GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 25-15
Z.C. Case No. 25-15
Florida & Q Street, LLC
(Zoning Map Amendment @ Square 3100, Lot 48
[1600 North Capitol Street, N.W.])
July 16, 2026

Pursuant to notice, at its public meeting on July 16, 2026[1], the Zoning Commission for the District of Columbia (the "Commission") considered an application filed by Florida & Q Street, LLC (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 MU-4 zone to the MU-7B zone (the "Map Amendment" or "Application") for property located at 1600 North Capitol Street, N.W. (Square 3100, Lot 48) (the "Property").

The Commission determined the Property is appropriate for IZ Plus. The Property shall be indicated with an "IZ+" symbol on the Zoning Map. For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property's existing zoning of MU-4 is the equivalent of 2.5 FAR.

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 hereby **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PARTIES

1. In addition to the Applicant, Advisory Neighborhood Commissions ("ANC") 5E and 5F were automatic parties to the Application (Subtitle Z § 403.5).

2. The Commission did not receive requests for party status.

3. On June 10, 2025, the Applicant mailed a Notice of Intent to file the Application to all property owners within 200 feet of the Property, ANCs 5E and 5F, as required by Subtitle Z § 304.5 (Exhibit ("Ex.") 3H).

[1] The Commission took proposed action at its June 11, 2026 public meeting and final action at its July 16, 2026.

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4. On August 7, 2025, the Office of Zoning ("OZ") sent notice of the Application's filing to:
   - The Applicant;
   - ANCs 5E and 5F;
   - ANC Single Member Districts ("SMD") 5E02 and 5F07;
   - Office of ANCs;
   - Office of Planning ("OP");
   - District Department of Transportation ("DDOT");
   - Department of Energy & Environment ("DOEE");
   - Department of Buildings ("DOB") General Counsel;
   - At-Large Councilmembers and the Chairman of the Council;
   - The Ward 5 Councilmember; and
   - Office of Zoning Legal Division ("OZLD").

   (Ex. 9).

5. OZ published notice of the filing of the Application in the August 22, 2025, *District of Columbia Register* (72 DCR 009253) (Ex. 8).

6. On March 17, 2026, OZ sent notice of the May 18, 2026, public hearing to:
   - The Applicant;
   - ANCs 5E and 5F;
   - SMDs 5E02 and 5F07;
   - Office of ANCs;
   - OP;
   - DDOT;
   - DOEE;
   - DOB General Counsel;
   - At-Large Councilmembers and the Chairman of the Council;
   - The Ward 5 Councilmember;
   - OZLD; and
   - Property owners within 200 feet of the Property.

   (Ex. 20, 21).

7. The Applicant submitted evidence that the Applicant had posted notice of the public hearing as required by Subtitle Z § 402.3 and maintained said notice in accordance with Subtitle Z § 402.10 (Ex. 22, 27).

THE PROPERTY

8. 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, N.W. to the southwest, Q Street to the south, and Truxton Circle/Q Streetslip 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 (Ex. 3, 3A).

9. The Property is irregularly shaped and has approximately 18,984 square feet of land area. The Property is vacant (Ex. 3, 3A).

10. The Property is zoned MU-4 and is located within the Bloomingdale Historic District. As shown on the Zoning Map, the Property and the majority of nearby properties located along the North Capitol Street and Florida Avenue corridors are zoned MU-4. Properties in the area without frontage on the larger corridors are primarily zoned RF-1. Properties to the southeast, directly across North Capitol Street on the south side of Florida Avenue, are zoned D-5; properties to the southeast on the north side of Florida Avenue are zoned PDR-2 (Ex. 3, 3B).

11. In 2007, the Property was approved to be developed as a Planned Unit Development ("PUD") with a related Zoning Map amendment from the C-2-A zone to the C-2-B zone under the then-applicable 1958 Zoning Regulations (*See* Z.C. Order No. 06-04, having an effective date of June 15, 2007; Ex. 3).

12. This original approval was extended and modified several times pursuant to Z.C. Order Nos. 06-04A through 06-04I. The most recent extension of the Commission orders expired on June 15, 2023.

13. The Property is 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 (Ex. 3).

EXISTING ZONING

14. The Property is currently zoned MU-4. The MU-4 zone is intended to (a) permit moderate-density mixed-use development;[2] (b) 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 (c) 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).

[2] On June 30, 2025, the OP filed an Omnibus Zoning Text Amendment application to modify and clarify the text of various provisions of the Zoning Regulations. *See* Z.C. Case No. 25-12. Included in the application was a proposal to modify the text of the Zoning Regulations to state that the MU-4 zone is intended to permit low to moderate density mixed-use development instead of moderate density mixed-use development (Ex. 3). The Commission took final action on Z.C. Case No. 25-12 on May 28, 2026, and the amendments became final and effective on July 10, 2026.

15. The maximum permitted density in the MU-4 zone is 2.5 floor area ratio ("FAR") and up to 3.0 FAR for an Inclusionary Zoning ("IZ") development; a maximum of 1.5 FAR is permitted for non-residential uses (Subtitle G § 201.1). The maximum permitted building height in the MU-4 zone, not including a penthouse, is 50 feet with no limit on the number of stories (Subtitle G § 203.2). The maximum permitted penthouse in the MU-4 zone is 12 feet and one-story, except 15 feet and a second-story is permitted for penthouse mechanical space (Subtitle G § 205.1). The maximum lot occupancy permitted in the MU-4 zone is 60% or 75% for an IZ development (Subtitle G § 210.1).

COMPREHENSIVE PLAN (TITLE 10-A DCMR or "CP")

16. Pursuant to Subtitle X § 500.3, the Commission shall find that a Zoning Map amendment is not inconsistent with the Comprehensive Plan (the "CP") and with other adopted public policies and active programs related to the Property.

17. 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 §§ 2501.4-2501.8). Consideration of equity is intended to be based on the policies of the CP, and part of the Commission's considerations of whether the Zoning Map amendment is "not inconsistent" with the CP, rather than a separate determination about a zoning action's equitable impact.

18. 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).

19. In addition, CP § 2501.8 suggests to prepare and implement tools to use as a part of the Commission's evaluation process. Consistent with CP guidance, the Commission utilizes a Racial Equity Tool in evaluating zoning actions through a racial equity lens. The Racial Equity Tool requires submissions from applicants and OP analyzing the zoning action's consistency with the Citywide and Area Elements of the CP and Small Area Plans, if applicable (Part 1); a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from OP including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3).

GENERALIZED POLICY MAP

20. The purpose of the Generalized Policy Map ("GPM") is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the CP and in follow-up plans, to manage this change (CP § 225.1). The GPM is intended to guide land use decision-making in conjunction with

the CP text, the FLUM, and other CP maps. Boundaries on the GPM are to be interpreted in concert with these other sources as well as the context of each location (CP § 225.2).

21. The Property is designated as a Main Street Mixed Use Corridor on the GPM (Ex. 3, 3D).

22. Main Street Mixed Use Corridors are "traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment" (CP § 225.14).

FUTURE LAND USE MAP

23. The FLUM shows the general character and distribution of recommended and planned uses across the District, and, along with the GPM, is intended to provide generalized guidance. The FLUM shows anticipated future land uses, which may be the same, or different than, the current land uses (CP § 200.5, 224.4).

24. The FLUM designates the Property as mixed-use Medium Density Residential and Moderate Density Commercial (Ex. 3, 3C).

25. The FLUM indicates areas where the mixing of two or more land uses is especially encouraged, which generally applies in established, pedestrian oriented areas, commercial corridors where more housing is desired, large sites, 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 therein. 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, or areas where multiple uses are specifically encouraged in the future (CP § 227.22). A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities (CP § 227.23).

26. The CP defines Medium Density Residential as a designation used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 zone is consistent with the Medium Density Residential category, and other zones may also apply (CP § 227.7).

27. The CP defines Moderate Density Commercial as a designation 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 zones are representative of zones consistent with the Moderate Density Commercial category, and other zones may also apply (CP § 227.11).

MID-CITY AREA ELEMENT

28. The Property is located within the Mid-City Area Element of the CP, which states:
    - Mid-City is one of the most diverse parts of Washington, DC. Although it is one of the smallest of the 10 planning areas geographically, it is the most populous and most dense. Much of the area was developed during the late 19th and early 20th centuries, giving it a rich and historic urban character (CP § 2000.2);
    - The area includes row house neighborhoods, such as Adams Morgan, Bloomingdale, Columbia Heights, Eckington, LeDroit Park, Park View, Pleasant Plains, and Mount Pleasant. It includes large apartment communities along streets such as 14th Street N.W., 16th Street N.W., and Columbia Road N.W. It is also home to several large institutions, such as Howard University, Howard University Hospital, and the McMillan Sand Filtration Site (CP § 2000.2); and
    - Parts of the Mid-City Planning Area have changed rapidly during the last 10 years. Already one of the densest areas in Washington, DC, Mid-City contains approximately 19% of the District's new housing units, and almost 14% of the area's housing units are affordable. Although Mid-City is close to having a fair amount of affordable housing, the distribution of that affordable housing has been concentrated in a few neighborhoods such as Columbia Heights, Reed-Cooke, and the U Street corridor. Additionally, many of these affordable units are at risk of expiring; thus, Mid-City will be a target rich area for investments by the administrators of the Housing Preservation Trust Fund, which is to be used to preserve affordable housing units when their covenants of affordability are expiring (CP § 2000.6).

MID CITY EAST SMALL AREA PLAN

29. The Property is located within the identified study area of the Mid City East Small Area Plan ("MCESAP"), which was approved by the D.C. Council on November 18, 2014 (PR 20-1103). The MCESAP Study Area is comprised of a group of neighborhoods including Bates/Truxton Circle and Hanover, Bloomingdale, Eckington, LeDroit Park, and Sursum Corda, as well as portions of Edgewood and Stronghold (MCESAP, p. 8; Ex. 3E).

30. The MCESAP articulates recommendations and guidance for the revitalization of the study area's community of neighborhoods, organized into six core themes: (MCESAP, p. ii; Ex. 3E).

- Neighborhood Character: Mid City East neighborhoods will retain their historic and cultural diversity, while preserving their distinctive architectural character and public spaces;
- Commercial Revitalization: Mid City East will be an attractive area with thriving existing businesses, emerging small businesses, vibrant retail, and a growing neighborhood residential base. North Capitol Street and other major corridors will provide neighborhood serving retail, dining options and amenities to the community (emphasis added);
- Redevelopment Opportunities and Housing: Mid City East will prosper as an inclusive community with a strong neighborhood fabric, thriving businesses, and a diverse mix of quality housing options;
- Neighborhood Placemaking and Public Realm: Mid City East neighborhoods and corridors will showcase a unique identity and enhanced sense of place. Sidewalks and public spaces will be attractive, safe and well-maintained. As it relates to the Property, North Capitol Street will be enhanced to celebrate its importance and symbolic axial connection to the Capitol (emphasis added);
- Parks, Green Space, and Stormwater: Mid City East will enjoy a variety of parks, green spaces, and recreation options. Flooding will be mitigated through the DC Clean Rivers project and the employment of Low Impact Development (LID) stormwater management strategies; and
- Connectivity: Mid City East residents will experience safe and enhanced connectivity between neighborhoods. Residents will be able to travel via car, bus, bike or on foot, through a pleasant environment to their daily destinations.

(MCESAP, p. 18; Ex. 3E).

II. THE APPLICATION

APPLICANT'S FILINGS

31. The Applicant made the following submissions to the record in support of the Application proposing to rezone the Property from the MU-4 zone to the MU-7B zone:

(a) On July 28, 2025, the Applicant submitted the Application which included:
- OZ's application form for a Zoning Map amendment; (Ex. 1).
- A cover letter; (Ex. 2).
- A Statement in Support of the Application, attaching: (Ex. 3-3H).
  - Surveyor's Plat;
  - Portion of the Zoning Map;
  - Portion of the FLUM;
  - Portion of the GPM;
  - The Applicant's CP and Racial Equity Analysis;
  - Application signature page;
  - Authorization letter; and
  - NOI, Certificate of Service, and list of owners of property located within 200 feet of the Property.

(b) On March 6, 2026, the Applicant submitted its Prehearing Submission, which included:

- Cover letter; (Ex. 16).
- Prehearing Statement, attaching (Ex. 17-17D).:
  - Outlines of witness testimony and resume for the Applicant's proffered expert witness;
  - List of public documents the Applicant would rely on;
  - List of owners of property located within 200 feet of the Property; and
  - OZ hearing fee form.
- The Applicant's Prehearing Statement responded to the opposition comments raised in ANC 5E's Setdown Form (Ex. 14-14A), to offer clarification and ensure that the record reflected applicable legal standards, Comprehensive Plan framework, and zoning practice governing this Application, noting:
  - The CP FLUM map is not a site-specific zoning map but a generalized map intended to illustrate broad land use patterns therefore the Property's location on the edge of varied FLUM designations does not mean the proposed map amendment is inconsistent with the CP as a whole;
  - The CP anticipates edge FLUM conditions and map amendments are evaluated based on whether the proposed zoning appropriately applies CP policies to site specific circumstances; and
  - The PUD process is not the preferred or typical process for increasing density on a single lot. A map amendment is appropriate to achieve matter-of-right development whereas a PUD is typically used when flexibility from development standards, design waivers, and other discretionary relief is needed (Ex. 17);

(c) On May 15, 2026, the Applicant submitted a copy of its hearing presentation (Ex. 29);

(d) On May 28, 2026, the Applicant submitted its Post-Hearing Statement providing the following in response to the Commission's requests at the May 18, 2026 public hearing:

- A Property timeline from 2003 to present (Ex. 31A), including failed PUD history, community outreach efforts, and temporary site activation efforts including a beer garden/food truck; and
- (ii) An update on the ANC 5E meeting held on May 19, 2026, stating that the Applicant attended the meeting and answered various questions regarding the site history, proposed future development, and short-term use of the site as a multi-functional community gathering space; and OP was also present and stated that the proposal met the map amendment standard (Ex. 31-31A).

(e) On July 14, 2026, the Applicant submitted draft findings of fact and conclusions of law.

(Ex. 37).

PROPOSED ZONING

32. The Applicant proposed to rezone the Property from the MU-4 zone to the MU-7B zone. The Applicant 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 Applicant also stated that the proposed Zoning Map Amendment would bring the Property's zone designation into greater conformity with the FLUM and the CP overall. Notably, the CP Framework Element cites the MU-7 Zone District as being consistent with the Moderate Density Commercial FLUM category (CP § 227.11).

33. The MU-7 zones are intended to permit medium density mixed-use development[3] (Subtitle G § 101.12). The maximum permitted density in the MU-7B is 4.0 FAR and 4.8 FAR as an IZ development, of which up to 2.5 FAR may be devoted to non-residential uses (Subtitle G § 201.1). The maximum permitted building height in the MU-7B zone, not including a penthouse, is 65 feet with no limit on the number of stories (Subtitle G § 203.2). The maximum permitted penthouse in the MU-7B zone is 12 feet and one-story, except 18 feet and six inches and a second-story is permitted for penthouse mechanical space (Subtitle G § 205.1). The maximum lot occupancy permitted in the MU-7B zone is 75% or 80% for an IZ development (Subtitle G § 210.1).

APPLICANT'S JUSTIFICATION FOR REZONING

Not Inconsistent with the CP

34. The Applicant asserted that the Zoning Map amendment is not inconsistent with the CP, including the Property's designations on the GPM and the FLUM, advances the objectives and the recommendations of the Mid City East Small Area Plan, the Mid-City Area Element and Citywide Elements of the CP, including particularly relevant policies under the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Historic Preservation Elements. The Application also explained how any potential inconsistencies with the CP are outweighed by other CP policies (Ex. 3, 3E).

GPM

35. The Applicant asserted that the Zoning Map amendment is not inconsistent with the Property's GPM designation as a Main Street Mixed Use Corridor because it will allow for future mixed-use development that will contribute to the pedestrian-oriented environment, foster economic growth, provide opportunities for housing, and serve neighborhood needs (Ex. 3, 3D, 3E).

FLUM

36. The Applicant asserted that the Zoning Map amendment is not inconsistent with the Property's FLUM designation as mixed-use Medium Density Residential and Moderate Density Commercial because it would allow for densities that are fully consistent with those prescribed for the Moderate Density Commercial designation, which specifically identifies MU-7 as a "representative" zone district (Ex. 3, 3C, 3E).

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[3] Z.C. Case No. 25-12 included proposed amendments to modify the text of the Zoning Regulations to state that the MU-7 zone is intended to permit moderate to medium density mixed-use development instead of medium density mixed-use development. The Commission took final action on Z.C. Case No. 25-12 on May 28, 2026, and the amendments became final and effective on July 10, 2026.

Mid-City Area Element

37. The Applicant asserted that the Zoning Map amendment advances the planning objectives outlined in the Mid-City Area Element because (Ex. 3E):
    - It will encourage high-quality, transit-oriented development along major corridors such as North Capitol Street and Florida Avenue (MC-1.1.2);
    - It will allow for the redevelopment of a vacant lot, particularly in the Bloomingdale and Eckington communities (MC-1.1.3);
    - Redevelopment of the Property permitted under the proposed Zoning Map amendment would contribute to this revitalization by introducing active ground-floor uses that enhance the pedestrian experience and support neighborhood-serving businesses (MC-2.7.1); and
    - Given the Property's location within a historic district, redevelopment will be subject to Historic Preservation Review Board ("HPRB") review and thus sensitive to the historic context of the area's unique character (MC-2.7.2).

Land Use Element

38. The Applicant stated that the proposed MU-7B zone advances policy objectives of the Land Use Element. Specifically, the MU-7B zone would facilitate mixed-use, higher-density redevelopment of a long-vacant and underused site; allow more economically viable uses while improving visual quality and public safety; support growth along a major corridor that balances preservation, encouraging compatible development; and facilitate creation of more housing, including affordable housing, for a range of incomes and household types (LU-1.4.3, LU-1.4.6, LU-1.5.1, LU-1.5.2, LU-2.1.2, LU-2.1.3, LU-2.1.8, LU-2.2.2, LU-2.4.6).

39. Accordingly, the Applicant concluded that the Zoning Map amendment would be not inconsistent with the Land Use Element overall.

Transportation Element

40. The Applicant stated that the proposed MU-7B zone advances policy objectives of the Transportation Element. Specifically, the Applicant stated the existing MU-4 zone aligns with the Low Density Commercial FLUM designation, limiting development potential, while the MU-7B zone permits greater density and supports development in a location well-served by transit and neighborhood amenities (T-1.1.3). Additionally, the Applicant stated the Property's location in a walkable, mixed-use context and proximity to employment centers and services further reinforce equitable access to opportunity, consistent with the District's commitment to inclusive growth and mobility (T-1.1.7, T-1.3.1, T-1.3.1, T-1.4.2). Further, the Applicant also stated that the proposed MU-7B zoning reflects the CP's call to proactively address historic inequities through land use and transportation planning, and to ensure that all residents, regardless of race, income, or geography, benefit from the District's growth and investment (T-1.4.1).

41. Accordingly, the Applicant concluded that the Zoning Map amendment would be not inconsistent with the Transportation Element overall.

Housing Element

42. The Applicant stated that the proposed MU-7B zone advances policy objectives of the Housing Element. Specifically, the proposal will contribute to the District's goal of expanding housing supply in locations that can accommodate growth given the Property's high-capacity corridor location along North Capitol Street; allow for the development of both market-rate and affordable housing, through provision of IZ Plus, aligning with the District's strategy to incentivize deeper affordability and greater unit production; support the creation of inclusive, mixed income neighborhoods by integrating affordable units into a high-opportunity context, minimizing displacement pressures, and fostering racial and economic diversity; and allow future development of the Property with a mix of unit types and tenures, supporting tenure diversity and providing housing options for a range of household types, including families, singles, and older adults (H-1.1.1, H-1.1.2, H-1.1.3, H-1.1.4, H-1.2.7, H-1.2.11, H-1.3.2).

43. Accordingly, the Applicant concluded that the Zoning Map Amendment would not be inconsistent with the Housing Element overall.

Environmental Protection Element

44. The Applicant stated that the proposed MU-7B zone advances policy objectives of the Environmental Protection Element. Specifically, future development of the Property, located in a dense, walkable, and transit-rich neighborhood, supports the District's broader climate resilience and sustainability goals of reducing reliance on automobiles and supporting development that mitigates greenhouse gas emissions and the urban heat island effect; furthers resilient strategies by enabling development that would be required to comply with all current environmental laws and regulations, which generally require the provision of green roof areas, permeable paving, and/or bioretention areas to manage stormwater and reduce flood risk; and promotes the retention of existing trees where feasible and the planting of new trees with provisions for ongoing maintenance as future development of the Property would be subject to the District's regulations regarding tree planting and landscaping (E-1.1.2, E-1.1.5, E-2.1.1, E-2.1.6). The Applicant noted that, given the Property was once a gas station, the environmental impacts were remediated through soil and groundwater testing consistent with the District's policy to ensure clean up of contaminated sites prior to redevelopment (E-6.3.5).

45. Accordingly, the Applicant concluded that the Zoning Map amendment would not be inconsistent with the Environmental Protection Element overall and supports the District's environmental protection policies by promoting climate resilience, sustainable landscaping, tree canopy expansion, stormwater management, and remediation of the Property.

Economic Development Element

46. The Applicant stated that the proposed MU-7B zone advances policy objectives of the Economic Development Element and would support the District's goal of expanding the retail sector in a walkable, transit-rich environment with high residential density by

leveraging the spending power of nearby residents, workers, and visitors (ED-3.1.1). Specifically, the Property's current vacant condition, proximity to established commercial corridors and its walkable context makes it well-positioned to accommodate new retail that supports neighborhood shopping, meets community needs and enhances the vitality of the surrounding area; future development of the Property has the potential to introduce appropriately scaled, locally serving retail that complements existing businesses and contributes to a unique neighborhood identity, which aligns with the District's policy to support non-chain, locally owned establishments; and the Property's excellent access to public transportation, including Metrorail, Metrobus, and bikeshare, enhances its potential to improve residents' access to employment opportunities, reduce unemployment, and promote equitable economic growth (ED-2.2.1, ED-2.2.3, ED-2.2.9, ED-4.3.1).

47. Accordingly, the Applicant concluded that the Zoning Map amendment would not be inconsistent with the Economic Development Element overall.

Historic Preservation Element

48. The Applicant stated that the proposed MU-7B zone advances policy objectives of the Historic Preservation Element because the rezoning can contribute meaningfully to the vitality and integrity of the historic neighborhood. The Property's location within the Bloomingdale Historic District serves to preserve the collective significance of the area rather than individual structures; however, future development of the Property will align with the scale and rhythm of adjacent structures because it will be subject to Historic Preservation Review Board review and will thus be compatible with the historic district (HP-1.5.5, HP-1.6.3).

49. Accordingly, the Applicant concluded that the Zoning Map amendment would not be inconsistent with the Historic Preservation Element overall and that by aligning with the District's preservation policies and respecting the District's architectural and cultural context, the proposal can contribute meaningfully to the vitality and integrity of the historic neighborhood.

Mid City East Small Area Plan (MCESAP)

50. The Application included a detailed analysis of how the Zoning Map amendment would help to advance many of the general recommendations within the MCESAP, including its goals for neighborhood character; commercial revitalization; redevelopment opportunities and housing; neighborhood placemaking and public realm; parks, green space, and stormwater; and connectivity (Ex. 3E). Thus, the Applicant concluded that the Zoning Map amendment would enable future development at the Property that would contribute to the long-term growth and vitality of the area, consistent with the many goals of the MCESAP.

Racial Equity

51. The Application asserted that the Zoning Map amendment would be not inconsistent with the CP when evaluated through a racial equity lens. In support of its assertion, the Applicant evaluated the Zoning Map amendment's consistency with the CP through a racial equity lens by applying the Commission's Racial Equity Tool (Ex. 3E).

52. In accordance with the Commission's Racial Equity Tool, the Applicant responded to the components of the Tool applicable to the Applicant.

Community Outreach and Engagement – The Applicant made the following observations and conclusions about the neighborhood in its responses to the Community Outreach and Engagement component of the Commission's Racial Equity Tool (Ex. 3E, 29):

- The community most likely to be impacted by the Zoning Map amendment is the residents and businesses of the Bloomingdale, Eckington, and Truxton Circle neighborhoods, all of which are located within the Mid-City East planning area of Washington D.C. The Applicant described these characteristics in its CP Analysis;
- The Application also included specific information about how the Zoning Map amendment would benefit the surrounding community;
- The Application provided information about past and present racial discrimination, particularly through the use of racially restrictive covenants that excluded African Americans from purchasing or occupying homes in much of the neighborhood during the early and mid-20th century. The Application further outlined that the proposed rezoning will enable the expansion of housing opportunities, support socioeconomic diversity, and foster inclusive neighborhood growth that reflects the values of equity and access for all residents and in doing so, it will not perpetuate the discriminatory practices of the past; and
- The Application included information about the Applicant's community participation and outreach efforts, stating that the Applicant presented the Application at a Single Member District meeting with ANC Commissioner Lewis (5E02) on July 2, 2025; at an ANC 5E public meeting on July 15, 2025; and at an ANC 5F public meeting on July 15, 2025 (Ex. 3E, 29). And immediately following the public hearing for this case, the Applicant attended the ANC 5E meeting on May 19, 2026 and answered questions about the Map Amendment, proposed future development, and short-tern use of the site (Ex. 31; see Finding of Fact ("FF") 31(d) above); and

Displacement – The Application stated that the proposal will not result in any direct or indirect displacement as the Property site is currently vacant and contains no existing housing or commercial uses (Ex. 3E, 29).

53. Finally, the Applicant's Racial Equity Analysis included a detailed chart demonstrating how the Zoning Map amendment will generally result in positive outcomes when considered through several racial equity themes, as it has the potential to address a number of equity issues that residents in the Mid-City Planning Area are experiencing. Primarily, the provision of an increased amount of housing on the Property site would facilitate for a broader range of households to move into the neighborhood, supporting greater socioeconomic and resident diversity. Overall, the Applicant concluded that when analyzed through a racial equity lens, the Zoning Map amendment would create favorable outcomes for District residents by allowing for the underutilized Property to be redeveloped with additional density (Ex. 3E, 29).

Potential Inconsistencies With The CP

54. The Applicant identified one policy that was potentially inconsistent with the Zoning Map amendment, specifically Policy H-1.6.5: Net-Zero, Energy Efficient Housing. However,

the Application concluded that while this CP policy may be viewed as potentially inconsistent, it is 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 historic preservation, as discussed above (Ex. 3E, 29). The Applicant noted that it is currently unknown whether future redevelopment of the Property will include net-zero buildings or renewable energy; therefore, it is unknown at this time whether the Map Amendment will ultimately be inconsistent with the referenced CP policy.

Setdown

55. The Commission first considered setting down the Application for a public hearing at its October 9, 2025 public meeting, and decided against setdown because of ANC 5E's opposition. ANC 5E filed a setdown form and resolution to the case record noting the Property's failed development history and the Mayor's authority to exercise eminent domain of the Property per the FY 2026 Budget Support Act (Ex. 12, 14-14A). At the October 9, 2025 public meeting, the Commission requested additional information regarding the current status of any eminent domain proceeding. In response to the Commission's request, OP filed a memorandum to the case record on October 22, 2025, citing an email response received from the Deputy Mayor for Planning and Economic Development ("DMPED") (Ex. 13). The DMPED email acknowledged that eminent domain authorization was approved; stated that there is no pending eminent domain case at this time as several steps are necessary to facilitate a case starting with seeking funds for an appraisal; and requested that the Commission proceed with considering the Application *(Id.)*. At its February 26, 2026 public meeting, the Commission considered the Application again and set it down for a public hearing.

Applicant's Public Hearing Testimony

56. At the public hearing on May 18, 2026, the Applicant presented its case and responded to the Commission's questions and cross-examination questions from ANC Commissioner Karla Lewis.

III. RESPONSES TO THE APPLICATION

OP REPORTS AND TESTIMONY

57. OP submitted a report dated September 29, 2025 (the "OP Setdown Report"), recommending the Commission setdown the Application for a public hearing and noting that IZ Plus would be appropriate for the site, pursuant to Subtitle X § 502.1(b) (Ex. 10).

58. The OP Setdown Report made the following findings:
    - The proposed MU-7B zone would be more in line with the Property's mixed-use Medium Density Residential and Moderate Density Commercial designations than the existing MU-4 zone which existed prior to the amended FLUM and only allows for low- to moderate-density development. The Comprehensive Plan strongly encourages medium-density residential development on the site, and the new zone would allow for additional residential density with a limited amount of commercial space (Ex. 10, pp. 6);

- The site is within the Main Street Mixed-Use Corridors on the GPM. This proposed map amendment would not be inconsistent with this designation. The new zone would allow for medium-density residential development in Mid City where more housing is encouraged (Ex. 10, pp. 6);
- The MU-7B zone 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, Economic Development, and Historic Preservation Elements. It would also further many policies in the Mid City Area Element and recommendations of the MCESAP (Ex. 10, p. 7-9, 15-16); and
- *Potential CP Inconsistencies* – OP did not identify any potential CP inconsistencies. However, OP stated that it considered the CP inconsistency identified by the Applicant and found that the proposal would not result in any inconsistency with Policy H-1.6.5: Net-Zero, Energy Efficient Housing because any new building would be required to meet all the District green building, stormwater management, and energy efficiency requirements at the time of construction (Ex. 10, p. 9).

59. The OP Setdown Report included a detailed analysis of disaggregated race and ethnicity data for the Mid City Planning Area, in which the Property is located, in accordance with the Commission's Racial Equity Tool. The data showed the following trends:

Disaggregated Race and Ethnicity Data

- Population – In the latest study period, 2019-2023, the Mid-City planning area was almost evenly split between the White population and other populations. The percentages of both White and Black populations have decreased from the 2012-2016 study period, with other minority groups increasing their share of the total population. The White population decreased from 52% to 49.86%; The Black population decreased from 32.6% to 24.5%, which is reflective of the District-wide trend during this period. The IZ units created by future development would provide increased opportunities for lower-income families to remain in the District and the planning area. Given the income data by race, it can be inferred that the families benefiting the most from the IZ housing on the site would be Black or other minority groups, which could have some impact on the present trends of declining Black population in the planning area;
- Median Age – The Mid-City planning area's median age decreased slightly across study periods. It was slightly younger than the District's median age in both study periods. When race is considered, the data shows that Black residents were older than most of the other groups. The Mid-City planning area had a similar or lower percentage of vulnerable residents than the District as a whole. Over the 10-year period, the number of residents 65 and older stayed nearly constant, as did the number of people who identified as disabled. In this planning area there are also fewer people over 65, and fewer people under 18, than District-wide;
- Median Income – The Mid-City planning area has a higher median income than the District as a whole, as evidenced by data from both the 2012-2016 and 2019-2023 survey periods. The planning area median income, however, increased faster than the citywide median, but these gains were not distributed evenly across racial groups. The

median income of some groups saw significant increases, while other groups saw more modest gains, or, in the case of those identifying as American Indian and Alaskan Native, a decrease;

- Housing Tenure – Fewer residents in the Mid-City planning area own their home than in the District as a whole – 38.3% compared to 41.4%. The homeownership rate in the planning area increased slightly between the two survey periods, similar to the District-wide trend. Black homeownership decreased by almost 10% in the planning area, although somewhat less than the citywide trend. Homeownership also decreased among several other racial groups (Ex. 10, pp. 9-12).

60. OP submitted a report dated May 8, 2026 (the "OP Hearing Report"), which reiterated the OP Setdown Report's conclusions and recommended approval of the Application (Ex. 23). The OP Hearing Report provided a detailed comparative analysis, including zoning development standards and FLUM specific guidance, of the proposed MU-7B zone vs. the MU-4, MU-5A, MU-5B, and MU-7A zones and concluded that the proposed MU-7B zoning is more appropriate for the property than other alternative zones *(Id.)*.

61. OP submitted a report dated May 13, 2026 (the "Corrected OP Report"), which made minor corrections, including FAR information, to the OP Hearing Report but did not materially differ in its analysis and recommendation from the OP Hearing Report (Ex. 28).

62. At the public hearing, OP reiterated its support for the Application as detailed in its reports.

63. OP submitted a post-hearing report dated June 3, 2026 (the "Post-Hearing OP Report") in response to the Commission's request for a current status update on eminent domain of the Property. OP reconfirmed that DMPED provided an additional email, dated May 26, 2026, stating: "At this time, DMPED is not pursuing eminent domain proceedings related to this property. Additionally, the District's proposed FY26 budget does not include a funding request for eminent domain associated with 1600 North Capitol Street N.W." (Ex. 32).

DDOT REPORT

64. DDOT submitted a report dated May 7, 2026 (the "DDOT Report"), stating that it had no objection to the Application and expects the Applicant to coordinate through the permitting process to minimize impacts of a future development proposal on the transportation network (Ex. 24). DDOT also encouraged the Applicant to participate in a Preliminary Design Review Meeting (PDRM) with the OP and DDOT to discuss the public space design when a future development is proposed *(Id.)*.

65. DDOT did not testify at the public hearing.

ANC REPORT AND TESTIMONY

66. ANC 5E submitted a resolution on October 8, 2025 (the "ANC Resolution"), stating that at its regularly scheduled public meeting on July 15, 2025, which was properly noticed and attended by a quorum of commissioners, the ANC voted 6-0-0 to support eminent domain and oppose the Zoning Map Amendment for the current owner of the Property (Ex. 12). The ANC Resolution requested that "that Mayor's office exercise eminent domain as

proposed in the Fiscal Year 2026 Budget Support Act, and proceed to identify a funding source to pay for the property at 1600 North Capitol St NW, so the DC Government can then place the property in the hands of a developer with a proven track record to ensure that development will take place and that there will be affordable housing at this location in our lifetime." *(Id.)*.

67. The ANC Resolution also stated that ANC 5E "requests that each executive agency and all independent agencies, boards, and commissions of the government of the District of Columbia and Zoning Commission, oppose the prospective map amendment to MU-7B made by the current owner at 1600 North Capitol St NW, Lot 48 in Square 3100." (Ex. 12).

68. ANC 5E submitted a setdown form dated October 21, 2025 (the "ANC Setdown Form"), stating that ANC 5E does not recommend the application be set down for a public hearing and that "ANC 5E supports the recommendation of the ANC 5E Zoning Committee, which supports development on this property for the current owner at MU-4 and granting this single property the density increase to MU-7B for a different owner/developer via the Planned Unit Development (PUD) process." (Ex. 14). ANC 5E also submitted a letter attached to the ANC Setdown Form providing additional information, stating that the broad scale of the CP was never intended to dictate density increases at the individual scale of properties; the Property sits on the edge of a designated medium density area at the confluence of multiple land use areas with less density; therefore, a map amendment will only circumvent the need for a PUD, which is the typical regulatory process to increase density on a single lot, not a map amendment (Ex. 14A).

69. Commissioner Karla Lewis, the single member district representative for ANC 5E02, which includes the Property, testified at the public hearing, reiterating the opposition points made in the ANC Resolution and ANC Setdown Form. Ms. Lewis recounted the failed development history of the Property with the current owner, and community opposition to the current owner being allowed to continue with development of the Property. Ms. Lewis also cross-examined the Applicant's counsel about the failed development and reactivation history of the Property.

70. ANC 5E submitted a post-hearing statement dated June 3, 2026 (the "ANC Post-Hearing Response") in response to the Commission's request for an update following the Applicant's attendance at the ANC's May 19, 2026 public meeting (Ex. 33). The ANC Post-Hearing Response again described the failed PUD and site activation history of the Property; and provided a copy of a 2019 Memorandum of Understanding between the Applicant and Bloomingdale Civic Association (Ex. 33A), which the ANC asserted was breached by the Applicant. The ANC also stated that the Applicant attended its May 19, 2026 meeting, at which the community raised issues of concern regarding the condition of the Property and the history of extensions and lack of development; as a result of the meeting, the ANC did not rescind its previous vote to oppose the Application and continues to oppose the Application because allowing the Applicant to rezone the Property would "encourage bad behavior of the current Applicant as well as other inactive vacant property owners." (Ex. 33).

71. ANC 5F did not participate in this proceeding.

PERSONS AND ORGANIZATIONS

72. Three letters in opposition to the Application were filed to the case record prior to the public hearing by two nearby residents and one resident of Ward 3 (Ex. 11, 15, 25). The letters cited concerns about the failed development history of the Property; the Property owner's lack of commitment to redevelop the Property after years of ownership; preference for the Property owner not to be allowed another chance to redevelop the Property and for the city to exercise eminent domain; and whether increased density to the proposed MU-7B zone will result in future development that is out of scale with the historic rowhouse character of the surrounding community and create negative infrastructure and pedestrian impacts *(Id.)*.

73. David Robertson, a local resident, testified at the public hearing in conditional support of the Application. He noted that the Property site could be a catalyst to make the neighborhood more walkable, and that the straight map amendment is not preferable, but the PUD is expired.

74. No other persons or organizations appeared at the public hearing to testify on the Application.

NATIONAL CAPITAL PLANNING COMMISSION ("NCPC")

75. The Commission referred the Application to the National Capital Planning Commission ("NCPC") on June 11, 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 6-641.05)) (Ex. 34).

76. On July 9, 2026, NCPC filed a letter stating that the proposed Zoning Map amendment would not by inconsistent with the federal elements of the Comprehensive Plan for the National Capitol nor will it adversely affect any other identified federal interest (the "NCPC Report") (Ex. 35, 36[4]).

CONCLUSIONS OF LAW

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797; 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:

[4] The NCPC submission at Exhibit 36 is identical to Exhibit 35 except Exhibit 36 includes a cover letter.

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 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 or 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 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 Zoning 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, that the Zoning Map amendment from the MU-4 zone to the MU-7B 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 (FF 34-49, 51-54, 57-61).

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)).

RACIAL EQUITY

8. The Commission concludes that the Zoning Map amendment is not inconsistent with the CP when evaluated through a racial equity lens. The Commission reached this conclusion based on the case record and the Racial Equity Analysis provided by the Applicant, inclusive of community outreach and engagement information, and the OP Reports, inclusive of disaggregated race and ethnicity data for the Mid-City Planning Area (FF 51-53, 57-61). The Commission concludes that the racial equity analyses provided adequately

address the components of the Commission's Racial Equity Tool. The Commission believes that the increased density allowed under the MU-7B zone coupled with provision of IZ Plus will facilitate development of more housing, including affordable housing, as well as a broader range of commercial uses on the site, which will ultimately result in positive racial equity outcomes (FF 34-39, 51-53, 57-61).

GPM

9. The Commission concludes that the Zoning Map amendment is not inconsistent with the GPM's designation of the Property as a Main Street Mixed Use Corridor because it will allow for future mixed-use development that will contribute to the pedestrian-oriented environment, foster economic growth, provide opportunities for housing, and serve neighborhood needs (FF 21, 22, 35, 58, 60-61).

FLUM

10. The Commission concludes that the Zoning Map amendment is not inconsistent with the Property's FLUM mixed-use Medium Density Residential and Moderate Density Commercial designations for the Property because it would allow for densities that are fully consistent with those prescribed for the Moderate Density Commercial designation, which specifically identifies MU-7 as a "representative" zone (FF 24-27, 36, 58, 60-61).

MID-CITY AREA ELEMENT

11. The Commission concludes that the Zoning Map amendment furthers the policies of the Mid-City Area Element because the Zoning Map amendment would encourage high-quality, transit-oriented development along major corridors such as North Capitol Street and Florida Avenue. Moreover, the Commission finds that redevelopment of the Property permitted under the proposed MU-7B zone would contribute to revitalization by introducing active ground-floor uses that enhance the pedestrian experience and support neighborhood-serving businesses (FF 28, 37, 58, 60-61).

LAND USE ELEMENT

12. The Commission concludes that the Zoning Map amendment furthers the Land Use Element because it would support growth along major corridors while requiring transitions and design compatibility with adjacent neighborhoods, balancing the need for increased housing with neighborhood character. The Zoning Map amendment would also facilitate the redevelopment of long-vacant or underused sites by allowing more economically viable uses. For these reasons, the Commission concludes that the Application is not inconsistent with the Land Use Element (FF 38-39, 58, 60-61).

TRANSPORTATION ELEMENT

13. The Commission concludes that the Zoning Map amendment furthers the Transportation Element because it would advance racial equity by addressing long-standing disparities in housing access and transportation opportunity. The Commission concludes that the MU-7B zone permits greater density and supports the development of mixed-income housing, including affordable units, in a location well-served by transit and neighborhood amenities. For these reasons, the Commission concludes that the Application is not inconsistent with the Transportation Element (FF 40-41, 58, 60-61).

HOUSING ELEMENT

14. The Commission concludes that the Zoning Map amendment furthers the Housing Element because it advances numerous housing policies outlined in the CP. The MU-7B zone would allow for the activation of a currently underutilized site in a high-opportunity, mixed-use, and transit-accessible area, contributing to the District's goal of expanding housing supply in locations that can accommodate growth. For these reasons, the Commission concludes that the Application is not inconsistent with the Housing Element (FF 42-43, 58, 60-61).

ENVIRONMENTAL PROTECTION ELEMENT

15. The Commission concludes that the Zoning Map amendment is not inconsistent with the policies of the Environmental Protection Element and that future development of the Property, located in a dense, walkable, and transit-rich neighborhood, supports the District's broader climate resilience and sustainability goals. The proposed Zoning Map amendment would support the development of an underutilized, vacant site in a mixed-use area with access to multiple Metrorail stations, Metrobus routes, and Capital Bikeshare stations, reducing reliance on automobiles and supporting compact, transit-oriented development that mitigates greenhouse gas emissions and the urban heat island effect. For these reasons, the Commission concludes that the Application is not inconsistent with the Environmental Protection Element (FF 44-45).

ECONOMIC DEVELOPMENT ELEMENT

16. The Commission concludes that the Zoning Map amendment is not inconsistent with the policies of the Economic Development Element and that the MU-7B zone would support the District's goal of expanding the retail sector by leveraging the spending power of nearby residents, workers, and visitors. The Property's proximity to established commercial corridors and its walkable context makes it well-positioned to accommodate new retail that meets community needs and enhances the vitality of the surrounding area. For these reasons, the Commission concludes that the Application is not inconsistent with the Economic Development Element (FF 46-47, 58, 60-61).

HISTORIC PRESERVATION ELEMENT

17. The Commission concludes that the Zoning Map amendment is not inconsistent with the policies of the Historic Preservation Element because the rezoning can contribute meaningfully to the vitality and integrity of the historic neighborhood. The Property, is located within the boundaries of the Bloomingdale Historic District, and subject to the District's historic preservation policies and design review standards. The Application stated that the historic district designation serves to preserve the collective significance of the area rather than individual structures; however, because future development of the Property will be subject to HPRB review, it will be compatible with the scale of adjacent structures and the historic district. For these reasons, the Commission concludes that the Application is not inconsistent with the Historic Preservation Element (FF 48-49, 58, 60-61).

MID CITY EAST SMALL AREA PLAN (MCESAP)

18. The Commission concludes that the Zoning Map amendment is not inconsistent with the MCESAP because it would help to advance many of the general recommendations within

the MCESAP, including its goals for neighborhood character; commercial revitalization; redevelopment opportunities and housing; neighborhood placemaking and public realm; parks, green space, and stormwater; and connectivity. For these reasons, the Commission concludes that the Application is not inconsistent with the MCESAP (FF 29-30, 50, 58, 60-61).

POTENTIAL INCONSISTENCIES OUTWEIGHED

19. The Applicant identified one policy that was potentially inconsistent with the Zoning Map amendment, specifically Policy H-1.6.5: Net-Zero, Energy Efficient Housing (FF 54). However, the Commission agrees with OP's conclusion that this particular CP policy is not inconsistent with the proposal because new development on the Property will be required to comply with all the District green building, stormwater management, and energy efficiency requirements at the time of construction (FF 58, 60-61). To the extent the proposal is potentially inconsistent with other CP policies that are not identified, the Commission concludes that such potential inconsistencies are 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 historic preservation (FF 34-49, 51-53-54, 58-61).

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 the OP Reports, which provided an in-depth analysis of the Zoning Map amendment, are persuasive and the Commission concurs with OP's recommendation that the Property's rezoning would not be inconsistent with the CP overall, including the GPM and FLUM, the Citywide Elements, and Mid-City Area Element, and, as discussed above, would advance the CP racial equity goals when evaluated through a racial equity lens. The Commission also agrees that IZ Plus would be appropriate for the Zoning Map amendment, pursuant to Subtitle X § 502.1(b) (FF 57-61).

GREAT WEIGHT TO THE ANC REPORT

22. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy 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. D.C. Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

23. The ANC 5E Setdown Form, Resolution, public hearing testimony, and Post-Hearing Response expressed the ANC's opposition to the Zoning Map amendment for this property owner due to the lack of development since 2006 (FF 66-70). The ANC and opponents cited the following issues and concerns listed below, and the Commission responds to each below:

(i) Instead of allowing a Zoning Map Amendment, the city should exercise eminent domain of the Property. (FF 66-70).)

Commission Response: The Commission notes that a zoning map amendment and eminent domain are mutually exclusive proceedings. Still, the Commission took steps to ensure that appropriate District government agencies were aware of this Zoning Map amendment Application; and to ensure that it was updated on the current status of any eminent domain proceedings for the Property during consideration of this Application (FF 55, 63). In email communications through OP, DMPED confirmed that there was no pending eminent domain case; confirmed that the District's proposed FY26 budget does not include a funding request for eminent domain associated with the Property; and requested that the Commission proceed with considering the Application *(Id.)*. For these reasons, the Commission is not persuaded by ANC 5E's advice.

(ii) A Zoning Map amendment should not be allowed for the current property owner due to his failure to develop the property after nearly 20 years of ownership (FF 66-70, 72).

Commission Response: The current property owner's repeated failure to redevelop the Property is not a basis for the Commission to deny the requested Zoning Map amendment for the Property. The Commission understands ANC 5E and the overall community's long-standing frustration with the current property owner. However, the evaluation standard in this case states: "the Zoning Commission shall find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site." (*See* Subtitle X § 500.3). For the reasons stated herein, the Application meets the evaluation standard (*See* FF 34-54, 57-61, 64). Accordingly, the Commission is not persuaded by ANC 5E's advice.

(iii) The broad scale of the CP was never intended to dictate density increases at the individual scale of properties; the Property sits on the edge of a designated medium density area at the confluence of multiple land use areas with less density; therefore, a map amendment will only circumvent the need for a PUD, which is the typical regulatory process that should be required to increase density on a single lot like this Property instead of a map amendment. (FF 66-70).

Commission Response: The Commission is not persuaded by ANC 5E's arguments and agrees with the responses to the ANC's arguments provided by the Applicant in Exhibit 17 of the case record, which are discussed above in FF No. 31(b). The Commission disagrees with the assertion that the CP was never intended to dictate density increases at the individual scale of properties, and the assertion that the Property's location on the edge of less dense FLUM

areas necessitates a PUD. To the contrary, the CP anticipates map amendments being evaluated based on whether the map amendment is consistent with the property's CP map designations and CP policies specific to site circumstances not whether the property is centrally located within its FLUM designation. Notably, the MU-7 zone is cited in the CP Framework Element as a consistent zone with the portion of the subject Property designated Moderate Density Commercial on the FLUM. And for all the reasons stated herein, the proposed MU-7B zone would advance numerous CP policy goals and objectives (FF 34-54, 57-61). In addition, a property location on the edge of its FLUM designation has no bearing on whether a PUD is necessary, and a PUD is not the typical regulatory process for increasing density on a single lot. Typically, the PUD process is utilized where zoning relief such as flexibility from development standards and other discretionary relief is needed in conjunction with increased density for development; and balanced by proffered benefits and amenities. Conversely map amendments are typically utilized where an increase in density is to allow for matter-of-right development. The Commission notes the Zoning Regulations expressly contemplate contested case map amendments of single properties filed by the property owner, which this case is an example. (*See* Subtitle Z § 201.2(e)). For all these reasons, the Commission is not persuaded by ANC 5E's advice.

(iv) Increased density to the proposed MU-7B zone will result in future development that is out of scale with the historic rowhouse character of the surrounding community and create negative infrastructure and pedestrian impacts (FF 72).

Commission Response: The Commission is not persuaded by the opponents' concern because future development on the Property will be subject to HPRB review; and is likely to improve existing infrastructure and pedestrian conditions (FF 35, 37, 58, 60-61, 64). The Commission finds that HPRB review of future development on the site will ensure its compatibility with the scale and historic rowhouse character of the surrounding neighborhood (FF 37, 48-49, 58, 60-61).

24. As previously noted, ANC 5F did not participate in this proceeding (FF 71).

DECISION

In consideration of the record for Z.C. Case No. 25-15 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
3100	**0048**	**MU-4 to MU-7B**

For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property's existing zoning of MU-4 is the equivalent of 2.5 FAR.

Proposed Action
Vote (June 11, 2026): **3-2-0** (Anthony J. Hood, Joseph Imamura, and Gwen Wright to approve) (Robert E. Miller and Tammy M. Stidham to oppose)

Final Action
Vote (July 16, 2026): **3-2-0** (Anthony J. Hood, Joseph Imamura, and Gwen Wright to approve) (Robert E. Miller and Tammy M. Stidham to oppose)

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 25-15 shall become final and effective upon publication in the *District of Columbia Register*, that is on November 13, 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.