

TENLEYTOWN NEIGHBORS ASSOCIATION (TNA)

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE NO. ZC 16-26

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Pursuant to notice at a public hearing, the Zoning Commission considered the application of Wisconsin Owner for approval of a Planned Unit Development (PUD) and Map Amendment for 4620 and 4624 Wisconsin Avenue, NW pursuant to DC Law 16-300, 10A DCMR sec Chapter 24 of the District of Columbia 100 et seq (2006) (The Comprehensive Plan) and a PUD filing in accordance with Ch 3 of Subtitle X and Ch 3 of Subtitle Z of the DC zoning regulations.

The public hearing was conducted in accordance with the provisions of 11 DCMR Subtitle Z Chapter 1 sections 103 and 104.

FINDINGS OF FACT

1. The Applicant, Wisconsin Owner for 4620 Wisconsin Avenue and Wisconsin Avenue Associates Limited Partnership as nominee for 4624 Wisconsin Avenue, also referred to jointly as Urban Investment Partners (UIP), seeks a **Consolidated Planned Unit Development (PUD) and a related Map Amendment to rezone the Property at 4620-4624 Wisconsin Avenue N.W. ((Square 1732, Lots 45 and 49) from MU-4 to MU-7.** The application requesting this change was filed with the Zoning Commission on November 21 and an amendment was filed on September 8, 2017. (Exhibit 2 with attachments and Exhibit 30 with attachments).
2. On September 19, 2017, Applicant entered into a Memorandum of Understanding (MOU) with ANC 3E. This MOU was officially adopted by ANC 3E on September 19, 2017.
3. The Commission granted party-in-opposition status to Tenleytown Neighbors Association, Inc. (TNA) at the Zoning Commission hearing on August 14, 2017. TNA, established in 1995, is a group of approximately 80 residents, primarily owners of single family and semi-detached homes in Tenleytown, with some members working within a block and some living within 2 blocks of the site in question.
4. The Zoning Commission also granted party-in-support status to Ward 3 Vision on September 28, 2017. Ward 3 Vision is a group of residents living throughout Ward 3, partnering with the Coalition for Smarter Growth (a 501 c3 organization).

Description of Proposal

5. **For the Property, which is located on Wisconsin Avenue between Brandywine Street, NW and Chesapeake Street, NW, Wisconsin Owners (UIP) is requesting a map amendment and a PUD (exception to current zoning) for a 146-unit, eight story (88ft), mixed-use apartment building with approximately 135,942 sq. ft. of gross floor area and 10,984 sq. ft. of retail on the ground floor.**

6. Requested development incentives are extensive:

- **A map amendment of MU-4 to MU-7 that would authorize significant increases in building height, density and other benefits.**
 - **Approval of a Planned Unit Development with additional height and density increases.**
 - **Approval of an Inclusionary Zoning density bonus above matter-of-right.**
 - **Relief from zoning limits on Lot Occupancy.**
 - **Relief from minimum rear yard requirement.**
7. **The majority of the apartments (143 units) would be studios and one bedroom with 3 units to be two bedrooms. Applicant proposes to increase density to 5.73 floor area ratio (FAR) from 3.6 as allowed by current zoning with a PUD.**
8. **The Applicant seeks the Zoning Commission's approval for construction of a high-rise (8 stories), high-density building in a block that is not located in the Tenleytown Metrorail Station Area.**
9. Applicant would build on top of the existing basement. Loading would be from the public alley on the west side of the building facing residential properties.
10. The amended proposal provides 58 parking spaces, a reduction of 16 spaces from the original proposal.
11. The question is what is appropriate for the site in light of zoning requirements and how would the project affect an established neighborhood.
12. There are also questions of compliance with the Comprehensive Plan and the Future Land Use Map.
13. The requested upzoning and Map Amendment appear in conflict with the Comprehensive Plan as well as previous zoning approvals granted for the site. No map amendments were included for the Tenleytown area in the recent Comprehensive Plan amendment cycle.

Existing Zoning, Comprehensive Plan and Regulations

14. UIP proposes an 8-story building located in the Rock Creek West area on Wisconsin Avenue between the Friendship Heights Metrorail Station, a Regional Center to the north, and the Tenleytown-AU Metrorail Station, designated as a multi-neighborhood shopping district nearby to the south.
15. The Property at 4620 and 4624 Wisconsin Avenue, NW is located in the MU-4 Zoning District, which permits the construction of mid-rise buildings of 50 ft. as a matter-of-right and 65 ft. as part of a consolidated PUD.
16. The Applicant seeks the Zoning Commission's approval for construction of a high-rise (8 stories), high-density building in a block that is not located in the Tenleytown Metrorail Station Area, and thus not in a block that the Comprehensive Plan identifies as a preferred location for higher density growth.
17. The proposed building is on lots the Zoning Commission specifically considered and downzoned to restrict to mid-rise, lower-density projects that are consistent with the Comprehensive Plan.

COMPREHENSIVE PLAN GENERALIZED POLICY MAP

18. Wisconsin Avenue is described as a “Main Street Mixed Use Corridor”, a term used for neighborhood shopping streets characterized by low-to-mid rise buildings with ground floor retail and upper floor residential and office uses.
19. Low-rise residential areas stretch for many blocks to both the east and west of this entire section of Wisconsin Avenue. These areas are defined as Neighborhood Conservation Areas and consist largely of stable, successful neighborhoods for families and children.
20. Fort Reno Park, which is the highest natural point in the District and one of its largest green spaces, is also located immediately to the east of Wisconsin Avenue between Chesapeake and Fessenden Streets and is maintained by the National Park Service.
21. Central to the Comprehensive Plan for the Rock Creek West (RCW) area and the Wisconsin Avenue Corridor are core policies that balance development on Wisconsin Avenue with the conservation of nearby low-rise residential neighborhoods. The UIP project would be inconsistent with these policy priorities.

Policy RCW-1.1.1: Neighborhood Conservation

“Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods.” (2308.2)

22. The 8-story project would be higher than all buildings within the Tenleytown-AU Metrorail Station Area and all surrounding buildings to its north and south on Wisconsin Avenue. As such, it would diminish and destabilize the residential character of nearby neighborhoods and act as a catalyst for additional high-rise development along the Wisconsin Ave corridor to the north.
23. The Applicant proposes a building at one of the highest elevations in the District, thereby magnifying the impact of its size on the low-lying, single family homes to the west: (1) it would be visible from the heights of Wisconsin Avenue for many blocks away and (2) it would cast a shadow on houses and buildings along 42nd St. and Chesapeake St. to the west, as well as parts of Wisconsin Avenue and Ft. Reno Park to the east, according to the UIP’s shadow study. Exhibit 30 Attachment, pages 27 and 28.

RCW-2.2: Wisconsin Avenue Corridor

“...The scale and height of new development on the corridor should reflect the proximity to single family homes, as well as the avenue’s intended function as the neighborhood’s main street. This means an emphasis on low-to mid-rise buildings rather than high-rise towers or auto-oriented strip development.” (2312.6)

24. The Applicant’s proposal at eight stories high would be inconsistent with this general policy guidance because the Comprehensive Plan defines a low-rise building as three stories or less, a mid-rise building as four to seven stories in height, and a high-rise building as eight stories or taller. (Glossary G-19, 25, and 26)

Policy RCW- 2.2.5: Land Use Compatibility Along Wisconsin Avenue

“Ensure that future development along Wisconsin Avenue is physically compatible with and architecturally sensitive to adjoining residential neighborhoods and is appropriately scaled given the lot depths, widths, and parcel shapes. Use a variety of means to improve the interface between commercial districts and residential uses, such as architectural design, the stepping down of building heights away from the avenue, landscaping and screening, and additional green space improvements.” (2312.12)

25. On Wisconsin Avenue, the UIP project would be built on one of the highest hills in DC and on land that slopes downhill 10 ft. from the south to the north end of the building. Rather than stepping the new building down to adjust to the change in elevation, UIP designed the roof to be two stories taller than Tenley View, its immediate neighbor to the south, and five stories higher than the low-rise buildings to the north.
26. Similarly, the west façade on the alley, which faces low-rise residential areas, rises above the rear alley to a height of over 100 ft. feet at its mid-point or 12 ft. higher than on Wisconsin Avenue. The design provides for a 10 foot set-back for the lowest three floors to allow for a loading dock and only 3 feet for the top four floors where wider set-backs would be most effective. As a result, the proposed design would confront nearby residents with a monolithic wall.
27. Finally, UIP is requesting relief from zoning limits on Lot Occupancy to allow building on 89.9% of the land area. Approval of this request would further weaken opportunities for transition from commercial to residential land uses by reducing space for landscaping and screening and other green space improvements.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

28. The Comprehensive Plan makes clear that the Future Land Use Map (FLUM) is intended as a general guide to decision-making but not the only source. For example:
 - *“The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including citywide elements and area elements...” [226(d)] and*
 - *“The designation of an area with a particular land use category does not necessarily mean that the most intense zoning district described in the land use definitions is automatically permitted.” [226(e)].*
29. The Applicant’s Statement of Support states that the FLUM “locates the Property in the Mixed Use Medium Density Residential/Moderate Density Commercial land use category.” (p.2).
 - The Comprehensive Plan defines medium density residential as 4-7 stories and moderate density commercial as 3-5 stories in height, yet UIP is requesting approval of an 8-story building.

**RELEVANCE OF ORDER 530 TO LOTS 45 AND 49
[previously designated as Lots 801, 806 and 21]**

30. In 1988, after careful consideration in a legislative proceeding, the Zoning Commission downzoned Square 1732, Lots 19, 20, 21, 44, 801, 806, 808, 817, 818, 819, 820, and 821 from C-3-A to C-2-A [ZC Order 530, Case No. 86-17 (1988), p. 11]. Lots 45 and 49 in Square 1732,

the subject of this Zoning Application, were formerly Lots 801, 806 and 21. See Lusk District of Columbia Assessment Directory 1987, p. 304.

31. Since 1988, nothing about the location and circumstances of any Lots in Square 1732 have substantially changed to justify up-zoning to MU-7 (formerly C-3-A). The Red Line of the Metro system was in place in 1988; the Tenleytown Metro station was in full operation and the CityLine condominiums were in the planning stage.
32. The Zoning Commission as part of its Tenley View (Babe's) proceeding (Case No. 10-23) up-zoned Lots 817 and 820, which are in the same Square 1732. That up-zoning was based on the unsupported claim of Steven Sher, an in-house employee of the very law firm representing the applicant in Babe's, that "the policy direction of the District today is substantially different that it was in 1988." [ZC Order 10-23, Finding 68, p. 20]. Mr. Sher's unsubstantiated testimony, as that of an employee of the law firm of the applicant, should have been excluded as unduly biased as a matter of law and as unsupported by credible evidence. In any event, even if "policy direction" can be divined or is a relevant consideration, Mr. Sher was wrong. The policy direction germane to the Babe's applicant's site was not substantially different in 2013 than in 1988, nor is it substantially different today.
33. Moreover, the Zoning Commission in the Babe's case did not engage in a comprehensive consideration of the proper zoning for Square 1732, as did the Zoning Commission in four days of public legislative hearings in November 1986, taking testimony from the Wisconsin Avenue Corridor Committee representing 26 civic organizations and 7 ANCs west of Rock Creek Park and receiving correspondence from the DC Office of Planning, three DC City Council members and a number of civic organizations, businesses and residents and thereafter publishing a notice of proposed rulemaking in the DC Register. See ZC Order 530, pp. 1-2 and 6.
34. In any event, whether the applicant in the Babe's case adequately met its burden of proof for its up-zoning, it resulted in an addition of only 6 feet greater height (71 feet) over what that applicant would have been allowed under C-2-A zoning in a PUD application (65 feet). So the Zoning Commission's up-zoning decision in the Babe's case is not precedential justification for UIP to obtain an MU-7 (formerly C-3-A) up-zoning to construct a massive building of 8 stories with a height reaching 103 feet at its highest point at the North end and even 83 feet at its lowest point at the South end. Indeed, in the Babe's case, the Zoning Commission, in approving the Babe's application was careful to note that, when constructed, the Babe's

"building fits in with the scale of buildings in the immediate vicinity and steps down appropriately from the building to the south, creating a descending progression of heights moving north along Wisconsin Avenue, particularly with the lower penthouse. (See Ex. 36A1 at p. A9; Ex. 102A). The Commission accordingly finds the height, density and design of the building to be appropriate for this location." [ZC Order 10-23, Finding 69, p. 21]
35. UIP's proposed building does not step "down appropriately from the building to the south," nor does it create "a descending progression of heights moving north along Wisconsin Avenue."
36. In light of the above, the FLUM should be interpreted in the context of past zoning decisions, current area plans, and other relevant elements of the Comprehensive Plan. In fact, the Rock Creek West Element, Page 23-24, states: "This Comprehensive Plan does not propose any significant departure in policy for the Upper Wisconsin Avenue corridor from the previous Comprehensive Plan." Given the zoning history, a PUD under the current MU-4 (and not MU-7) zoning district would be most reasonable and appropriate.

ZONING: HEIGHT AND DENSITY

37. Approval of the UIP request for a map amendment from MU-4 to MU-7 together with a Planned Unit Development, and relief of Lot Occupancy Limits would result in the construction of a significantly higher and more dense development than allowed as a matter-of-right under current zoning (See Table 1 below).

- Height would be 77% greater.
- Density (as measured by the Floor-Area-Ratio or FAR) would be 91% greater.
- Lot Occupancy limits would increase by 50%.

Table 1

	MU-4	MU-4	MU-7	MU-7	UIP
	MOR/IZ	PUD/IZ	MOR/IZ	PUD/IZ	Proposal
Height	50 feet	65 feet	65 feet	90 feet	88 feet
% Height Change		+ 30%	+30%	+ 80%	+77%
FAR	3.0	3.6	4.8	5.76	5.73
% FAR Change		+20%	+60%	+92%	+91%
Lot Occupancy	60%	75%	75%	80%	89.9%
% Lot Occupancy Change		+ 25%	+25%	+33%	+50%

For above, see Exhibits 49 and 50 submitted by TNA as a presentation on September 28, 2017 and Exhibit 33 submitted by the Office of Planning (OP) on September 18, 2017.

38. TNA also presented evidence that the UIP project (8 stories) would be significantly higher and denser than Tenley Hill and Tenley View; both are six story buildings approved by the Zoning Commission and located nearby. (See TNA Exhibits 49 and 50).

39. A height of 88 feet (103 feet next to the single-family homes) is massively above that allowed by current zoning and makes this the highest building in Tenleytown. See Applicant’s PowerPoint, Exhibit 42A slide 9 for a comparison showing this building towering over the rest of Tenleytown.

40. Moreover, as Table 1 demonstrates, if the Applicant were utilizing a PUD under current MU-4 zoning, it would be consistent with recently approved projects and would be consistent with growth on Wisconsin Avenue that protects nearby established neighborhoods.

41. Tenleytown, an area with a long history, is the second oldest neighborhood in Washington. Tenleytown would be overwhelmed by buildings of the height being requested by the Applicant, if the project were approved. This would set a precedent for taller buildings than currently exist in Tenleytown and has the potential to change the lower scale, historic character of the area. Each time a building is approved far beyond zoning, it is stated that it will not set a precedent. And in a way, it doesn't because the next building goes even higher. The Tenleytown Metro site was built long after Tenleytown was settled and like other historic areas of the city, such as Capitol Hill, Tenleytown needs to be treated with great sensitivity to ensure preservation of its neighborhood character while balancing development needs. For that reason, adherence to the guidance provided in the Comprehensive Plan is particularly germane in this zoning case.

HOUSING FOR FAMILIES

42. Applicant has stated that 98% of the housing units proposed for the UIP project will be studio and one-bedroom units suitable for singles, a likely transient demographic. By contrast, the Comprehensive Plan encourages an increase in larger, family oriented housing that is also more typical of the larger Tenleytown community. (Exhibits 49 and 50, TNA Statement and Presentation submitted September 28, 2017.)

43. According to the Comprehensive Plan, "one of the critical issues facing the city is how to retain and create more housing units that are large enough for families and children." (500.18) The Plan points out that family households with children need larger housing units, yet only one-third of the existing D.C. housing units have three bedrooms or more. Moreover, retention of new and existing families, which depends on the availability of larger housing units, is "important to the health of the city". (500.20-21).

44. As in other aspects discussed above, the UIP project is inconsistent with the housing policy priorities of the Comprehensive Plan and the Zoning Commission will take this into account as it considers the UIP request for significant development incentives and zoning relief.

PUBLIC BENEFITS CRITERIA FOR PLANNED UNIT DEVELOPMENTS

45. To be granted a Planned Unit Development, the benefits are to be significantly greater than would likely result from matter-of-right development at a site, benefits must be tangible, quantifiable, and measurable and able to be completed or arranged prior to the issuance of a certificate of occupancy. The Applicants are asking for a significant increase in height and density, but the public interest benefits offered are questionable. TNA Statement and Presentation, Exhibits 49 and 50.

46. The Public Benefits offered do not meet the standards of Sec. 305.11 and are grossly inadequate when compared to the concessions requested from the District Government (map amendment, relief from lot occupancy requirements, and height and density increases related to the PUD).

47. UIP has the initial burden of proof to justify its application (304.2). It is the Zoning Commission's responsibility to then determine whether the proposed development has merit and meets the standards of 304.4, which states:

“The Zoning Commission shall find that the proposed development:

- (a) Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;*
- (b) Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated., or acceptable given the quality of public benefits in the project; and*
- (c) Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.”*

48. Finally, the Zoning Commission must deny a PUD application if the proffered benefits do not justify the degree of development incentives requested including any requested map amendment according to (305.11), which states:

“The Zoning Commission may not compel an applicant to add to proffered public benefits, but shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment). Nevertheless, the Zoning Commission may at any time note the insufficiency of the public benefits and suggest how the benefits may be improved.”

49. When examined by the Zoning Commission, any upzoning needs to stand on its own merits as to its appropriateness in the context of the neighborhood. “Public benefits” cannot buy appropriateness.

50. The public benefits offered by the Applicant do not justify the extraordinary development incentives requested by the Applicant:

Requested development incentives are extensive:

- A map amendment from MU-4 to MU-7 that would authorize significant increases in building height and density and other benefits.
- Approval of a PUD with additional height and density increases.
- Approval of an Inclusionary Zoning density bonus above matter-of-right.
- Relief from zoning limits on Lot Occupancy.
- Relief from minimum rear yard requirement.

51. The proffered Public Benefits are grossly inadequate:

- Housing: The Applicant offers housing square footage in excess of the amount allowed under matter-of-right, but emphasizes studio and one -bedroom units rather than larger family oriented housing, which is a policy priority of the Comprehensive Plan. (See Housing Element 500.20-21 and Nos. 34-36 above.)
- Superior Urban Design and Architecture: The Applicant claims “step downs along Wisconsin Avenue to be consistent with the changing grade, as well as setbacks at the rear of the Project to better transition to the neighboring residential properties.” (Exhibit 2, UIP Statement of Support, p. 15).

In reality, the building does not step down along Wisconsin Avenue; on the contrary, it is 2 stories higher than the Tenley Hill to the south and rises by 10 feet from the south to the north end of the building. Similarly, the minor 3 feet setback at the rear of the building offers very little in the way of transition to neighboring residences. A more complete analysis is presented above.

- Uses of Special Value: The Applicant cites as a “potential benefit” the renovation of the Chesapeake House, which is owned by the National Park Service. This claimed benefit is unwarranted, since there is no binding agreement or plan for its use and maintenance.
- Limitations on Future Development: A conditional promise to limit development to six stories on nearby land that UIP does not own cannot be considered as a benefit.
- Brandywine St. Closure and Park: Removing an “awkward” intersection would have a neutral effect; it would be a minor benefit for some and an irritant for others seeking entrance to Best Buy from 42nd Street. It would only truly benefit UIP, the owner of the adjacent property at 4545 42nd Street N.W.

See generally, Exhibit 49, TNA Statement (submitted Sept 28, 2017)

52. This Application for a consolidated PUD and related Map Amendment does not meet the applicable standards:

- The Applicant seeks growth on Wisconsin Avenue far in excess of current zoning.
- The project is not located in the Tenleytown Metrorail Station area but would have significantly greater height and density than nearby buildings in the Metrorail Station Area and those most recently approved by the Zoning Commission.
- The Zoning Commission in Order 530 already rejected MU-7 zoning for this location north of Brandywine and should reject such an amendment here.
- The building exceeds the medium-density residential/moderate-density commercial designation on the Future Land Use Map.
- This project does not accommodate families, who are important to the health of the city and neighborhoods in the Rock Creek West area.

53. If the PUD is approved, all public benefits, amenities and conditions shall be included in the Zoning Commission Order in order to ensure that the MOU with ANC 3E is enforceable.

CONCLUSIONS OF LAW

1. At its public meeting held on September 28, 2017, the Zoning Commission reviewed and considered all testimony and evidence presented in this case. Based on its deliberations in this case, the Commission’s conclusions of law and decision follow:
2. The commercial area on Wisconsin Avenue is located in close proximity to a pre-1930s residential R-2 and R1-B neighborhoods. Current zoning fosters mid-rise growth and development on the Wisconsin Avenue corridor and conserves and protects successful, nearby neighborhoods such as Tenleytown. These goals would not be achieved if the Zoning Commission granted a map amendment for the construction of the Applicant’s high-rise project.
3. Applicant has the burden of proving not only that its Project is not inconsistent with the Comprehensive Plan but also that up-zoning to MU-7 is justified by changed circumstances.

4. There have been no significant changed circumstances in the area of Lots 45 and 49 since those Lots were down-zoned in the Zoning Commission's extensive legislative hearing process resulting in ZC Order 530 in 1988.
5. Applicant's counsel at the Sept. 29, 2017 Zoning Commission hearing claimed that the *Giant-Cathedral Commons* DC Court of Appeals decision (Wisconsin- Newark Neighborhood Coalition v. DC Zoning Commission, 33 A3d 382 (DC App. 2011)) was relevant to Order 530. *Giant-Cathedral Commons* is located more than a mile south of the UIP project, at the intersection of Wisconsin Ave and Macomb St NW. And whatever the *Giant* court intended to decide with respect to the *Giant* project, it neither referred to Order 530 in its decision nor addressed or decided anything relevant to this case, because the circumstances around the Tenleytown Metro Station and the Lots at issue here were not at issue in *Giant-Cathedral Commons*. Therefore, that decision is neither controlling nor relevant here.
6. Applicant has provided no evidence of significant changed circumstances and, even assuming change in policy would be relevant, has provided no evidence of relevant policy changes since the date of Order 530. In fact, in the Rock Creek West Element, Page 23-24, it states: "This Comprehensive Plan does not propose any significant departure in policy for the Upper Wisconsin Avenue corridor from the previous Comprehensive Plan."
7. Therefore, Applicant has not and cannot sustain its burden of proof sufficient to up-zone Lots 45 and 49 to MU-7. Because of the lack of such evidence, Applicant's request for up-zoning should be and is denied.
8. Even if the up-zoning in the Babe's case was justified because of its peculiar circumstances and height limitations only a few feet in excess of MU-4, the circumstances in this case do not justify up-zoning Lots 45 and 49, particularly because UIP's proposal is unrestrained in height and density and far out of proportion to the surrounding neighborhood.
9. The Applicant has not demonstrated that the public benefits it offers justify the excessive level of development incentives requested, especially when a number of those benefits are conditional in nature and modest in scope. The Commission concludes that the public benefits and amenities do not justify, and are far outweighed by, the "flexibility" (additional height, density and lot occupancy) requested over current zoning.
10. The Commission finds that Applicant's proposal is inconsistent with the Comprehensive Plan's policy of balancing growth on Wisconsin Avenue with conservation of residential neighborhoods, especially in light of previous Zoning Commission approvals of nearby projects that are much lower in height and density.
11. The Commission finds that Applicant's proposal exceeds the medium-density residential / moderate-density commercial designation on the Future Land Use Map and the Applicant has not provided a persuasive justification for exceeding the limits of that classification.
12. The Commission finds that Applicant's proposal, in which only 2% of its 146 housing units are multi-bedroom units, does not accommodate families, who are important to the health of the city and the neighborhood, and a policy priority of the Comprehensive Plan.
13. The Commission accorded the testimony of the Advisory Neighborhood Commission 3E the great weight to which they are entitled but finds that the ANC did not provide evidence that presents augmented Applicant's presentation and therefore did not provide a basis for approval of the Application.

14. The Commission finds that approval of this application would be inconsistent with the Comprehensive Plan for the National Capital and the purposes of the Zoning Act, and the Zoning Regulations and Map of the District of Columbia.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS** that the application for a Consolidated Planned Unit Development and map amendment from MU-4 to MU-7 for Square 1732, Lots 45 and 49 be **DENIED**.

Vote of the Zoning Commission was taken at a public meeting on _____, 2017: ___ to ___ (_____, to deny; _____, opposed.)

This order was adopted by the Zoning Commission at its regular public meeting on _____, 2017, by a vote of _____ to adopt; _____, opposed).

In accordance with the provision of DCMR § 3028, this Order shall become final and effective upon publication in the D.C. Register, that is on _____.

ANTHONY J. HOOD
Chairman
Zoning Commission

SARA B. BARDIN
Director
Office of Zoning