



September 18, 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 Application of 639 Florida Ave, LLC, 641 Florida Avenue, LLC, 645 Florida Avenue, LLC, and Homayoun Yeroushalmi (Z.C. Case No. 26-02)

Dear Members of the Zoning Commission:

The Office of the Attorney General (“OAG”) respectfully recommends that the Zoning Commission approve the proposed map amendment with Inclusionary Zoning Plus (“IZ+”), which will rezone the properties at 639, 641, 645 and 647 Florida Avenue NW in the District’s historic Greater Shaw/U Street neighborhood in Ward 1 from the production, distribution, and repair (“PDR”)-3 zone to the mixed use (“MU”)-8B zone. Under the proposed rezoning, housing could be built and without any additional zoning approvals at a floor area ratio (“FAR”) of 5.0, which would support a mid-rise building of five or six stories plus a penthouse.

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 mixed uses, housing near transit, and racial equity. The rezoning also would bring the property into line with the Future Land Use Map (“FLUM”), which calls for medium-density commercial and residential uses—not the high-intensity industrial uses permitted under the current PDR-3 zone. Overall, the map amendment will allow for an underutilized and well-connected site to be put to better use, and application of IZ+ will ensure that even more of any new development at the site will be set aside for affordable housing. As of the date of this filing, the LeDroit Park Civic Association and ANC 1B have submitted letters of support and no residents have opposed the amendment.

I. The CP and District Planning Policies Prioritize Affordable Housing and Mixing Uses 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.¹ The CP is therefore law. Under that law, the District’s elected representatives have determined that “it is the availability of safe, decent,

¹ 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).

affordable housing across all neighborhoods that will determine whether the District’s vision for an inclusive District will be realized.”² 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.³ 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.”⁴ 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.”⁵ Specifically, the Mid-City Area Element of the CP, which applies here, notes that the District-wide rise in housing prices “has particularly impacted Mid-City, as costs have soared beyond what many local residents can afford.”⁶ The Area Element goes on to explain that rising costs are forcing lower- and moderate-income residents out of Mid-City, prompting concerns that the neighborhood is becoming attainable only for high-income households, a trend that has continued for Black residents in the Greater Shaw area since the 2021 CP amendments.⁷

Addressing the Need for More Housing Around Metro Stations. The CP acknowledges that “fully capitalizing on the investment made in Metrorail requires effective use of the land around transit stations and along transit corridors.”⁸ As such, “mixed residential and commercial uses” are preferred to “single-purpose uses” in these areas, and “housing above ground-floor retail uses” and provision of “diverse housing types, including both market rate and affordable units” are also preferred.⁹ Additionally, the CP’s Housing Element encourages “moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors, and high-capacity surface transit corridors, and around Metrorail stations.”¹⁰ Finally, the Mid-City Area Element

² D.C. Mun. Regs. tit. 10-A, §§ 500.6a, 503.1 (2021).

³ See *id.* §§ 206.1, 310.10, 500.6a, 504.17.

⁴ *Id.* § 206.1.

⁵ *Id.* § 500.19; see also *id.* §§ 500.4, 500.15, 500.18.

⁶ *Id.* § 2007.

⁷ *Id.* Census data over the 2020-2024 period indicates that 29% and 11% of white-alone renters in the 20001 zip code (encompassing Shaw and several adjacent Mid-City and downtown neighborhoods) pay more than 30% or 50% of their monthly income, respectively, in rent, approximately 10-20% less than the Districtwide white-alone rates. On the other hand, 51% and 32% of Black-alone renters in 20001 pay more than 30% or 50% of their monthly income, respectively in rent, approximately 4-10% higher than the Districtwide white-alone rates. U.S. Census Bureau. “Housing Costs as a Percentage of Household Income in the Past 12 Months (White Alone Householder).” *American Community Survey, 2024: ACS 5-Year Estimates Detailed Tables, Table B25140A*, https://data.census.gov/table/ACSDT1Y2024.B25140A?t=Renter+Costs&g=040XX00US11_860XX00US20001. Accessed on 3 Sep 2026; U.S. Census Bureau. “Housing Costs as a Percentage of Household Income in the Past 12 Months (Black Alone Householder).” *American Community Survey, 2024: ACS 5-Year Estimates Detailed Tables, Table B25140B*, https://data.census.gov/table/ACSDT1Y2024.B25140B?t=Renter+Costs&g=040XX00US11_860XX00US20001. Accessed on 3 Sep 2026.

⁸ D.C. Mun. Regs. tit. 10-A, § 307.2.

⁹ *Id.* § 307.4; see also *id.* § 307.11.

¹⁰ *Id.* § 503.6.

seeks to provide new affordable and mixed-income housing opportunities and transit-oriented development in the Greater Shaw/U Street area.¹¹

This transit-oriented development 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 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, residents of color are the most likely to struggle with paying rent; from 2019 to 2023, 30% of Black renters and 20% of Hispanic renters paid more than 50% of their income in rent, compared to 14% of white renters.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 Finally, the CP also promotes “development of both market rate and affordable housing in high-cost areas of the District, making these areas more inclusive.”¹⁷

FLUM. The FLUM designation for the map amendment site calls for Medium Density Mixed Use development and specifically identifies the proposed MU-8 zone as consistent with this designation.¹⁸

Generalized Policy Map (“GPM”). The GPM designates the property as a Main Street Mixed Use Corridor which supports housing opportunities and upper-story residential uses.¹⁹

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 2050.²⁰ Although the Mid-City planning area reached its target of new affordable housing units, the District as a whole was still approximately

¹¹ See *id.* §§ 2007, 2008.3, 2013.5, 2013.7.

¹² *Id.* § 508.4; see generally *id.* §§ 307.3, 307.11, 307.14, 403.13.

¹³ *Id.* § 307.20.

¹⁴ *Id.* § 504.7

¹⁵ Connor Zielinski, DC Fiscal Policy Institute, NEARLY HALF OF ALL RENTERS AND MORE THAN HALF OF BLACK RENTERS IN DC STRUGGLE TO AFFORD RENT (April 14, 2025), <https://dcfpi.org/all/nearly-half-of-all-renters-and-more-than-half-of-black-renters-in-dc-struggle-to-afford-rent-2/>.

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

¹⁷ *Id.* § 503.10.

¹⁸ *Id.* § 227.12.

¹⁹ *Id.* § 225.14.

²⁰ DHCD & DCOP, HOUSING EQUITY REPORT (Oct. 2019), <https://planning.dc.gov/sites/default/files/dc/sites/housingdc/publication/attachments/Housing%20Equity%20Report.pdf>.

1,500 units short as of December 2024.²¹ Moreover, the CP reiterates the goal set out in the 2006 Comprehensive Housing Strategy that one-third of new housing built in the District should be affordable units.²²

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 development.²³ Specifically, the framework calls for mixed-use, transit-oriented development that “fill[s] the gap” between the Howard Theater and U Street and for mixed use projects near Howard University Hospital.²⁴

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

II. Approval of the Proposed Map Amendment Will Advance the CP’s Affordable Housing and Mixed-Use Development Goals.

The proposed map amendment will advance the CP’s housing and affordable housing policies by permitting substantial residential density at a key transit corridor. Residential uses are not permitted as a matter of right in PDR zones, but this rezoning could accommodate dozens of new dwelling units across the site without any BZA approval. The map amendment’s by-right residential potential is particularly important given the site’s proximity to the Shaw-Howard U Metrorail station 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 Mid-City Planning Area face displacement, as the median household income (“MHI”) for Black residents is approximately one-third of that of white residents, or less than half of the aggregated MHI.²⁵ Although the Planning Area’s total population increased between 2000 and 2017, over that time period the Black share of

²¹ DMPED’s Economic Dashboard, last accessed August 18, 2026, <https://open.dc.gov/36000by2025/>.

²² D.C. Mun. Regs. tit. 10-A, § 504.22; *see also* Comprehensive Housing Strategy Task Force, HOMES FOR AN INCLUSIVE CITY (2006), https://www.brookings.edu/wp-content/uploads/2016/06/housingstrategy_fullreport.pdf.

²³ DCOP, 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.

²⁴ *Id.* at 8, 14

²⁵ OP Data Hub, *Racial Equity Data 2020-2024 ACS by DC and Area Element*, <https://opdatahub.dc.gov/documents/f9515023967b4450a9123aaca5682891/>. For the 2020-2024 period estimate, the MHI was \$135,582 overall, \$64,605 for Black residents, and \$176,466 for white residents in the Planning Area. *Id.*

population decreased from 52% to 31%.²⁶ The CP explains that soaring District housing costs have sharply affected Mid-City, increasingly pricing lower- and moderate-income residents out and raising concerns that the neighborhood is becoming affordable only to high-income households.²⁷ Clearing the path for substantial new market-rate and affordable housing could allow many long-time Shaw residents to remain in their community, thus mitigating the risk of displacement. The Duke Framework predicted over 20 years ago that as further community reinvestment and development continues, long-term residents, especially low-income renters, may find it difficult to stay in the area.²⁸ This map amendment and the substantial new residential opportunities it provides can help reverse that trend.

Finally, the proposed map amendment is not inconsistent with the CP's general policy toward some preservation of existing industrial uses in a request for rezoning of PDR land. The CP promotes "rezoning of industrial land for non-industrial purposes ... when the land can no longer viably support industrial or PDR activities," including when "industry cannot co-exist adequately with adjacent existing uses."²⁹ Such is the case here; none of the site is currently used for industrial or PDR activities, and (except for the single adjacent parcel) the nearest PDR zone is over three-quarters of a mile down Florida Avenue. Furthermore, the CP explicitly names former industrial land "in the immediate vicinity of Metrorail stations" as well as "small sites in the midst of established residential neighborhoods" as appropriate for rezoning. *Id.* Thus, as it did in Case No. 24-01 in rezoning PDR land to the immediate west, north, and east of the application site to mixed use, the Commission should not hesitate to amend the zoning map here.

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 substantial amount of affordable housing that will mitigate displacement impacts in the Greater Shaw/ U Street neighborhood.

²⁶ D.C. Mun. Regs. tit. 10-A, § 2003.2.

²⁷ *Id.* § 2007.

²⁸ DCOP, DRAFT DEVELOPMENT FRAMEWORK FOR A CULTURAL DESTINATION DISTRICT WITHIN WASHINGTON DC'S GREATER SHAW/U STREET (September 2004) at 9, https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/final_uptown_report.pdf 0.pdf.

²⁹ D.C. Mun. Regs. tit. 10-A, § 316.7.

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Z.C. Case No. 26-02

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2026, a copy of the foregoing petition was served on the following by email.

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