

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 09-03I

Z.C. Case No. 09-03I

Skyland Holdings, LLC

Modification with Hearing to an Approved Planned Unit Development
(Square 5633, Lot 22)

March 2, 2026

Pursuant to notice, at its March 2, 2026, public hearing, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Skyland Holdings, LLC (the “Applicant”) that requested approval of a Modification with Hearing¹ pursuant to Subtitle Z § 704 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified) to the Planned Unit Development (“PUD”) and related Map Amendment approved by the Commission in Z.C. Order No. 09-03 (the “Original Order”), as modified by Z.C. Order Nos. 09-03A, 09-03D, 09-03F, 09-03H, and as extended by Z.C. Order Nos. 09-03B, 09-03C, 09-03E, and 09-03G (collectively with the Original Order, the “Order”), for Lot 22 in Square 5633,² known as Skyland Town Center (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z, Chapter 4. For the reasons stated below, the Commission **APPROVES** the Application.

SUMMARY ORDER

I. BACKGROUND

BACKGROUND AND PRIOR APPROVALS

1. The Property is located in the Southeast quadrant of the District in Ward 7 to the west of the Hillcrest neighborhood and to the south of the Fairlawn neighborhood. The Original Order approval included a PUD-related map amendment to the C-3-A zone, which is now designated as the MU-7 zone (Exhibit [“Ex.”] 3).
2. Pursuant to the Original Order, effective on September 10, 2010, the Commission approved a Consolidated PUD with a related map amendment for the Property’s 18.7 acres at the

¹ Pursuant to Subtitle A § 102.4, although the Original Order was vested under the 1958 Zoning Regulations under which it was evaluated and approved, the Application is subject to the current 2016 Zoning Regulations to the extent of the modifications.

² Lot 22 in Square 5633 consolidated all of the property subject to the PUD approved by Z.C. Order No. 09-03, as recorded by a plat recorded on November 17, 2014, in the Records of the District Surveyor at Subdivision Book 209, Page 39 (Z.C. Order No. 09-03 referred to Assessment and Taxation (“A&T”) Lots 800 and 801, which were created out of Lot 2 per the plat in A&T Book 3794, Page F, and A&T Lot 819, created out of A&T Lots 815 and 817, in turn created out of the remainder of Lots 8 and 9 per A&T Plats Book Page 2410).

intersection of Naylor Road, Good Hope Road, and Alabama Avenue, S.E. from the R-1-B, R-5-A, and R-5-B zones to the C-3-A zone to construct a mixed-use town center anchored by a main street with:

- Approximately 314,480 square feet (“sf”) of community-serving retail uses;
 - 20 townhomes and 450-500 residential units above the retail and service uses totaling approximately 538,110 sf;
 - 1,698 parking spaces totaling approximately 400,038 sf; and
 - A total floor area ratio (“FAR”) of 1.54, of which 0.88 FAR is dedicated to commercial uses (Ex. 51 and 121A1 in Z.C. Case No. 09-03 at p. 18).
3. The Original Order divided the PUD, 1,252,628 sf of gross floor area (“GFA”) into five development parcels (“Blocks”) as follows:
- Block 1 – 242,600 sf;
 - Block 2 – 550,611 sf;
 - Block 3 – 256,230 sf;
 - Block 4 – 168,769 sf; and
 - Block 5 – 34,518 sf.
4. By Z.C. Order No. 09-03A, effective January 17, 2014, the Commission approved modifications of the Original Order in the following areas:
- Architectural design and site layout reducing the total GFA to 1,249,438 sf with a FAR of 1.75, of which 0.97 FAR is dedicated to commercial uses, allocated as follows:
 - Block 1 – 179,395 sf;
 - Block 2 – 744,486 sf;
 - Block 3 – 189,818 sf;
 - Block 4 – 117,595 sf; and
 - Block 5 – 18,144 sf.
 - Residential uses – replacing 12 townhomes with 6 carriage houses on Blocks 3 and 5;
 - Parking – allowing 1,774 parking spaces in a modified distribution across the Property;
 - Transportation network; and
 - PUD map amendment vesting – clarifying that the C-3-A zoning vested for each Block upon the start of construction of that Block.
5. By Z.C. Order No. 09-03D³, effective June 30, 2017, the Commission approved modifications of the Original Order as it applies to Block 2 to remove 345 parking spaces on three levels of above-grade parking and architectural design and site layout, with a reduction in the square footage of Block 2 to 534,880 sf.⁴

³ Z.C. Order Nos. 09-03B and 09-03C extended the deadlines for filing a building permit application and for commencing construction. Z.C. Order No. 09-03E extended the deadlines for filing a building permit application and for commencing construction as well as deadlines for the financial contributions and construction and maintenance requirements outlined in Condition Nos. 2(a), 2(e), and 2(f) of the Original Order.

⁴ Z.C. Order No. 09-03D, and its approved plans and filings did not specify the changed square footage for Block 2, which was instead provided by Ex. 22C, p. G7 of Z.C. Case No. 09-03F.

6. By Z.C. Order No. 09-03F, effective January 8, 2021, the Commission approved modifications of the Original Order in the following areas:
 - Reconfiguring Block 1, 3, 4, and 5 into new Blocks 1, 3, and 4;
 - Reducing the total GFA, as follows:
 - Block 1 – 280,978 sf;
 - Block 2 – 534,880 sf;
 - Block 3 – 41,229 sf; and
 - Block 4 – 312,230 sf.
 - Changing the programs, as follows:
 - Block 1 to be developed with medical office use with an attached parking garage;
 - Block 3 to be developed with three single-story retail buildings, including the Lidl grocery store, and a surface parking lot containing approximately 214 parking spaces; and
 - Block 4 to be developed with a future mixed-use building with approximately 252 multifamily residential units, approximately 7,140 sf of ground-floor retail, and approximately 157 parking spaces.
7. Block 2, a 263-unit residential building, opened in April 2021; and Block 3, a Lidl grocery store, opened in September 2022.
8. By Z.C. Order No. 09-03H,⁵ effective April 12, 2024, the Commission approved modifications of the Original Order to revise the programs for Blocks 1 and 4 to include:
 - 126 townhomes (the “Townhomes”) and with approximately 67 units on Block 1 and 59 units on Block 4; and
 - A fully affordable senior multifamily building with 75 units (the “Senior Multifamily Building”) on Block 4.

PARTIES

9. Advisory Neighborhood Commission (“ANC”) 7B, which district includes the Property, ANC 8A, and ANC 8B, both of which share a boundary with the Property, the “affected ANCs” pursuant to Subtitle Z § 101.8 and 403.5(b), were automatically parties to this proceeding pursuant to Subtitle Z § 403.5.
10. The Commission received no additional requests for party status.

NOTICE

11. Pursuant to Subtitle Z § 300.7, 704.6, the Applicant mailed a Notice of Intent to file the Application to ANCs 7B, 8A, and 8B and the owners of all property within 200 feet of the Property on April 22, 2025; and served the Application on ANCs 7B, 8A, and 8B, and the Office of Planning (“OP”) on August 19, 2025, the date the Application was filed with the Office of Zoning (“OZ”) (Ex. 2, 3E).

⁵ Z.C. Order No. 09-03G, effective April 19, 2024, extended the deadline to file a building permit application for Block 1 until January 8, 2025, allowing the Applicant additional time to process a modification application for both Blocks 1 and 4.

12. On January 6, 2026, OZ sent notice of the rescheduled⁶ public hearing to: the Applicant; ANCs 7B, 8A, and 8B; ANC Single Member District (“SMD”) Commissioner 7B02, whose district includes the Property, 7B05, 8A07, 8B01, and 8B02; the Office of the ANCs; Councilmember Wendell Felder, the Ward 7 Councilmember, in whose Ward the Property is located; Councilmember Trayon White, Sr.; OP; the District Department of Transportation (“DDOT”); the Department of Buildings (“DOB”); the Department of Energy and the Environment (“DOEE”); the OZ Legal Division (“OZLD”); the Chair and At-Large Members of the D.C. Council; and the owners of all lots within 200 feet of the Property (Ex. 12, 13).
13. OZ also published notice of the March 2, 2026, virtual public hearing in the January 16, 2026, issue of the *District of Columbia Register* (73 DCR 000495 *et seq.*) as well as on the calendar on OZ’s website (Ex. 11).
14. The Applicant provided evidence that it had posted and maintained notice of the public hearing on the Property in compliance with Subtitle Z § 402 (Ex. 14, 23).

II. THE APPLICATION

MODIFIED PROJECT

15. On August 19, 2025, the Applicant filed the Application for review and approval of a modification of the PUD to (a) replace the previously approved senior multifamily Building with a multifamily building featuring 24 condominium (for-sale) units on Block 4, and (b) revise the Green Area Ratio (“GAR”) calculation for Blocks 1 and 4 from 0.373 to 0.309 (the “Project”) (Ex. 3). The Application stated that the Applicant pursued financing for the senior multifamily building and the necessary subsidies are simply not available and will not soon become available; however, the proposed condominium units will offer mixed-income homeownership opportunities in Ward 7 at a more accessible price point than the previously approved townhomes on Blocks 1 and 4 and will offer condominiums, which are a scarce housing product in this part of the District (*Id.*).
16. The Project includes up to approximately 38,000 square feet of gross floor area (“GFA”), for an overall floor area ratio (“FAR”) of 1.11, a height of approximately 54 feet, and approximately 24 parking spaces. The Project will achieve LEED Silver certification. The Application seeks flexibility from the long-term bicycle parking location requirements of Subtitle C § 805.1 to locate the long-term bicycle parking external to the condominium building. The Application also seeks to revise the previously approved GAR calculation from 0.373 to 0.309 to exclude the plants located in the mews and yards surrounding the previously approved townhomes from the GAR calculation; and seeks design flexibility (Ex. 3).

APPLICANT’S JUSTIFICATION

17. The Applicant provided evidence that the Project continues to satisfy the PUD requirements of Subtitle X, Chapter 3, and concluded that the Project is not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens.

⁶ The public hearing was previously scheduled for February 19, 2026, and rescheduled to March 2, 2026.

18. The Project will be constructed on a portion of the Property designed as Moderate Density Commercial on the Future Land Use Map (“FLUM”) and in the Multi-Neighborhood Center and Neighborhood Conservation Area on the Generalized Policy Map (“GPM”). The Applicant acknowledged that although the Project would remove previously approved ground floor retail, the existing retail at the Skyland Town Center was not fully occupied and the creation of new condominium units would provide necessary clientele to support existing retail. The Applicant noted that the Project would advance the goals of Multi-Neighborhood Centers and Neighborhood Conservation Areas by providing new mixed-income for-sale housing on a currently vacant lot (Ex. 3H1).
19. The Applicant provided an analysis of the Project’s consistency with the applicable Comprehensive Plan objectives, policies, and maps related to the Property, including the GPM, the FLUM, Citywide Elements, and the Far Northeast and Southeast Area Element. The Applicant asserted that the Project would further Comprehensive Plan goals to prioritize mixed income housing and homeownership opportunities in low-income areas (Ex. 3H1).
20. As required by the Comprehensive Plan, the Applicant provided an analysis of the Project through a racial equity lens in compliance with the Commission’s Racial Equity Tool⁷. The analysis provided evidence of the Applicant’s community outreach and engagement efforts regarding the Project with the affected ANCs and the surrounding community; the Applicant noted that some community members expressed concern about the loss of the previously approved senior multifamily building, but also mentioned a nearby senior living development to be constructed directly across Marion Barry Avenue, S.E. (Ex. 3H2). The analysis noted that the Project would not result in displacement of tenants, residents or businesses; the Project would offer homeownership opportunities at a lower price point than the new townhomes and facilitate economic mobility and financial asset generation in a low-income area (Ex. 3H2).
21. The Applicant provided evidence that the Project has no unacceptable adverse impacts because the Project includes fewer units than the previously approved senior multifamily building and is unlikely to result in measurable impacts beyond what the Commission previously considered (Ex. 3). The Applicant prepared and submitted a Transportation Statement, dated January 13, 2026 (the “Transportation Statement”). The Transportation Statement concluded that the Project is not expected to have a detrimental impact on the surrounding transportation network because the Project would reduce the number of

⁷ Pursuant to 10-A DCMR §§ 2501.4-2501.6, 2501.8, the Commission is tasked with evaluating the Application’s consistency with the Comprehensive Plan through a racial equity lens. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and the Office of Planning analyzing the zoning action’s consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable (Part 1); a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3).

vehicle trips entering and exiting the site compared with the previously approved use (Ex. 16A). The Transportation Statement also noted that the Project exceeds the required bicycle parking and the requested flexibility to provide long-term bicycle parking in an exterior bicycle storage room will not impede future residents from accessing bicycles safely and securely (*Id.*).

22. The Applicant stated that the Project would continue to provide the previously approved specific public benefits, including superior landscape design and open space, including 24 balconies; a commitment to LEED Silver certification; a 10% inclusionary zoning set-aside; and a revised Transportation Demand Management (“TDM”) Plan to mitigate any transportation impacts. The Applicant noted that the requested change to the GAR calculation was minimal and necessary due to the transfer of control of those plantings from the Applicant to the individual homeowners. The Applicant also noted the \$1.5 million in monetary contributions already funded under the PUD (Ex. 3).

III. RESPONSES TO THE APPLICATION

OP

23. In its report to the Commission, dated October 10, 2025 and February 20, 2026, respectively (the “OP Setdown Report” and “OP Hearing Report”), OP recommended setdown of the Application for public hearing and approval of the Application (Ex. 5, 18). The OP Hearing Report noted that on balance the Application is not inconsistent with the Comprehensive Plan maps and written elements; and the Project would meet many racial equity goals, including providing much needed homeownership opportunities. In accordance with the Commission’s Racial Equity Tool, the OP Setdown Report provided disaggregated race and ethnicity data for the Far Northeast and Southeast Planning Area, in which the Property is located, showing racial disparities in median income and homeownership (Ex. 5). The OP Hearing Report noted the Applicant’s responses to the questions raised at setdown of the Application. OP noted support for the requested flexibility to locate the long-term bicycle parking in a separate accessory structure to be located at the rear of the building, to modify the GAR for Blocks 1 and 4, and for design flexibility. Finally, OP noted its concern with the activation of the side of the condominium building along Town Center Drive as well as the privacy and natural light that would be afforded the units on the ground floor, and OP stated it did not believe the Applicant’s addition of tall planters addressed the issues (Ex. 18).

DDOT

24. On February 20, 2026, DDOT filed a report stating that it had no objection to the approval of the Application provided the Applicant implement the TDM Plan at Exhibit 16A of the case record; and the back door of the condominium building, closest to the bicycle parking, be accessible to residents at all times (Ex. 17).

ANCs

25. Single Member District (“SMD”) 7B02 Commissioner Jamaal Maurice McCants-Pearsall testified at the March 2, 2026 public hearing, on behalf of ANC 7B, in support of the Project; and filed a letter, dated February 23, 2026, in support of the Application (“ANC

7B02 Letter”), affirming the community’s interest in the Project, including its homeownership opportunities and additional residential density (Ex. 19, 21; Transcript [“Tr.”] 41-42). On February 24, 2026, ANC 7B filed a report in support of the Project (the “ANC Report”) (Ex. 20). The ANC Report stated that, at a duly noticed public meeting on February 19, 2026, with a quorum of 9 of 9 commissioners and the public present, ANC 7B voted 8-1-0 to support the Application. The ANC Report cited no issues and concerns.

26. ANCs 8A and 8B did not submit reports.

ORGANIZATIONS AND INDIVIDUALS IN SUPPORT

27. The Skyland Task Force filed a letter in support of the Application, noting its support for the Project, including the addition of a middle ground in price between the existing multifamily rental units and under construction townhomes, and the additional support for existing stores and restaurants at Skyland Town Center (Ex. 24).

ORGANIZATIONS AND INDIVIDUALS IN OPPOSITION

28. No organizations or individuals filed letters or testified at the public hearing in opposition.

CONCLUSIONS

Authority

1. Pursuant to the authority granted by Section 8 of the Zoning Act (D.C. Official Code § 6-641.01 (2019 Repl.)), the Commission may approve a PUD and modifications to an approved PUD consistent with the requirements of Subtitle X, Chapter 3 and Subtitle Z § 704.
2. Pursuant to Subtitle X § 300.1, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.
3. Pursuant to Subtitle X § 304.3, when deciding a PUD application, the Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.
4. Pursuant to Subtitle X § 304.4, to approve a proposed PUD, the 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.

5. Pursuant to Subtitle Z § 704.4, the scope of a hearing for a Modification with Hearing shall be limited to the impact of the modification on the subject of the original application and shall not permit the Commission to revisit the original decision.

Consistency with the PUD Process

6. The Commission concludes that the Application satisfies the purpose of the PUD process. The Commission concludes that the Project is superior to what could be constructed on the Property as a matter-of-right via the underlying zoning. The Commission finds that the PUD's public benefits are meaningful and are commendable both in number and quality. Finally, the Commission finds that the Project does not injure but instead advances the public health, safety, welfare or convenience, and is not inconsistent with the Comprehensive Plan.

Not Inconsistent with the Comprehensive Plan and Other Adopted Public Policies Related to the Property (Subtitle X § 304.4(a))

7. The Commission concludes that the Project is not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens. The Commission finds persuasive and concurs with the Applicant and OP's analyses that the Project would not be inconsistent with the Comprehensive Plan on the whole, including the Comprehensive Plan maps and written elements, and would advance racial equity goals primarily through the provision of homeownership opportunities in Ward 7. The Commission finds the racial equity analyses provided by the Applicant and OP, inclusive of community outreach and engagement information and disaggregated race and ethnicity data for the Far Northeast and Southeast Planning Area, respectively, to meet the requirements of the Commission's Racial Equity Tool. The Commission finds the Applicant's community outreach and engagement regarding the Project adequate and is encouraged that the replacement of the senior building with a condominium building will be offset by other senior housing development in the area. The Commission concludes that the extent to which the Project's removal of ground floor retail is potentially inconsistent with the Moderate Density Commercial FLUM designation, such inconsistency is outweighed by the Comprehensive Plan written elements that would be advanced by the Project.

Potential Adverse Impacts of the Projects (Subtitle X § 304.4(b))

8. The Commission is persuaded by the Applicant's and OP's analyses contained in the record regarding potential impacts of the Project and concludes that the Project as modified reduces the total number of units and therefore does not have any unacceptable impacts beyond what the Commission previously considered.

PUD Balancing (Subtitle X § 304.4(c) and 304.3)

9. The Commission concludes that the Project would continue to provide the previously approved public benefits, including superior landscape design and open space, including 24 balconies; a commitment to LEED Silver certification; and a 10% inclusionary zoning

set-aside; and the public benefits would continue to satisfy the public benefit criteria. Accordingly, the Commission finds the requested zoning flexibility to locate the long-term bicycle parking external to the building appropriate. The Commission notes that a condition of this Order will require the back door of the condominium building, closest to the bicycle parking, to be accessible to residents at all times, as requested by DDOT.

“Great Weight” to the Written Report of the ANC

10. The Commission must give “great weight” to the issues and concerns of the affected ANC expressed in its written report (§ 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)). The Commission finds persuasive ANC 7B’s recommendation that the Commission approve the Application and notes that the ANC cited no issues and concerns. As previously noted, ANC 8A and ANC 8B did not file a written report in response to the Application.

“Great Weight” to the Recommendations of OP

11. The Commission must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The Commission gives great weight to OP’s support of the Application and concurs with OP’s conclusions and findings with respect to the Project’s consistency with the Comprehensive Plan. The Commission acknowledges OP’s concern regarding the activation of Town Center Drive. The Commission considered the issue at the public hearing and determined that the Applicant had adequately responded to the concerns (Tr. 47-49).

SUMMARY ORDER

12. Since no parties opposed the Application and both OP and ANC 7B were in support of the Application, the Commission determined that its decision in this case is not adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirements that findings of fact and conclusions of law accompany the Order.

DECISION

In consideration of the case record, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a Modification with Hearing pursuant to Subtitle Z § 704 to revise Z.C. Order No. 09-03, as modified by Z.C. Order Nos. 09-03A, 09-03D, 09-03F, and 09-03H and as extended by Z.C. Order Nos. 09-03B, 09-03C, 09-03E, and 09-03G, as follows:

- For the Condominium Building, the Applicant shall have zoning flexibility from the long-term bicycle parking location requirements of Subtitle C § 805.1 to locate the long-term bicycle parking external to the building; and
 - The conditions in the Order remain unchanged and in effect, except as follows (deletions shown in ~~bold and strikethrough text~~; additions in ***bold italics and underlined text***):
1. The PUD project shall be developed as modified by the guidelines, conditions, and standards of this Order as follows:
 - For Block 2 – in accordance with the plans and materials marked as Ex. 3A, 15A, 49A, and 52A of the record in Z.C. Case No. 09-03A, as modified by Ex. 2C of the record in Z.C. Case No. 09-03D (the “Block 2 Approved Plans”);
 - For Block 3 – in accordance with the plans and materials marked as Ex. 22C and 35A of the record in Z.C. Case No. 09-03F (the “Block 3 Approved Plans”); and
 - For Blocks 1 and 4, as defined in Order No. 09-03H (the “Modified Project”) – ***with respect to the Townhomes,*** in accordance with the plans and materials submitted by the Applicant marked as Ex. 3B and 11E of the record in Z.C. Case No. 09-03H (the “Blocks 1 and 4 Approved Plans”), ***and with respect to the condominium building that is the subject of Z.C. Case No. 09-03I (the “Condominium Building”), in accordance with the plans and materials submitted by the Applicant marked as Ex. 3A1, 3A3, 3A4, 15C, 15D of the record in Z.C. Case No. 09-03I (the “Condominium Plans,”*** and collectively with the Block 2 Approved Plans, ~~and~~ the Block 3 Approved Plans, ***and the Blocks 1 and 4 Approved Plans,*** the “Approved Plans”).
 2. (Former Condition No. 14) The Applicant shall have design flexibility from Condition No. 1’s requirement to develop the PUD project with the Approved Plans in the following areas:
 - Interior Components. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order;
 - Exterior Materials – Color. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order;
 - Exterior Details – Location and Dimension. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights;
 - Parking Layout. To make modifications to the parking configuration, including layout and number of parking spaces ***plus or minus ten percent (10%),*** ~~and the size and number of garage levels constructed,~~ so long as the number of automobile and bicycle parking spaces is at least the minimum number of spaces required by the Zoning Regulations;

- Streetscape Design. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee or other permitting process;
 - Signage. To vary the number, font, message, logo, and color of the project signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations;
 - Residential Units. To modify the number of residential units by plus or minus 10%, provided that (1) the total square footage of the Project's residential dwelling units shall not be reduced, and (2) the percentage of gross floor area square footage reserved for affordable housing shall not be reduced. The Applicant requests flexibility to shift the distribution and location of IZ units as the floor plans are refined so long as their location and distribution continues to meet the requirements of Subtitle C of the Zoning Regulations;
 - Town Center Park Security Measures. To take steps necessary to ensure the safety and security of those utilizing the Town Center Park through operational or physical modifications to the approved plans; and
 - Sustainable Features. To vary the approved sustainable features of the project and the features, means and methods of achieving the required GAR and LEED Gold (with respect to the Townhomes) and LEED Silver (with respect to the Condominium Building). ~~and Enterprise Green Communities certifications.~~
3. **GAR. The Modified Project and Condominium Building, which comprise Blocks 1 and 4 of the PUD, will achieve a GAR score of 0.309, in accordance with the GAR plans submitted by the Applicant marked as Ex. 3B and 8C of Z.C. Case No. 09-03I.**
4. (Former Condition No. 2) The Applicant shall make the following financial, or in-kind service, contributions:
- (a) Financial Support to Schools (former Condition No. 2(a)): The Applicant shall identify the final recipient(s) of the remaining \$54,597 in escrow to support schools located within the geographic boundaries of ANC's 7B, 8B, and 8A for aesthetic improvements and to participate in initiatives such as "Buff and Scrub." This final recipient(s) shall be identified by the Applicant prior to the issuance of the first building permit for the Modified Project and the Applicant shall provide proof to the Zoning Administrator that the \$54,597 payment has been provided to the identified recipient prior to the issuance of a Certificate of Occupancy for the Modified Project;
 - (b) Sponsorship of local community events and program (former Condition No. 2(b)): Condition previously satisfied;
 - (c) Local retailer build-out subsidy (former Condition No. 2(d)): Condition previously satisfied;
 - (d) Anacostia and Francis Gregory Libraries (former Condition No. 2(e)): Condition previously satisfied;
 - (e) Pocket Park at 25th Street & Naylor Road (former Condition No. 2(f)): Condition previously satisfied; and
 - (f) Job Training (former Condition No. 2(g)): Condition previously satisfied.

5. *(Former Condition No. 3)* The failure of the Applicant to make any contribution or provide any service by the time specified in Condition No. 3 shall result in the denial of any pending application for a building permit or certificate of occupancy and shall be grounds for the revocation of any building permit.
6. DDOT Commuter Store *(former Condition No. 4)*: In consultation with DDOT, this condition no longer applies.
7. Infrastructure and Traffic Improvements *(former Condition No. 5)*: Condition previously satisfied.
8. Public Space Improvements to Naylor Road and Alabama Avenue *(former Condition No. 7)*: Condition previously satisfied.
9. LEED Requirements *(former Condition No. 7)*: The Project shall be designed to obtain LEED Gold certification for the Townhomes and LEED Silver for the Condominium Building and 2020 Enterprise Green Communities Criteria (EGC) at the EGC Certification Plus level for the Senior Multifamily Building. The Applicant shall provide evidence to the Zoning Administrator, from a LEED-certified professional, of the satisfaction of this condition in the building permit application materials submitted for each building.
10. Transportation Management *(former Condition No. 8)*: The Applicant shall establish a transportation management program ("TMP") that includes the following:
 - (a) ~~For the life of Condominium Building~~Modified Project, the Applicant shall establish a transportation management program ("TMP") that includes the following:
 - i. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local Metrobus lines, carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map (brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com);
 - ii. Provide a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident for initial sale; and
 - iii. Provide two (2) short- and eight (8) long-term bicycle parking spaces, exceeding or meeting ZR16 requirements.
11. For the life of the Condominium Building, the back door of the Condominium Building closest to the bicycle parking shall be accessible to residents at all times.
 - (a) ~~Overall Site~~
 - i. ~~The Applicant will implement strategies to evaluate the effectiveness of the Transportation Management Program ("TMP"); and~~

- ii. ~~The Applicant will establish the position of a Transportation Services Coordinator in the property management office who will be responsible for administering and advancing TDM strategies and also monitoring loading and parking practices in the project.~~
- (b) ~~Block 4 (Senior Multifamily Building and Retail)~~
 - i. ~~The Applicant will unbundle the cost of vehicle parking from the lease or purchase agreement for each senior building residential unit and retail tenant charge a minimum rate based on the average market rate within a quarter mile;~~
 - ii. ~~The Applicant will not lease unused residential parking spaces to anyone aside from residential and retail tenants of the senior residential building (e.g., will not lease to other nearby office employees, single-family home residents, or sporting events);~~
 - iii. ~~At the initial opening of the building, the Applicant will offer each new senior residential tenant, upon their move-in, a SmarTrip card, one complimentary Capital Bikeshare coupon good for a free ride, and a complimentary one-year annual Capital Bikeshare membership;~~
 - iv. ~~At the initial opening of the building, the Applicant will offer each new retail employee a SmarTrip card with the value of \$20.00;~~
 - v. ~~The Applicant will provide a bicycle repair station in the long-term bicycle parking storage room;~~
 - vi. ~~The Applicant will identify a Transportation Coordinator for the planning, construction, and operations phases of development;~~
 - i. ~~The Transportation Coordinator will act as the point of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo; and~~
 - ii. ~~Transportation Coordinator will conduct an annual commuter survey of retail employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;~~
 - vii. ~~The Applicant will develop, distribute, and market various transportation alternatives and options to senior building residents and retail employees, including promoting transportation events (e.g., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications;~~
 - viii. ~~The Applicant will direct the Transportation Coordinator to subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;~~
 - ix. ~~The Applicant will provide welcome packets to all new senior building residents that will, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map (Brochures can be ordered from DDOT's goDCgo program by emailing info@godego.com).~~

- ~~x. The Applicant will provide senior building residents and retail employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;~~
- ~~xi. The Applicant will demonstrate to goDCgo that retail tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law to participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as the DC Transportation Benefits Equity Amendment Act of 2020 (i.e., the parking cashout law), which is now in effect.~~
- ~~xii. The Applicant will post “getting here” information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on street in Residential Permit Parking (RPP) zones;~~
- ~~xiii. The Applicant will post all transportation and TDM commitments on the building website, publicize availability, and allow the public to see what has been promised;~~
- ~~xiv. The Applicant will provide at least seven short- and 26 long-term bicycle parking spaces, meeting ZR16 minimum requirements;
 - ~~i. At least 50% of the long-term spaces will be provided horizontally at ground level (13 spaces);~~
 - ~~ii. Accommodate non-traditional sized bicycles including cargo, tandem, and kids bicycles in the long-term bicycle storage room, with two spaces that will be designed for longer cargo/tandem bicycles, and three that will be designed with electrical outlets for the charging of electric bicycles and scooters, meeting DDOT guidance; and~~
 - ~~iii. There will be no fee to building employees or senior building residents for the usage of the bicycle storage room, and strollers will also be permitted to be stored in the bicycle storage room.~~~~
- ~~xv. The Applicant will install a minimum of two electric vehicle (EV) charging stations;~~
- ~~xvi. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and~~
- ~~xvii. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the~~

~~Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have 60 days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.~~

12. *(Former Condition No. 9)* The Applicant has entered into a First Source Employment Agreement with the D.C. Department of Employment Services (“DOES”) in conformance with the Agreement included as Exhibit F of the Applicant’s Pre-Hearing Statement submitted into the record of Z.C. Case No. 09-03. The fully-signed First Source Employment Agreement between the Applicant and DOES must be filed with the Office of Zoning prior to the issuance of the first above grade building permit for the Modified Project.
13. *(Former Condition No. 10)* The Applicant has entered into a Certified Business Enterprise Utilization Agreement with the D.C. Department of Small and Local Business Development (“DSLBD”) in conformance with the Agreement included as Ex. G of the Applicant’s Pre-Hearing Statement submitted into the record of Z.C. Case No. 09-03. The fully-signed Certified Business Enterprise Utilization Agreement between the Applicant and DSLBD must be filed with the Office of Zoning prior to the issuance of the first above grade building permit for the Modified Project.
14. *(Former Condition No. 11)* For the life of the Modified Project, the Applicant shall reserve a total of ~~82~~ **10** of the residential units of the Modified Project as affordable for households having an income ranging from ~~350~~ % - 80% of the Median Family Income (“MFI”) for the Washington, D.C. Metropolitan Statistical Area (adjusted for family size), as follows:
 - a. Townhomes. Seven townhomes will be reserved as affordable, including three townhomes reserved at 50% MFI and four townhomes reserved at 80% MFI.
 - b. ~~Multifamily Senior Building. 100% of the 75 Senior Multifamily Building units will be reserved as affordable, including 12 units at 30% MFI, 63 units at 50% MFI, Condominium Building. 10% of the residential GFA of the condominium building, which accounts for three units, will be reserved as affordable at 80% MFI.~~

~~The above conditions assume the Modified Project will be exempt from Inclusionary Zoning (“IZ”) requirements pursuant to Subtitle C § 1001.6(a). However, the Commission takes no position as to whether an exemption from the IZ Regulations should be granted. The initial affordability period for the Senior Multi-Family Building units is 30 years, after the expiration of the initial affordability period, or any extension of the affordability period, the Senior Multi-Family Building will revert to IZ requirements. The seven affordable townhome units are reserved in perpetuity and will be subject to all IZ requirements. Should the exemption from the IZ Regulations be granted, the affordable housing requirements of this condition shall be stated in the covenant required under 11 DCMR Subtitle C § 1001.6(a)(4). Should the exemption from the IZ Regulations be denied, the Applicant shall provide affordable housing in accordance with this condition, unless the IZ Regulations impose more restrictive standards. Following the~~

~~expiration of the initial control period and any extensions thereof, the Applicant shall record the covenant required by the Inclusionary Zoning Act as to 10% of the residential gross floor area of the Project, unless the IZ regulations impose more restrictive standards, and shall execute the monitoring and enforcement documents required by 11 DCMR Subtitle X § 311.6 as to the remaining residential gross floor area.~~

15. (Former Condition No. 12) The Applicant shall provide site management supervision, including the erection of appropriate fencing and barricades, erosion control measures, continuous rubbish removal, and directing of construction traffic; and provision of an on-site construction representative to hear and respond to concerns from the Ft. Baker Drive residents or ANC representatives during construction.
16. (Former Condition No. 13) For the life of the Modified Project, the number of parking spaces in the Modified Project shall be a minimum of ~~182~~ ~~192~~ spaces. **For the life of the Condominium Building, the number of parking spaces for the Condominium Building shall be a minimum of 24 spaces, and for** a minimum of ~~867~~~~53~~ spaces in the PUD as a whole.
17. Subject to approval by the Public Space Committee, the Applicant shall install a crosswalk with associated curb ramps along the southern leg of the intersection of Naylor Road and Town Center Drive, SE within the existing grades and relocate the Naylor Road bus stop approximately 100 feet to the south closer to the crosswalk at Town Center Drive, S.E.
18. (Former Condition No. 19) Arts Walk with Shadow Boxes: Omitted
19. (Former Condition No. 15) The Zoning Administrator shall not approve a permit application for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to OZLD and the Zoning Administrator. Such covenant shall bind the Applicant and all successors in title to construct and use the Subject Property in accordance with Order No. 09-03, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with Office of Zoning for the case record.
20. (Former Condition No. 16) The PUD related change of zoning from the R-5-A, R-5-B, and R-1-B zones to the C-3-A zone (now the MU-7B zone) shall be effective upon the recordation of the covenant discussed in Condition No. 17, pursuant to § 3028.9 of the 1958 Zoning Regulations, after which the PUD related change of zoning for each block shall vest upon the start of construction of the block and shall not revert to the underlying zone district for so long as the PUD improvements on the block remain.
21. (Former Condition 17) The Applicant shall file the first application(s) for building permits for the construction of the Townhomes within two years of the effective date of this Order and construction shall commence within three years of the effective date of this Order. An application for the final building permit for the final building to be constructed, most likely the **Condominium Building**~~Senior Multifamily Building~~, shall be filed within five years

of the effective date of this Order and construction shall commence within six years of the effective date of this Order.

FINAL ACTION

VOTE (March 2, 2026): 5-0-0

(Robert E. Miller, Joseph S. Imamura, Anthony J. Hood, Tammy Stidham, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 09-03I shall become final and effective upon publication in the District of Columbia Register; that is, on July 24, 2026.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.