

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 20-22**  
**Z.C. Case No. 20-22**  
**CQ Metro Land, LLC (Map Amendment)**  
\_\_\_\_\_, 2021

Pursuant to notice, at its September 27, 2021 public hearing, the Zoning Commission for the District of Columbia (“Commission”) considered the application (the “Application”) of CQ Metro Land, LLC (the “Applicant”) pursuant to 11-X DCMR § 500.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016, to which all references are made unless otherwise specified) to amend the Zone Map from unzoned to the NHR Zone for Square 5860, Lots 1039-1041 (the “Property”). For the reasons set forth below, the Commission hereby **APPROVES** the Application.

**SUMMARY ORDER**

The Applicant, Advisory Neighborhood Commission (“ANC”) 8A, in which the Property is located, and ANC 8C, which is across the street from the Property were automatically parties to the proceeding pursuant to 11-Z DCMR § 403.5. Both ANCs are an “affected ANC” per 11-Z DCMR § 101.8. The Commission received no requests for party status.

Pursuant to Subtitle Z § 301.6, the Applicant mailed a Notice of Intent to file the Application (Exhibit [“Ex.”] 3C) on July 22, 2020 to ANC 8A, ANC 8C, and the owners of all property within 200 feet of the Property. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) sent notice of the April 1, 2021 public hearing on January 14, 2021 and published notice of the public hearing in the December 31, 2020 *D.C. Register* as well as on the calendar on OZ’s website. (Ex. 15-17.) The hearing was delayed three times. The first two times, OZ sent new notices of the hearing (Ex. 22-24, 27, 28.). The third request to delay the hearing was granted on open record at the July 19, 2021 public hearing of the Commission. (Ex. 32.)

The Property consists of three lots in Square 5860 – Lots 1039, 1040, and 1041. Lots 1039 and 1041 are owned by the Applicant. Lot 1041 is owned by the Washington Metropolitan Area Transit Authority (“WMATA”), which authorized the Application. (Ex. 3B)

The Property is currently unzoned. 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. (9/27 Hearing Transcript [“Tr.”] at 21, 24)<sup>1</sup>

On September 8, 2020, the Applicant filed a petition for approval of the Map Amendment to the NHR-1 Zone District. (Ex. 1, 2, 3.) The petition satisfied the filing requirements of 11-Z DCMR § 300 et seq. (Ex.3H.)

On December 7, 2020, the Office of Planning (“OP”) recommended set down of the Application and explained that the proposed map amendment was not inconsistent with the Comprehensive Plan. (Ex. 10.)

On December 17, 2020, the Commission set the case down as a contested case for a public hearing. (Ex. 13.)

On December 28, 2020, 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 March 12, 2021, providing the Commission with updates regarding community outreach. (Exhibit 14, 20.)

The Property is located within ANC 8A and adjacent to ANC 8C. ANCs 8A and 8C each submitted a letter in support in December of 2020, noting that at a duly noticed public meeting with a quorum present for each ANC, the ANCs voted in support of the Application. (Exhibits 11, 12.) After the hearing postponements noted above, ANC 8A submitted a second report in support, noting that at a duly noticed public meeting with a quorum present, the ANC voted unanimously in support of the Application. (Ex. 37.)

On September 27, 2021, the Commission held a public hearing in accordance with 11-Z DCMR §408. Three witnesses testified in support of the Application at the hearing, and one of those witnesses filed their testimony in support in the record. (Ex. 38, 39.) No person, party, or entity appeared in opposition to the Application at the public hearing.

OP submitted a report in support of the Application, including comments of no objection from the District Department of Transportation and the Metropolitan Police Department, and OP testified in support. OP concluded that the Application was not inconsistent with the Comprehensive Plan. (Ex. 25.)

Pursuant to 11-Z DCMR § 408.11, at the close of the hearing, the Commission took proposed action to approve the Application.

On September 28, 2021, the Commission referred the proposed map amendment to the National Capital Planning Commission (“NCPC”) for review and comment pursuant to the

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<sup>1</sup> Between the Commission’s set down of the case for public hearing and the public hearing, the DC Council adopted amendments to the Comprehensive Plan, including the Future Land Use Map, which affected the Property. Because the revised Comprehensive Plan was effective prior to the public hearing, all references in this Order are to the revised Comprehensive Plan, effective as of August 2021.

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. 40.)

By report dated [REDACTED], 2021, NCPC found that the proposed map amendment was not inconsistent with the Comprehensive Plan for the National Capital and other federal interests. (Exhibit [REDACTED].)

Based upon the record before the Commission, the Commission concludes that the proposed map amendment from unzoned land to the NHR 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.

As required by law, the Commission gives “great weight” to the recommendations of OP that the Application satisfies the requirements for a map amendment, and the Commission concurs with OP’s findings.

As also required by law, the Commission gives “great weight” to support of ANC 8A and ANC 8C, which was provided in a written report of both affected ANCs that was approved by the full ANCs at a properly-noticed meeting that was open to the public with a quorum present, and the Commission concurs with the ANCs’ support.

No persons or parties appeared in opposition to the Application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party. Based upon the record before the Commission, and having considered and given great weight to the reports of OP, ANC 8A, and ANC 8C, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under Subtitle X. Accordingly, pursuant to Subtitle Z § 604.7, the Commission has determined it may waive the requirement that findings of fact and conclusions of law accompany the Order of the Commission, because such waiver will not prejudice the rights of any party and is appropriate in this case.

### **DECISION**

In consideration of the record, 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>LOTS</b>	<b>MAP AMENDMENT</b>
5860	1039, 1040, 1041	Unzoned to NHR

On September 27, 2021, 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 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to approve, one Commission seat vacant).

On [REDACTED], 2021, upon the motion of [REDACTED], as seconded by [REDACTED], the Zoning Commission took **FINAL ACTION** and **APPROVED** the application at its public meeting by a vote of [REDACTED]-[REDACTED]-[REDACTED] ([REDACTED]).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-22 shall become final and effective upon publication in the *D.C. Register*; that is, on [REDACTED].