

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**STATEMENT IN SUPPORT OF  
AN APPLICATION FOR A ZONING MAP AMENDMENT  
FROM THE MU-3A ZONE  
TO THE MU-7B ZONE**

**4301 NANNIE HELEN BURROUGHS AVENUE, NE  
SQUARE 5094, LOT 104**

**THE MCDONALD'S CORPORATION**

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**October 21, 2024**

Respectfully submitted by:

HOLLAND & KNIGHT LLP  
800 17<sup>th</sup> Street, NW #1100  
Washington, D.C. 20006  
(202) 955-3500  
Leila M. Jackson Batties  
Jessica R. Bloomfield

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## **List of Exhibits**

<b>Exhibit</b>	<b>Description</b>
A	Surveyor's Plat
B	Certificate of Occupancy for Existing Building on the Property
C	Portion of the Zoning Map showing the Property's existing zoning
D	Portion of the Comprehensive Plan Future Land Use Map (FLUM)
E	Ward 7 Economic Development Advisory Council Comprehensive Plan Amendment Application for the Property
F	Portion of the Comprehensive Plan Generalized Policy Map (GPM)
G	Evaluation of Consistency with the D.C. Comprehensive Plan and Applicable Small Area Plans and Studies
H	Notice of Intent, Certificate of Notice, and list of owners/addresses for properties located within 200 feet of the Property
I	Form 100 – Zoning Commission Application Signature Form
J	Applicant Authorization Letter
K	Certificate of Proficiency

## **I. Introduction**

The McDonald's Corporation<sup>1</sup> (the "Applicant"), owner of property located at 4301 Nannie Helen Burroughs Avenue, NE (Square 5094, Lot 104) (the "Property") submits this Statement in Support for an amendment to the Zoning Map of the District of Columbia (the "Zoning Map") pursuant to Subtitle X, Chapter 5 and Subtitle Z §§ 201.2(e) and 304 of the Zoning Regulations of the District of Columbia (Title 11 of the District of Columbia Municipal Regulations ("DCMR")) to which all subsequent citations refer unless otherwise specified. The Applicant seeks to rezone the Property from the MU-3A zone to the MU-7B zone. A copy of the Surveyor's plat showing the Property to be rezoned is attached as Exhibit A.

As required to be demonstrated pursuant to Subtitle X § 500.3, the requested Zoning Map amendment is not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the Property, particularly when analyzed through a racial equity lens. The Property's designation on the Comprehensive Plan Future Land Use Map ("FLUM") is Mixed-Use **Medium Density Commercial and Medium Density Residential**. The Property's designation on the Comprehensive Plan General Policy Map ("GPM") is a **Neighborhood Commercial Center**, and it is also located within a **Resilience Focus Area**. As explained herein, the proposal to rezone the Property from the MU-3A zone to the MU-7B zone is fully consistent with the Property's designations on the FLUM and GPM and helps to advance numerous policies within the text of the Comprehensive Plan.

As demonstrated herein, the proposed MU-7B zone will result in positive outcomes for the Property, the Far Northeast and Southeast Area Element Planning Area, and the District overall. Approval of the requested Zoning Map amendment will specifically achieve the following:

1. Establish zoning on the Property that is not inconsistent with the Comprehensive Plan, as required under the Home Rule Charter.
2. Establish zoning on the Property that will allow moderate- to medium-density mixed use development as supported by the Property's FLUM designation of Mixed Use Medium Density Commercial and Medium Density Residential.
3. Permit an increase in allowable density at the Property to facilitate future redevelopment of an underutilized site consistent with the Property's Neighborhood Commercial Center designation on the GPM.
4. Advance the goals and objectives of the draft Nannie Helen Burroughs Corridor Small Area Plan by allowing for future redevelopment that would enhance the neighborhood's character, increase homeownership opportunities, incorporate climate-

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<sup>1</sup> The records of the District of Columbia Office of Tax and Revenue indicate that the Property is owned by Golden Arch Realty Corporation ("Golden Arch"). Golden Arch no longer exists and was merged into McDonald's Corporation pursuant to that certain Merger Certification filed with the Secretary of State for the State of Delaware on September 29, 1997, and identified as file number 619321 by the State of Delaware Division of Corporations. *See also* Confirmatory Deed recorded against the Property in the Land Records of the District of Columbia on January 24, 2017, as Document No. 2017008560, stating that McDonalds Corporation became the successor by merger to Golden Arch Realty Corporation.

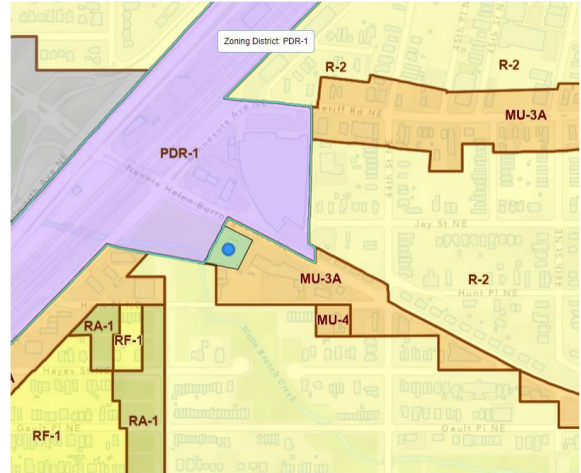
resilient construction techniques, and generally help to foster an inclusive, vibrant, and sustainable community.

5. Facilitate progress towards achieving racial equity by advancing numerous Comprehensive Plan policies geared towards fostering an inclusive city, avoiding displacement, and providing new housing opportunities and access to other desirable neighborhood amenities.

## **II. Description of the Property and the Surrounding Area**

The Property is located in the Deanwood neighborhood of the District and is bounded by Nannie Helen Burroughs Avenue, NE to the northeast, private property to the southeast and south, and a park to the west. The Property has approximately 23,054 square feet of land area and is generally rectangular in shape.

As shown on the Zoning Map, the Property is presently zoned MU-3A, as are the majority of properties abutting the Nannie Helen Burroughs corridor to the southeast of the Property. Other nearby zones include the RA-2 zone located in the residential area to the south of the Property and across Nannie Helen Burroughs Avenue, NE to the northeast; and the PDR-1 zone located to the west of the property surrounding the rail line and the Anacostia Freeway immediately to the west of Minnesota Avenue, NE.



The Property is presently improved with a McDonald's fast food restaurant that was built in approximately 1977, and associated surface parking. *See* Certificate of Occupancy dated December 20, 2002, for restaurant use, attached hereto as Exhibit B. The surrounding area contains a mix of other commercial and residential uses. Along this portion of the Nannie Helen Burroughs Avenue corridor are a variety of commercial uses, including other eating and drinking establishments, gas stations, a wholesale beverage distributor, liquor store, market/convenience store, laundromat and dry cleaner, and a child development center. To the north and south of Nannie Helen Burroughs Avenue, NE, is largely residential.

The Property is also well served by public transportation. The Minnesota Avenue Metrorail station is located approximately 0.4 miles to the south of the Property, which is the first Orange Line Metrorail station east of the Anacostia River. This station also supports a bus bay that provides access to a number of Metrobus lines including the U4, U7, V7, and X9 lines and the U5, U6, V2, V4, and X2 Metrobus frequent service lines. In addition, the Deanwood Metrorail station is located approximately 0.8 miles to the north of the Property, which also serves the Orange Metrorail line, and the Benning Road Metrorail station is located approximately 0.9 miles to the south of the Property, which serves the Blue and Silver Metrorail lines. A variety of bus lines also run along Nannie Helen Burroughs Avenue, NW directly abutting the Property, including the V2, V4, and X9 lines. Accordingly, access to public transportation from the Property is convenient and easily accessible.

### III. Existing and Proposed Zoning

The Applicant proposes to rezone the Property from the MU-3A zone to the MU-7B zone. The MU zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling residential development at varying densities. 11-G DCMR § 101.1. The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers. 11-G DCMR § 101.2. The purposes of the MU zones are to:

- a) Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses;
- b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;
- c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;
- d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
- e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas;
- f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and
- g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. 11-G DCMR § 101.3.

#### A. Existing Zone: MU-3A Zone

As shown on the Zoning Map (Exhibit C), the Property is presently zoned MU-3A. The MU-3 zones are intended to permit low density mixed-use development and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development. 11-G DCMR § 101.8.

The maximum permitted density in the MU-3A zone is 1.0 floor area ratio (“FAR”), and 1.2 FAR as an Inclusionary Zoning (“IZ”) development, of which up to 1.0 FAR may be devoted to non-residential uses. 11-G DCMR § 201.1. The maximum permitted building height in the MU-3A zone, not including a penthouse, is 40 feet and three stories. 11-G DCMR § 203.2. The Comprehensive Plan Framework Element describes the MU-3 zones as being consistent with the Low Density Commercial FLUM designation, and as noted above, the Zoning Regulations describe the MU-3 zone as being intended to permit low density development. *See* 10-A DCMR § 227.10 and 11-G DCMR § 101.8(a). **Accordingly, the Property’s existing low density commercial zone designation is inconsistent with the Comprehensive Plan FLUM, which designates the Property as Medium Density Commercial and Medium Density Residential.**

## B. Proposed Zone: MU-7B

The Applicant requests a Zoning Map amendment to rezone the Property to the MU-7B zone. The MU-7 zones are intended to permit medium density mixed-use development and be located on arterial streets, in uptown and regional centers, and at rapid transit stops. 11-G DCMR § 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. 11-G DCMR § 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. 11-G DCMR § 203.2.

The Comprehensive Plan Framework Element describes the MU-7 zones as being representative of zone districts consistent with the Moderate Density Commercial FLUM designation. 10-A DCMR § 227.11. **Accordingly, the proposed medium density zone designation of MU-7B is not inconsistent with the Comprehensive Plan FLUM, which designates the Property as Medium Density Commercial and Medium Density Residential.**

## C. Comparison of Development Standards (MU-3A to MU-7B)

The table below compares the development standards for the existing and proposed zones:

	EXISTING ZONE: MU-3A	PROPOSED ZONE: MU-7B
	Permitted / Required Matter-of-Right	Permitted / Required Matter-of-Right
<b>Height</b>	40 ft. and 3 stories	65 ft. (no limit on stories)
<b>Penthouse Height</b>	12 ft. and 1 story; except 15 ft. and second story permitted for penthouse mechanical space	12 ft. and 1 story; except 18 ft., 6 in. and second story permitted for penthouse mechanical space
<b>Density (FAR)</b>	1.0 FAR (1.2 FAR with IZ); 1.0 FAR max. non-residential	4.0 FAR (4.8 FAR with IZ); 2.5 FAR max. non-residential
<b>Lot Occupancy</b>	60% for residential use	75% for residential use; 80% for residential use w/ IZ
<b>Rear Yard</b>	20 ft. min.	2.5 inches per 1 ft. of height; 12 feet min.
<b>Side Yard</b>	None required, but if provided: 2 in. per 1 ft. of building height, but no less than 5 ft.	None required, but if provided: 2 in. per 1 ft. of building height, but no less than 5 ft.
<b>Green Area Ratio</b>	0.30	0.25
<b>Open Court (width)</b>	<u>Residential</u> 4 in./1 ft. of height of court; 10 ft. min.	<u>Residential</u> 4 in./1 ft. of height of court; 10 ft. min.

	<u>Non-Residential and Lodging</u> 2.5 in./1 ft. of height of court; 6 ft. min.	<u>Non-Residential and Lodging</u> 2.5 in./1 ft. of height of court; 6 ft. min.
<b>Closed Court</b>	<u>Residential</u> Width - 4 in./1 ft. of height of court; 15 ft. min. Area - Twice the square of the req'd width of court; 350 sq. ft. min.  <u>Non-Residential and Lodging</u> Width - 2.5 in./1 ft. of height of court; 12 ft. min. Area - Twice the square of the req'd width of court; 250 sq. ft. min.	<u>Residential</u> Width - 4 in./1 ft. of height of court; 15 ft. min. Area - Twice the square of the req'd width of court; 350 sq. ft. min.  <u>Non-Residential and Lodging</u> Width - 2.5 in./1 ft. of height of court; 12 ft. min. Area - Twice the square of the req'd width of court; 250 sq. ft. min.
<b>Uses</b>	MU-Use Group D	MU-Use Group F

#### **IV. Comprehensive Plan FLUM and GPM Designations**

##### **A. FLUM Designations**

As shown on the excerpt of the FLUM attached as Exhibit D, the Property is designated mixed-use **Medium Density Commercial and Medium Density Residential**.

- The Medium Density Commercial designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply. 10-A DCMR § 227.12.
- The Medium Density Residential designation is 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 District is consistent with the Medium Density Residential category, and other zones may also apply. 10-A DCMR § 227.7

**The FLUM designation for the Property was amended in 2021 from the mixed-use Low Density Commercial and Moderate Density Residential designation as part of the overall Comprehensive Plan amendment cycle.** See Ward 7 Economic Development Advisory Council Comprehensive Plan Amendment Application dated June 21, 2017 (Exhibit E). The



FLUM amendment application stated that Ward 7 had not enjoyed the economic development, retail expansion, or employment growth seen in areas west of the Anacostia River, and that amending the FLUM would facilitate the redevelopment of underutilized sites resulting in economic growth, an improved physical environment, and enhanced safety. It also stated that the FLUM amendment would promote a mix of uses that would increase housing supply, including workforce housing, and enhance opportunities for higher quality retail and neighborhood services for Ward 7 residents. **The proposed Zoning Map amendment from the MU-3A zone to the MU-7B zone is exactly the type of rezoning that was anticipated as a result of the D.C. Council's approval of the 2021 FLUM amendment for the Property.**

## **B. GPM Designations**

As shown on the excerpt of the GPM attached as Exhibit E, the Property is designated as a **Neighborhood Commercial Center**. Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in the adjacent neighborhoods. The area served by a Neighborhood Commercial Center is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and childcare. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. Many buildings have upper-story residential uses. 10-A DCMR § 225.15. In addition, Neighborhood Commercial Centers include both auto-oriented centers and pedestrian-oriented shopping areas. New development and redevelopment within Neighborhood Commercial Centers must be managed to conserve the economic viability of these areas while allowing additional development, including residential, that complements existing uses. 10-A DCMR § 225.16.

The Property is also located within a **Resilience Focus Area** on the GPM, which are areas where future planning efforts are anticipated to ensure resilience to flooding for new development and infrastructure projects, including capital projects, especially in areas within the 100- and 500-floodplains. In the Resilience Focus Areas, the implementation of neighborhood-scale, as well as site-specific solutions, design guidelines and policies for a climate adaptive and resilient city are encouraged and expected. Boundaries shown are for illustrative purposes. Final boundaries will be determined as part of any future analysis for each area. Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021 (R24-0292).

An analysis of how the proposed Zoning Map amendment is not inconsistent with the Property's designations on the FLUM and GPM is included in the Evaluation of Consistency with the D.C. Comprehensive Plan and Applicable Small Area Plans and Studies (the "Comp Plan Evaluation") attached hereto as Exhibit G.

## **V. Standards Applicable to Zoning Map Amendment Application**

The requested Zoning Map amendment is submitted as a contested case pursuant to Subtitle Z § 201.2(e). Pursuant to the Zoning Act of 1938, approved June 20, 1938, as amended ((52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.* (2012 Repl.)) (the "Zoning Act"), there are a number of criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and the Zoning Map. The Zoning Act states that the Zoning Regulations are designed

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...” D.C. Code § 6-641.01. The Zoning Act further provides as follows:

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 in 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 of population 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.” D.C. Code § 6-641.02.

In all cases, the Commission must find that a Zoning Map amendment is not inconsistent with the Comprehensive Plan and with other adopted policies and active programs related to the subject site. 11-X DCMR § 500.3.

## **VI. Evaluation of Proposed Map Amendment and Compliance with Statutory Standards**

### **A. Comprehensive Plan**

As described in detail in the attached Comp Plan Evaluation (Exhibit G), the proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan, as adopted by the D.C. Council pursuant to D.C. Law No. 23-0217, effective August 27, 2020 (Comprehensive Plan Framework Amendment Act of 2019) and D.C. Law No. 24-0020, effective August 21, 2021 (Comprehensive Plan Amendment Act of 2021), which includes the FLUM and the GPM, as specifically approved by the D.C. Council on November 16, 2021, by D.C. Resolution No. 24-0292. The Comp Plan Evaluation explains how the proposed map amendment is not inconsistent with the Comprehensive Plan as a whole, including the FLUM, GPM, and Citywide and Area Elements, and also provides an analysis of potential inconsistencies with the Comprehensive Plan.

### **B. Draft Nannie Helen Burroughs Small Area Plan and Other Studies**

As discussed in detail in Exhibit G, the proposed Zoning Map amendment is not inconsistent with the draft Nannie Helen Burroughs Corridor Small Area Plan (“NHBCSAP”). The NHBCSAP legislative package was submitted to the D.C. Council on October 1, 2024, and the D.C. Council is required to review and approve the NHBCSAP by resolution for it to become effective. Thus, although the NHBCSAP is not yet effective, it may become effective by the time the proposed map amendment is approved for the Property. Thus, a thorough analysis of how the

proposed Zoning Map amendment is not inconsistent with the draft NHBCSAP is provided in Exhibit G. The Comp Plan Evaluation also provides a detailed analysis of how the proposed Zoning Map amendment is not inconsistent with other relevant studies and plans pertaining to the Property.

### **C. Health, Safety, and General Welfare**

The proposed Zoning Map amendment will protect the health, safety, and general welfare of the District of Columbia. The requested rezoning to MU-7B will allow the Property to be put to more productive use, thus contributing to the ongoing revitalization of the area. In doing so, the MU-7B zone will allow for a height and density that is not inconsistent with the Comprehensive Plan, including the FLUM and GPM. The Zoning Map amendment will enable the provision of more housing and affordable housing that would otherwise be possible, and will also accommodate opportunities for neighborhood-serving retail and service uses to contribute to the general welfare of the city. Overall, the proposed Zoning Map amendment advances the District's goals without causing adverse impacts on adjacent properties.

### **D. No Adverse Consequences**

The proposed Zoning Map amendment will not result in adverse consequences to neighboring properties. Quite the opposite, the requested rezoning will result in positive outcomes and important benefits by facilitating future redevelopment of an underutilized site. The proposed MU-7B development standards will ensure compatible development with the surrounding area in a manner that is not inconsistent with the Comprehensive Plan, particularly when viewed through a racial equity lens. Such redevelopment is desirable in this case, as it would improve the Property's current condition and enhance the surrounding neighborhood. Moreover, the Zoning Map amendment will not generate any negative external effects and will instead promote the efficient use of land by allowing for greater height and density. Doing so will, in turn, allow for more housing and affordable housing, thereby facilitating progress towards achieving racial equity throughout the District.

### **E. Proposed MU-7B Zone Would Create Favorable Conditions**

As set forth herein, the proposed Zoning Map amendment is fully consistent with the mixed-use designation of the Property on the FLUM and with the written elements of the Comprehensive Plan overall. The proposed Zoning Map amendment will positively impact the surrounding area by supporting additional development, including housing, affordable housing, and neighborhood-serving uses. Moreover, as set forth in the Comp Plan Evaluation (Exhibit G), the proposed rezoning will advance a number of policies embodied in the various elements of the Comprehensive Plan, the draft NHBCSAP, and other adopted studies and plans. When taken together, the Zoning Map amendment will promote the efficient use of land by expanding opportunities to increase the District's housing and affordable housing stock, attract additional neighborhood-serving uses, and facilitate additional connections to services, amenities, and employment.

## **VII. Community Outreach and ANC Coordination**

The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 7C and specifically within the jurisdiction of ANC 7C09. Upon issuing the Notice of Intent to file the subject application, a copy of which is included in Exhibit H, the Applicant met with Commissioner Carrie Brown, the single member district (“SMD”) representative for ANC 7C09. During that meeting, the Applicant introduced the application and responded to initial questions. A detailed account of the Applicant’s engagement with the ANC and community is included in the Comp Plan Evaluation (Exhibit G). The Applicant will continue to work closely with the SMD representative and the full ANC and will provide further updates on its community engagement prior to the public hearing on this application.

## **VIII. Conclusion**

For the reasons explained herein, the Applicant submits that the proposed rezoning from the MU-3A zone to the MU-7B zone meets all of the requirements for an Zoning Map amendment application and is not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the Property, particularly when analyzed through a racial equity lens. Accordingly, the Applicant respectfully requests that the Commission setdown the application for a public hearing and ultimately grant the requested Zoning Map amendment