendations for the subject property.” OP Setdown Report at pg. 15.
- “Could help the site realize the medium-density mixed development recommended in the Future Land Use Map and the Mid-City East Small Area Plan.” OP Setdown Report at pg. 16.

OP did not request that the Applicant provide additional information prior to the public hearing.

The Commission considered the Application for setdown at its public meeting on February 26, 2026, and voted (4-1-0) to schedule the Application for a public hearing.

As demonstrated by the Certification of Compliance, and as set forth below, this Prehearing Submission meets the filing requirements of 11-Z DCMR § 401 *et seq.* Accordingly, the Applicant requests that the Commission schedule a public hearing on the Application.

D. Response to Advisory Neighborhood Commission (“ANC”) 5E

The Applicant also hereby responds to the comments submitted by ANC 5E regarding the Application. *See* [Ex. 14A](#). The Applicant offers the following clarification and response to ensure the record accurately reflects the applicable legal standards, Comprehensive Plan (“Comp Plan”) framework, and zoning practice governing this application.

1. Role of the Comprehensive Plan and the Zoning Map Amendment

ANC 5E correctly notes that the Comp Plan does not define land use boundaries with parcel-level precision. That feature is not a deficiency, but a deliberate and foundational characteristic of the Comp Plan. As expressly stated in the Comp Plan, including 10-A DCMR §§ 226.1–226.3, the FLUM is a generalized policy map intended to illustrate broad land use patterns rather than to draw exact boundary lines or prescribe site-specific outcomes. This approach recognizes that corridor transitions, neighborhood edges, and evolving urban conditions cannot be reduced to rigid, lot-by-lot designations. Accordingly, FLUM boundaries often traverse parcels or run along corridors to signal planning intent at a district or neighborhood scale, rather than to function as a zoning map or regulatory line of demarcation. The importance of this distinction is that minor variations at the edge of a FLUM designation do not, by themselves, determine consistency with the Comp Plan; instead, such locations require a contextual evaluation of surrounding land uses, policy objectives, and planning goals reflected in the Comp Plan’s text.

Consistent with District law, the Zoning Commission evaluates Zoning Map amendments (“ZMAs” under the “not inconsistent” standard, requiring consideration of the Comp Plan as a whole, including potentially competing policies. *See* D.C. Code § 6-641.02; 10-A DCMR § 224.8;

10-A DCMR § 2504.4. The Commission is not required to find that every policy supports the amendment, but rather that the proposal is not inconsistent when the Comp Plan is read in its entirety. In this framework, the generalized nature of FLUM boundaries reinforces the Commission’s obligation to weigh both map designations and accompanying policies together, rather than to elevate boundary placement above the Plan’s broader objectives for growth, transition, and neighborhood planning.

Here, the Applicant has submitted a complete analysis demonstrating that the proposed MU-7B zone is not inconsistent with the FLUM, the GPM, the Comp Plan, including the Mid City Area Element, and the Land Use, Housing, Transportation, Economic Development, and Environmental Protection Citywide Elements, and the Mid City East Small Area Plan (“MCESAP”). See [Exhibit 3E](#). The proposed ZMA implements adopted Comp Plan policy by aligning zoning with the Property’s location along a major mixed-use corridor.

Importantly, the FLUM designation applicable to the Property, Mixed Use (Medium Density Residential / Moderate Density Commercial), was itself adopted in 2020 through a multi-year legislative process involving extensive public outreach and Council approval.¹ The ZMA is the appropriate regulatory mechanism to implement that adopted policy at the zoning level. See 10-A DCMR § 2504.5; 11-X DCMR § 500.

2. Location at the Edge of a Designated Land Use Area

ANC 5E emphasizes that the Property is located at the northern edge of the Mixed Use (Medium Density Residential / Moderate Density Commercial) designation and near lower-density and historic residential areas. The Comp Plan explicitly anticipates such edge conditions.

ZMAs are not evaluated based on whether a property is centrally located within a land use designation, but on whether the proposed zoning appropriately applies Comp Plan policies and maps to site-specific circumstances. See 10-A DCMR § 224.8.

The Property fronts on North Capitol Street and Florida Avenue, both designated major arterials, and is situated in a context characterized by transit access, existing mixed-use development, and corridor-focused growth. These characteristics support the application of MU-7B zoning at this location and distinguish the site from interior residential blocks.

3. Use of a Zoning Map Amendment Versus a Planned Unit Development

ANC 5E asserts that a Planned Unit Development (“PUD”) is the “typical regulatory process” for increasing density on a single lot and that a ZMA would circumvent the PUD process. This assertion is not supported by the Zoning Regulations or the Comp Plan.

¹ D.C. Law L23-0217 took effect on August 27, 2020, and included amendments to the Comprehensive Plan Framework Element. D.C. Law L24-0020 took effect on August 21, 2021, and included amendments to the Comprehensive Plan general, citywide, and area elements, and the Generalized Policy Map and Future Land Use Map. The Generalized Policy Map and Future Land Use Map were formally approved on November 16, 2021, pursuant to Resolution No. R24-0292.

Neither the Zoning Regulations nor District law require that increased density be achieved through a PUD. There are no minimum land area requirements for ZMAs, and the regulations do not establish a hierarchy favoring one mechanism over the other. A PUD is typically used when an applicant seeks flexibility from development standards, design waivers, or other discretionary relief. *See* 11-X DCMR Chapter 3. In this case, the Applicant is not seeking flexibility from development standards, design waivers, or other discretionary relief for the future development of the Property.

Here, the proposed MU-7B zone is consistent with the Comp Plan and may be implemented through matter-of-right development standards. A ZMA is therefore an appropriate and commonly used regulatory tool to effectuate this change. The Commission has approved numerous ZMAs for properties of comparable or smaller size to the subject Property, which is 18,984 square feet.²

ZC Case No.	Address	Land Area	ZC Final Action to Approve
24-16	1401–1405 15th Street (Square 210, Lot 827)	7,200 sq. ft.	May 22, 2025
24-14	1459 Columbia Road, NW (Square 2672, Lot 718)	19,460 sq. ft.	June 5, 2025
24-05	700 Monroe Street, NE (Square 3657, Lot 827)	18,570 sq. ft.	September 16, 2024
24-04	1271 5th Street, NE (Square 3591, Lot 3)	13,634 sq. ft.	July 8, 2024
24-03	1603 Marion Barry Avenue, SE (Square 5765, Lot 1015)	10,248 sq. ft.	July 29, 2024
23-23	261 17th Street, SE (Square 1088, Lot 802)	11,125 sq. ft.	June 3, 2024
23-14	4600-4730 14th Street, NW (Square 2704, Lots 1, 16, 17, 824, 56-61; and Square 2706, Lots 49-54, 18-26)	19,178 sq. ft.	April 1, 2024
23-09	650 and 654 Morton Street, NW (Square 3040, Lots 33 and 34)	14,140 sq. ft.	November 2, 2023
23-07	701 Michigan Avenue NE (Square 3657, Lots 11 & 830)	18,947 sq. ft.	October 5, 2023
23-06	1515 9th Street NW (Square 397, Lot 30)	8,057 sq. ft.	July 31, 2023
23-05	8th & H Street NE (Sq. 890, Lot 69)	8,548 sq. ft.	July 24, 2023

² The list of Zoning Commission cases consists of ZMAs affecting areas of 20,000 square feet or less, with approvals dating from 2022 forward, following the stabilization of Zoning Commission filings after the COVID-19 pandemic. Within this timeframe, no ZMAs of comparable size were denied.

ZC Case No.	Address	Land Area	ZC Final Action to Approve
23-04	3250 9th Street NE (Sq. 3832, Lot 806)	6,901 sq. ft.	December 11, 2023
22-34	924 Madison Street NW (Square 2991, Lot 77)	14,000 sq. ft.	June 1, 2023
22-22	1100 6th Street NW (Sq. 449, Lot 64)	8,586 sq. ft.	December 19, 2022
22-20	1916 13th Street SE (Square 5768, Lot 808)	2,160 sq. ft.	January 23, 2023
22-18	3220 17th Street NW (Square 2607, Lot 85)	15,305 sq. ft.	December 1, 2022
22-12	4411 14th Street NW (Square 2819, Lot 813)	11,877 sq. ft.	January 30, 2023
21-21	4726 Sheriff Road NE (Square 5154, Lot 905)	10,238 sq. ft.	June 2, 2022
21-14	2026 Jackson Street NE (Square. 4220, Lot 802)	9,430 sq. ft.	September 19, 2022
21-11	5425 Western Avenue NW (Square 1663, Lot 9)	5,431 sq. ft.	March 17, 2022

4. Consistency of MU-7B with the Comprehensive Plan

The proposed MU-7B zoning is expressly stated in the Comp Plan as being consistent with the Moderate Density Commercial designation, which supports FAR ranging from 2.5 to 4.0, with additional density encouraged for Inclusionary Zoning developments. *See* 10-A DCMR § 227.11. The MU-7B permits a maximum FAR of 4.0, or 4.8 with Inclusionary Zoning, squarely within the density range contemplated by the Comp Plan. *See* 10-G DCMR § 201.1.

The MU-7B zone also implements the Mixed Use designation by supporting a balanced mix of ground-floor commercial or office uses with residential uses above, active street frontage, neighborhood-serving retail and services, and additional housing opportunities, including affordable housing. *See* 10-G DCMR § 101. This zone directly advances Comp Plan policies encouraging corridor-focused growth, transit-oriented development, and increased housing supply in accessible locations. *Id.*

II. Supplemental Filing Requirements of Subtitle Z § 401

A. Additional Information Specified by the Commission

On February 26, 2026, the Commission held a public meeting to decide whether the Application should be setdown. During its public meeting, the Commission did not ask the Applicant to submit additional information.

B. List of Witnesses Prepared to Testify

In accordance with 11-Z DCMR § 401.1(b), a list of individuals the Applicant intends to call as a witness is provided below:

1. Ms. Brandice Elliott*
Holland & Knight LLP, Director of Planning Services

* For its direct presentation, the Applicant will proffer Ms. Elliott as an expert witness in land use and zoning. The Commission has previously qualified Ms. Elliott as an expert.

C. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with 11-Z DCMR § 401.1(c), an outline of all witness testimony and a copy of Ms. Elliott’s professional resume is attached as Exhibit A.

D. Additional Information Introduced

In accordance with 11-Z DCMR § 401.1(d), the Applicant does not have any additional information, reports, or other materials it wishes to submit.

E. List of Maps, Plans and Other Documents Readily Available

In accordance with 11-Z DCMR § 401.1(f), a list of maps, plans, or other documents readily available to the general public that may be offered into evidence at the public hearing is attached as Exhibit B.

F. Estimation of Time Required for Presentation of the Applicant’s Case

In accordance with 11-Z DCMR § 401.1(g), the estimated time for the presentation of the Applicant’s case is 30 minutes, subject to the discretion of the presiding officer at the public hearing.

G. Names and Addresses of Owners of Property with 200 Feet of the Subject Property

In accordance with 11-Z DCMR §§ 401.3(a), 401.3(b), a list of the names and addresses of the owners of all of the property located within two hundred feet (200 ft.) of the Property and the names and addresses of each person having a lease with the owner for all or part of any building located on the Property is attached as Exhibit C.

H. Report by Traffic Consultant

In accordance with 11-Z DCMR § 401.8, any traffic report for the Application will be filed with the Commission at least thirty (30) days prior to the public hearing.

III. Conclusion

In accordance with Subtitle X, Chapter 5 and Subtitle Z, Chapter 4, this Prehearing Statement, along with the original application, satisfies the filing requirements for a contested Zoning Map Amendment. Accordingly, the Applicant respectfully requests the Commission schedule a public hearing on the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

s/ *Kyrus L. Freeman*

Kyrus L. Freeman

Madeline Shay Williams