

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 18-19**

Z.C. Case No. 18-19

**Poplar Point RBBR LLC d/b/a Columbian Quarter Holdings (Map Amendment)
September __, 2019**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on July 31, 2019 to consider an application by Poplar Point RBBR LLC d/b/a Columbian Quarter Holdings (“Applicant”) for approval of a Zoning Map Amendment pursuant to 11-X DCMR § 500.1 of the District of Columbia Zoning Regulations (“Zoning Regulations”). The application is to amend the Zone Map from the MU-14 Zone District to the NHR-1 Zone District for Squares 5860 and 5861.

The Commission considered the application for the Map Amendment pursuant to Subtitles X and Z of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of 11-Z DCMR § 400 et seq. As discussed below, no party, person, or entity appeared in opposition to the application at the public hearing. Accordingly, a decision by the Commission to grant this application would not be adverse to any party, and pursuant to 11-Z DCMR §604.7, the Commission waives the requirements for findings of facts and conclusions of law. As set forth below, the Commission hereby approves the application.

Application, Parties, and Hearing

1. The property that is the subject of the Map Amendment consists of Lots 97, 1025-1031, 1036, and 1037 in Square 5860, and Lots 91 and 89 in Square 5861 (“Property”). (Exhibit (“Ex.”) 2.)
2. The Property is currently in the MU-14 Zone District. The Property is designated on the Future Land Use Map of the Comprehensive Plan for Mixed Use: High Density Residential, High Density Commercial, and Institutional uses in the Central Employment Area. (Ex. 2, 2C, 2D, 2E)
3. On October 10, 2018, the Applicant filed a petition for approval of the Map Amendment to the NHR-1 Zone District. (Ex. 1, 2.) The NHR-1 Zone was proposed by the Office of Planning (“OP”) as a new Zone along Howard Road in Commission Case 18-18. The Commission took proposed action to approve the new Zone on June 6, 2019.
4. The petition satisfied the filing requirements of 11-Z DCMR § 300 et seq. (Ex.2F.)
5. Single Member District representatives for the Property in Advisory Neighborhood Commission (“ANC”) 8A and ANC 8C filed a joint letter requesting additional time prior to the Commission setting down the petition. (Ex. 13.) The Commission postponed considering the petition until November 19, 2018, which provided the ANCs the required notice time to review.

6. On November 19, 2018, the Commission set the case down as a rulemaking for a public hearing based on the recommendation of OP. (Ex. 4.)
7. On November 26, 2018, the Applicant filed a supplemental submission that requested a public hearing and detailed the Applicant's planned presentation for the hearing. The Applicant filed an additional supplemental submission on February 22, 2019, providing the Commission with updates regarding community outreach. (Exhibit 14, 19.)
8. At a public hearing on March 14, 2019, the Commission decided to delay the public hearing on Case 18-19 to allow the Applicant more time to work with the community and scheduled a public hearing for May 2, 2019.
9. The Applicant filed an additional supplemental statement on April 30, 2019, providing additional updates on community outreach and negotiations and submitting a draft Community Benefits Agreement showing the Commission the Applicant's intention to work with the community. (Ex. 44, 44A.)
10. At a public hearing on May 2, 2019, the Commission decided to further delay the public hearing on Case 18-19 to address other procedural matters and scheduled a public hearing for June 6, 2019.
11. The Applicant filed two additional supplemental statements. The first, filed on May 17, 2019, provided additional information regarding the petition and requested the Commission continue to hear the case as a rulemaking case. The second, filed on June 4, 2019, provided additional context on the current case before the Commission and a previous Planned Unit Development regarding much of the same property. (Ex.49, 50.)
12. At a public hearing on June 6, 2019, the Commission voted 5-0-0 to re-set down the case as a contested case map amendment and hold a public hearing on the application on July 31, 2019.
13. Notice of the new public hearing was provided in accordance with the requirements of 11-Z DCMR § 400 et seq. (Exhibits 53, 54, 55, 56.)
14. The Property is located within ANC 8A and ANC 8C. ANCs 8A and 8C submitted a joint letter in support, noting that at a duly noticed public meeting with a quorum present for each ANC, the ANCs voted unanimously in support of the application. (Exhibit 51.)
15. On July 31, 2019, the Commission held a public hearing in accordance with 11-Z DCMR §408.
16. Fifteen letters in support were filed in the record from individuals and entities recommending the Commission approve the map amendment. (Ex. 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 43, 46, 47.)

17. Letters in opposition from Current Area Residents EastOfTheRiver (“CARE”) and Aiyi’nah Ford and Aristotle Theresa, both individuals associated with CARE, were filed in the record raising concerns about the petition. However, CARE subsequently withdrew all opposition. (Ex. 40, 41, 45, 49.)
18. No person, party, or entity appeared in support or opposition to the application at the public hearing.
19. OP and the District Department of Transportation (“DDOT”) each submitted reports in support of the application, and OP testified in support. (Exhibits 23, 24.)
20. Pursuant to 11-Z DCMR § 408.11, at the close of the hearing, the Commission took proposed action to approve the application.
21. On _____, 2019, 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. (Exhibit ____.)
22. By report dated _____, 2019, NCPC found that the proposed map amendment was not inconsistent with the Comprehensive Plan for the National Capital and other federal interests. (Exhibit ____.)

As directed by 11-Z DCMR §408.8, the Commission has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for approval of a Zoning Map amendment pursuant to 11-X DCMR §500.

As required by law, the Commission must give “great weight” to the recommendations of OP as well as ANCs 8A and 8C as the affected ANCs, which is satisfied by the Commission acknowledging the written reports of OP and ANCs 8A and 8C, and their unanimous support for the Map Amendment. The Commission finds this evidence to be persuasive.

Based upon the record before the Commission, the Commission concludes that the proposed map amendment from the MU-14 Zone District to the NHR-1 Zone District, where the Property is designated for Mixed Use: High Density Residential, High Density Commercial, and Institutional uses in the Future Land Use Map of the Comprehensive Plan and in the Central Employment Area of the Comprehensive Plan, furthers multiple policies of the Comprehensive Plan. Pursuant to 11-X DCMR § 500.3, 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, as detailed in the application and in the OP Report.

DECISION

On July 31, 2019, upon the motion of Commissioner Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** and **APPROVED** the application

at the close of the public hearing by a vote of 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

On September ____, 2019, upon the motion of _____, as seconded by _____, the Zoning Commission took **FINAL ACTION** and **APPROVED** the application at its public meeting by a vote of [-]-[-]-[-] (_____).