



July 10, 2026

Zoning Commission of the District of Columbia
441 4th Street, NW – Suite 210
Washington, DC 20001

VIA IZIS

Re: OAG Comments in Support of the Map Amendment of LWH 801 R, LLC (Z.C. Case No. 26-01)

Dear Members of the Zoning Commission:

The Office of the Attorney General (“OAG”) recommends that the Zoning Commission approve the proposed map amendment with Inclusionary Zoning Plus (“IZ+”), which will rezone this property located at 801-811 R Street NW in the District’s historic Shaw neighborhood in Ward 2 from the RA-2 zone to the MU-10 zone. This property, which was purchased by the applicant, LWH 801 R LLC (affiliated with MidCity Financial), after the tenants’ association assigned their rights under the Tenant Opportunity to Purchase Act (TOPA) to the applicant, will be redeveloped into an all-affordable building with a right of return for existing tenants. The proposed rezoning would triple the amount of permitted onsite density and bring the site’s zoning into compliance with the Future Land Use Map (“FLUM”). At the time of this filing, there is no resident opposition and ANC 2G has submitted a report unanimously supporting the map amendment.¹ A forthcoming tenant relocation plan will minimize displacement risk. The proposed map amendment is consistent with the Comprehensive Plan’s (“CP”) land use maps’ guidance and will advance numerous CP and planning policies supporting increased density for housing, affordable housing near transit, and racial equity.

I. The CP and District Planning Policies Prioritize Affordable Housing and Anti-Displacement Measures at the Map Amendment Site.

The Zoning Act requires the Zoning Commission to promote the general welfare as guided by the CP. The CP establishes the District’s land use and planning goals through a public process culminating in approval by the Council and the Mayor.² The CP is therefore law. Under that law, the District’s elected representatives have determined that “it is the availability of safe,

¹ Ex. 20, ANC 2G Report.

² D.C. Code §§ 6-641.01–6-641.02 (2001); *Wisconsin-Newark Neighborhood Coal. v. Dist. of Columbia Zoning Comm’n*, 33 A.3d 382, 389–90 (D.C. 2011); District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76), as amended by the Comprehensive Plan Framework Amendment Act of 2019, D.C. Law 23-127 (2020), the Comprehensive Plan Amendment Act of 2021, D.C. Law 24-20 (2021); and the Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021, D.C. Resolution R24-0292 (2021).

decent, affordable housing across all neighborhoods that will determine whether the District’s vision for an inclusive District will be realized.”³ To achieve this goal of an inclusive and diverse city, the CP prioritizes affordable housing to serve a variety of household types and income levels.⁴ In particular, the CP encourages increased density for housing and especially affordable housing near transit to maximize affordability benefits.

Addressing the District’s Affordable Housing Crisis. The CP identifies rising housing costs as one of “the most pressing and critical issues facing the District.”⁵ Rising housing demand, driven by an increase in higher-income households, has increased housing costs across the District and resulted in a “crisis of affordability.”⁶ To address this crisis, the CP calls for the creation of 12,000 new affordable units equitably distributed across the District by 2025, to put the District on track to make 15% of all housing units in each District planning area affordable by 2050.⁷ Though this interim deadline has passed and the short-term housing goal has been achieved as a whole, individual planning areas will continue to pursue the long-term allocation goal. The CP identifies increased density as critical to supporting its housing and affordable housing policies and the CP recommends using zoning processes and incentives to raise height and density limits in certain locations.⁸ This increased density can then be used to support greater affordable housing set-asides.⁹ Additionally, the Near Northwest Area Element of the CP, which applies here, seeks to preserve existing affordable housing in Shaw and produce new units on underutilized and future development sites.¹⁰

Addressing the Need for More Housing Around Metro Stations. The CP calls for new affordable and market-rate housing to be located near Metrorail stations.¹¹ This increases the affordability of these units by reducing transportation costs, including the need for a car, and so frees up disposable income for other needs.¹² Locating new housing, both affordable and market-rate, near stations supports and enhances neighborhood-serving retail with increased pedestrian traffic while increasing the efficiency of the District’s transportation network.¹³

Addressing Historic Patterns of Exclusion & Racial Equity. The CP makes clear that consideration and implementation of its housing and affordable housing goals should promote

³ D.C. Mun. Regs. tit. 10-A, §§ 500.6a, 503.1 (2021).

⁴ See *id.* §§ 206.1, 310.10, 500.6a, 504.17 (2021).

⁵ *Id.* § 206.1 (2020).

⁶ *Id.* § 500.19 (2021); see also D.C. Mun. Regs. tit. 10-A, §§ 500.4, 500.15, 500.18 (2021).

⁷ D.C. Mun. Regs. tit. 10-A, §§ 310.10, 501.1, 504.17 (2021); DHCD & DCOP, HOUSING EQUITY REPORT (October 2019), https://housing.dc.gov/sites/default/files/dc/sites/housingdc/page_content/attachments/Housing%20Equity%20Report%2010-15-19.pdf.

⁸ See D.C. Mun. Regs. tit. 10-A, § 307.20, 307.2, 310.15, 503.4, 504.15 (2021).

⁹ *Id.* §§ 503.4, 504.26 (2021).

¹⁰ *Id.* § 2111.5 (2021).

¹¹ *Id.* §§ 307.11 (2021).

¹² See *id.* § 508.4 (2021); see generally *Id.* §§ 307.3, 307.11, 307.14, 307.21, 310.18, 403.13, 503.11, 508.4 (2021).

¹³ *Id.* § 307.20 (2021).

racial equity. The CP’s Housing Element states “[m]ore deeply affordable housing production and preservation is needed to advance racial equity in housing because of the racial income gap.”¹⁴ Districtwide, Black Median Household Income (“MHI”) is roughly a third of white MHI, and Black households comprise a majority of renter households.¹⁵ The CP notes that the significant gap in home ownership between white households and households of color is the “result of historic, systemic practices such as redlining, racial covenants, and predatory lending that limited access to housing, restricted wealth building opportunities for communities of color, and created highly segregated development patterns.”¹⁶

FLUM. The FLUM designation for the map amendment site calls for Medium Density Mixed Use development and specifically identifies the proposed MU-10 zone as consistent with this designation.¹⁷

Generalized Policy Map (“GPM”). The GPM designates the property as a Neighborhood Enhancement Area, which supports new housing and affordable housing that encourages inclusivity and access to amenities and reduces displacement risk to current residents.¹⁸

Housing Equity Report. The Housing Equity Report, issued in 2019, established interim housing production goals for 2025 to implement the CP’s equitable housing goal that 15% of housing in each planning area be affordable by 2050.¹⁹ The Near Northwest Planning Area was assigned an interim goal of 1,250 units.²⁰ As of June 2026, the planning area had produced 418 new affordable units, or only 33.4% of its target production.²¹

DUKE Framework for a Cultural Destination for Greater Shaw-U Street. The 2004 Draft Development Framework for a Cultural Destination District Within Washington, DC’s Greater Shaw / U Street (“DUKE Framework”) provides guidance in public policy decision-making to District agencies and commissions on affordable housing needs, zoning, and other topics. It specifically calls to take advantage of transit-oriented development by maximizing density and intensity of land development and to develop 20 to 30% affordable housing in residential

¹⁴ *Id.* § 504.7 (2021).

¹⁵ Racial Equity Data 2017-2021 ACS by Area Elements (District: Black MHI = \$51,562, White MHI = \$150,563).

¹⁶ D.C. Mun. Regs. tit. 10-A, § 500.5 (2021).

¹⁷ *Id.* § 227.12 (2021).

¹⁸ *Id.* §§ 225.6-225.7 (2021).

¹⁹ DHCD & DCOP, HOUSING EQUITY REPORT (October 2019), https://housing.dc.gov/sites/default/files/dc/sites/housingdc/page_content/attachments/Housing%20Equity%20Report%2010-15-19.pdf.

²⁰ DMPED’s Economic Dashboard, last accessed June 11, 2026, <https://open.dc.gov/36000by2025/>.

²¹ *Id.*

development.²² As further community reinvestment and development continues, long-term residents, especially low-income renters, may find it difficult to stay in the area.²³

Convention Center Area Strategic Development Plan. For residential development, the Plan calls to increase affordable housing in the area, locate multi-unit buildings in areas already zoned for greater density, and concentrate multi-unit buildings in areas with good access to mass transit.²⁴ The map amendment site is located in a transit-oriented housing subarea, which specifically encourages mixed-income residential development and the redevelopment of affordable housing units.²⁵

Read together, the CP and other relevant planning documents establish the importance of providing affordable housing in the Shaw neighborhood in the larger contexts of transit-oriented development and racial equity.

II. Approval of the Proposed Map Amendment Will Advance the CP’s Affordable Housing Goals.

The proposed map amendment will advance the CP’s housing and affordable housing policies by permitting increased residential density near a key transit corridor. The map amendment will more than triple the site’s maximum density and provide greater flexibility in height, lot occupancy, and yard standards, in a manner consistent with the guidance of the FLUM and GPM and compatible with the surrounding area. The map amendment’s added density is particularly important given the site’s proximity to the Shaw-Howard U and the U Street/African-American Civil War Memorial/Cardozo Metrorail stations as well as the Florida Avenue NW/NE and Georgia Avenue NW Priority Metrobus routes. The proposed map amendment will facilitate residential development in an underutilized site near these transit nodes, and the addition of IZ+ regardless of the unit mix will ensure that future development remains affordable.

Furthermore, the map amendment can play a key role in supporting racial equity in Shaw, which is historically and presently a vibrant cultural hub for the District’s Black residents and other communities of color. However, many Black residents in the Near Northwest Planning Area face displacement, as the median household income (“MHI”) for Black residents in the planning area is about a third of that of white residents, or less than half of the aggregated

²² OP, DRAFT DEVELOPMENT FRAMEWORK FOR A CULTURAL DESTINATION DISTRICT WITHIN WASHINGTON, DC’S GREATER SHAW/U STREET (September 2004) at 8, https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/final_uptown_report.pdf_0.pdf.

²³ *Id.* at 9.

²⁴ OP, CONVENTION CENTER AREA STRATEGIC DEVELOPMENT PLAN (June 20, 2006) at 49, https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/1%20Convention%20Center%20Area%20Plan_0.pdf.

²⁵ *Id.* at 43.

MHI.²⁶ Although the Planning Area’s total population has increased over the past decade, the percentage of Black residents has decreased from about 14% to 11.75%.²⁷ The CP acknowledges that the sharp rise in housing prices in Shaw coupled with a declining percentage of affordable housing units pose a significant displacement risk for older and lower-income residents.²⁸ Allowing the conditions for an all-affordable housing development could allow many long-time Shaw residents to remain in their community, thus mitigating the risk of displacement. While the number of units in the future development remains subject to change, such development would help achieve the area’s long-term affordable housing goals and further bolster the ability of residents to weather any economic changes in the interim.

OAG strongly recommends that the Zoning Commission approve the proposed map amendment with IZ+. Doing so will meaningfully advance the CP’s vision for a more equitable and inclusive city by allowing the map amendment site to provide a higher level of affordable housing that will mitigate displacement impacts in the Shaw neighborhood and surrounding area.

Respectfully submitted,

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²⁶ *Id.* In 2019-2023, the MHI was \$128,443 overall, \$50,536 for Black residents, and \$147,649 for white residents in the Planning Area.

²⁷ OP Data Hub, *Racial Equity Data 2019-2023 ACS by DC and Area Element*, <https://opdatahub.dc.gov/documents/4446d8d67c6c47518e98d1ddb915f69c/about>.

²⁸ D.C. Mun. Regs. tit. 10-A, §§ 2100.8, 2107.3 (2021).

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2026, a copy of the foregoing petition was served on the following by email.

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