

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 26-01  
Z.C. Case No. 26-01  
LWH 801 R, LLC (Zoning Map Amendment @ Square 395, Lot 55)  
[REDACTED], 2026**

Pursuant to notice, at its July 20, 2026 public hearing, the Zoning Commission for the District of Columbia (“Commission”) considered the application (the “Application”) of LWH 801 R, LLC (the “Applicant”), pursuant to Subtitle X § 500.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”)), to amend the Zoning Map from the RA-2 Zone to the MU-10 Zone for Lot 55 in Square 395 (the “Property”). For the reasons set forth below, the Commission hereby **APPROVES** the Application.

**SUMMARY ORDER**

**Parties**

1. The Applicant and Advisory Neighborhood Commission (“ANC”) 2G, in which the Property is located, were automatically parties to the proceeding pursuant to Subtitle Z § 403.5. The Commission received no requests for party status.
2. Pursuant to Subtitle Z § 304.5, the Applicant mailed a Notice of Intent to file the Application (Exhibit [“Ex.”] 3B) on January 23, 2026, to ANC 2G, the owners of all property within 200 feet of the Property, and all tenants at the Property. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) sent notice of the July 20, 2026, public hearing on June 4, 2026, and published notice of the public hearing in the *D.C. Register*, as well as on the calendar on OZ’s website. (Ex. 16, 17.)

**Applicationf**

3. The Property is located at 801-811 R Street, NW in the Shaw neighborhood of Ward 2. The Property contains approximately 64,568 square feet of land area and is currently improved with six three-story garden-style apartment buildings constructed in 1963 and associated surface parking. (Ex. 3.) The Property was offered for sale by a prior owner, and the existing tenants association exercised its rights under the District's Tenant Opportunity to Purchase Act (“TOPA”). The tenants’ association subsequently assigned its TOPA rights to the Applicant, which entered into a development agreement with the tenants’ association to redevelop the Property with a new all-affordable apartment house with one-for-one replacement and a guaranteed right of return for existing tenants, and providing comprehensive tenant relocation assistance. (Ex. 3, 13.)

4. The Property is currently zoned RA-2. The Property is designated Mixed Use Medium Density Residential and Medium Density Commercial on the Future Land Use Map ("FLUM") of the Comprehensive Plan. The Property is located within a Neighborhood Enhancement Area on the Comprehensive Plan Generalized Policy Map ("GPM"). (Ex. 3, 3D.) The current RA-2 zone allows a maximum height of 50 feet, a maximum density of 1.8 FAR (or 2.16 FAR for Inclusionary Zoning ("IZ") developments), and a maximum lot occupancy of 60%. The proposed MU-10 zone allows a maximum height of 90 feet (or 100 feet for IZ developments), a maximum density of 6.0 FAR (or 7.2 FAR for IZ developments), of which a maximum 3.0 FAR may be devoted to non-residential use, and a maximum lot occupancy of 75% (or 80% for IZ developments).
5. On March 11, 2026, the Applicant filed an application for approval of a Zoning Map Amendment to the MU-10 Zone District. (Ex. 1, 3.) The Application included an evaluation of the proposed Map Amendment under the Comprehensive Plan, including when viewed through a racial equity lens, and demonstrated that the proposed Map Amendment would further policies of the Near Northwest Area, Land Use, Housing, Environmental Protection, and Urban Design Elements of the Comprehensive Plan, as well as goals and objectives of the DUKE Development Framework Plan and the Convention Center Area Strategic Development Plan. (Ex. 3, 3D.) The Application satisfied the filing requirements of Subtitle Z § 304. (Ex. 3-3F.)

#### **Responses to the Application**

6. On May 4, 2026, the Office of Planning ("OP") submitted a report recommending set down of the Application ("OP Setdown Report") and explained that the proposed Map Amendment was not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, and would further policies of the Land Use, Housing, Transportation, Environmental Protection, and Near Northwest Area Elements of the Comprehensive Plan, as well as the DUKE Development Framework Plan. OP also recommended that IZ Plus be applied to the Map Amendment. (Ex. 11.)
7. At its May 14, 2026, public meeting, the Commission voted unanimously (5-0-0) to set the case down as a contested case for a public hearing. (May 14, 2026, Public Meeting Transcript ["Setdown Tr."] at 30-31.)
8. On May 18, 2026, the Applicant filed a prehearing statement that addressed comments and questions raised by the Commission at the setdown public meeting and by OP in its setdown report, including information regarding the Applicant's tenant relocation and return plan, a timeline of communication with existing tenants, and an excerpt from the TOPA development agreement. (Ex. 13.) The Applicant filed a supplemental prehearing submission on June 19, 2026, providing additional information regarding the Applicant's continued outreach and engagement with ANC 2G, the existing tenants association, and the surrounding community. (Ex. 19, 19A, 19B.)

9. ANC 2G submitted a letter of support on June 22, 2026, stating that at a duly noticed public meeting on June 11, 2026, with a quorum of six Commissioners present, the ANC voted unanimously (6-0-0) in support of the Application. As part of its vote to support the Application, ANC 2G requested that the Applicant be encouraged to incorporate public art within the public space being provided as part of the future project. (Ex. 20.)
10. On July 10, 2026, the Office of the Attorney General (“OAG”) submitted a letter in support of the Map Amendment Application citing numerous policy goals and objectives of the Comprehensive Plan that would be advanced by the Map Amendment and its provision of IZ Plus (Ex. 22).
11. On July 10, 2026, the District Department of Transportation (“DDOT”) submitted a report stating no objection to approval of the Map Amendment (Ex. 21). OP also submitted its Hearing Report on July 10, 2026, in support of the Application. OP’s Hearing Report largely reiterated the OP Setdown Report and concluded that the Application was not inconsistent with the Comprehensive Plan (Ex. 23).
12. On July 20, 2026, the Commission held a public hearing in accordance with Subtitle Z § 408. Two witnesses from the Applicant’s team testified in support of the Application at the hearing (July 20, 2026, Public Hearing Tr. at [REDACTED]). OP testified that it continued to find the Application to be not inconsistent with the Comprehensive Plan (*Id.* at [REDACTED]). A representative of the OAG also testified in support of the Application (*Id.* at [REDACTED]). No other person, party, or entity appeared either in support or opposition to the Application at the public hearing.
13. On July 20, 2026, the Commission referred the proposed map amendment to the National Capital Planning Commission (“NCPC”) for review and comment pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 *et seq.* (Ex. 28.)
14. By report dated [REDACTED], 2026, NCPC found that the proposed map amendment is not inconsistent with the Federal Elements of the Comprehensive Plan. (Ex. [REDACTED].)

### CONCLUSIONS

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797, ch. 534; D.C. Official Code § 6-641.01, *et seq.* (2012 Repl.)) (the “Zoning Act”) authorizes the Commission to create zones within which the Commission may regulate the construction and use of property in order to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital.”
2. Section 2 of the Zoning Act (D.C. Official Code § 6-641.02) further provides that:

*Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.*

3. The Commission must ensure that the Zoning Map, and all amendments to it, are “not inconsistent” with the Comprehensive Plan pursuant to § 492(b)(1) of the District of Columbia Home Rule Act (§ 2 of the Zoning Act; D.C. Official Code § 6-641.02). Subtitle X § 500.3 incorporates this intent to the Zoning Regulations by requiring that Map Amendments be “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.”
4. Based upon the record before the Commission, the Commission concludes that the proposed Map Amendment from the RA-2 Zone District to the MU-10 Zone District, where the Property is designated for mixed-use Medium Density Residential and Medium Density Commercial development on the Future Land Use Map of the Comprehensive Plan, and within a Neighborhood Enhancement Area on the Generalized Policy Map of the Comprehensive Plan, furthers multiple policies of the Comprehensive Plan. Accordingly, the Commission concludes that the Map Amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property, including when viewed through a racial equity lens, as detailed in the Application and in OP’s reports and testimony at the July 20, 2026, public hearing.
5. As required by law, the Commission gives “great weight” to the recommendations of OP that the Application satisfies the requirements for a Zoning Map Amendment, and the Commission concurs in that judgment.
6. As also required by law, the Commission gives “great weight” to the support of ANC 2G, which was provided in a written report that was approved by the full ANC at a properly noticed meeting that was open to the public with a quorum present, and the Commission concurs with the ANC’s support of the Application.
7. Since no persons or parties appeared in opposition to the Application and the affected ANC supported the Application, a decision by the Commission to grant this Application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not

prejudice the rights of any party. Based upon the record before the Commission, and having considered and given “great weight” to the reports of OP and ANC 2G, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under Subtitle X § 500, which are requirements for a Zoning Map Amendment.

### **DECISION**

In consideration of the record for Z.C. Case No. 26-01, 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:

| <b>SQUARE</b> | <b>LOT</b> | <b>MAP AMENDMENT</b>    |
|---------------|------------|-------------------------|
| 395           | 55         | RA-2 Zone to MU-10 Zone |

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 RA-2 is the equivalent of 1.8 FAR.

### **PROPOSED ACTION**

**VOTE (July 20, 2026): 5-0-0**

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

### **FINAL ACTION**

**VOTE ( ):** - -  
( , , , , and to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 26-01 shall become final and effective upon publication in the *D.C. Register*; that is, on .

### **BY ORDER OF THE D.C. ZONING COMMISSION**

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

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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

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**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.