

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA ZONING
COMMISSION ORDER NO. 24-21
Z.C. Case No. 24-21
D.C. Department of General Services
(Design Review in HE Zones @ Square 1112E, Lot 826)
March 17, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (“**Commission**”) held a virtual public hearing on March 17, 2025 to consider the application (the “**Application**”) of D.C. Department of General Services (“**Applicant**”) for approval of design review on Parcels L, N, and O in the Hill East (“**HE**”) Zone Districts in order to construct a new correctional facility at 1900 Massachusetts Avenue SE (Square 1112E, Lot 826) (the “**Property**”).

The Commission reviewed the Application pursuant to Subtitle Z, Chapter 4 and Subtitle K, Chapter 4 of the Zoning Regulations for 2016, Title 11 of the District of Columbia Municipal Regulations (the “**Zoning Regulations**” or “**ZR-16**”). For the reasons stated below, the Commission hereby **APPROVES** the Application.

FINDINGS OF FACT

I. Background

Parties

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant;
 - Advisory Neighborhood Commission 7F (“**ANC 7F**”), the ANC in which the Property is located and, therefore, an “affected ANC” pursuant to Subtitle Z § 101.8;
 - Advisory Neighborhood Commission 7D (“**ANC 7D**”), an ANC located directly across the street from the Property and, therefore, an “affected ANC” pursuant to Subtitle Z § 101.8; and
 - Advisory Neighborhood Commission 6B (“**ANC 6B**”), an ANC located directly across the street from the Property and, therefore, an “affected ANC” pursuant to Subtitle Z § 101.8.

2. The Commission received no requests for party status.

Notice

3. Pursuant to Subtitle Z § 301.6, on June 14, 2024, the Applicant mailed a Notice of Intent to file a Zoning Application to all property owners within 200 feet of the Property and to ANC 7F, ANC 7D and ANC 6B. (Ex. 3D).
4. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) provided notice of the March 17, 2025 virtual public hearing by:

- A letter dated January 10, 2025 with the Notice of Public Hearing sent to:
 - The Applicant;
 - Advisory Neighborhood Commission 7F;
 - Advisory Neighborhood Commission 7D;
 - Advisory Neighborhood Commission 6B;
 - ANC Single Member District (“SMD”) Commissioners 6B08, 7D09, 7D10, 7F07, and 7F08;
 - Councilmember Charles Allen;
 - Councilmember Wendell Felder;
 - Office of ANCs;
 - Office of Planning (“OP”);
 - D.C. Department of Transportation (“DDOT”);
 - D.C. Department of Buildings (“DOB”);
 - Zoning Commission lead attorney;
 - D.C. Department of Energy and Environment (“DOEE”);
 - At-Large Councilmembers and the Chair of the Council; and
 - Owners of property within 200 feet of the Property.

(Ex. 6-7).

- Publication of the Notice of Public Hearing in the January 24, 2025 edition of the *D.C. Register*. (Ex. 5).

5. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on February 4, 2025 and maintained such notice. (Ex. 9, 15).

The Applicant

6. The Applicant is a District of Columbia government agency that oversees the construction, management and maintenance of all D.C. government-controlled real estate. (Ex. 3).
7. The Applicant is pursuing the Application on behalf of the D.C. Department of Corrections (“DOC”), the District of Columbia government agency responsible for operating D.C.’s jails and correctional facilities. As a law enforcement agency, DOC

ensures the orderly, safe, secure and human confinement of individuals in custody. (Ex. 3).

The Property

8. The Property is part of the 67-acre area formerly known as Reservation 13, but now commonly referred to as "Hill East." Reservation 13 is being redeveloped into a mixed-use neighborhood pursuant to the "Master Plan for Reservation 13: Hill East Waterfront" (the "**Master Plan**") approved by the D.C. Council in February 2003. (Ex. 3).
9. The Property is located in the HE-3 and HE-4 zones and has frontage on Massachusetts Avenue SE and 19th Street SE.
10. The Property is improved with the Central Detention Facility ("**CDF**") and Correctional Treatment Facility ("**CTF**"), which are operated by DOC and collectively referred to as the D.C. Jail. The CDF opened in 1976 and faces operational and maintenance challenges due to 24-hour-a-day use in an aging building. Additionally, the CDF is not designed to achieve DOC's rehabilitation goals for individuals in its custody. (Ex. 3).
11. To the north of the Property across Massachusetts Avenue SE is the remaining portion of Reservation 13 that is being redeveloped under Master Plan. To the east of the Property is Parcel M of Reservation 13, which is improved with a vacant building. To the south of the Property is the Congressional Cemetery. To the west of the Property is the existing Hill East neighborhood that is primarily residential. (Ex. 3).
12. The Property is within two blocks of the Stadium-Armory Metrorail Station. There are also stops for the B2 and 96 Metrobus lines within two blocks of the Property (Ex. 3).
13. The Comprehensive Plan's (Title 10A of the D.C. Municipal Regulations) Future Land Use Map ("**FLUM**") identifies the Property for "Local Public Facilities," "Medium Density Residential," "Medium Density Commercial," and "Institutional" uses. The "Local Public Facilities" designation is intended for "includes land and facilities occupied and used by the District of Columbia government or other local government agencies." 10A DCMR § 227.17. The "Medium Density Residential" designation is for "neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings." 10A DCMR § 227.7. The "Medium Density Commercial" designation is for "shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas." 10A DCMR § 227.12. The "Institutional" designation is for "land and facilities occupied by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions." 10A DCMR § 227.18.
14. The Comprehensive Plan's Generalized Policy Map ("**GPM**") identifies the Property as a "Land Use Change Area," which is an area "where change to a different land use from

what exists today is anticipated,” with a “guiding philosophy . . . to encourage and facilitate new development and promote the adaptive reuse of existing structures.” 10A DCMR §§ 225.9-225.12. The GPM also identifies the Property as within a “Resilience Focus Area,” which is intended for areas within the 100- and 500-year floodplain and is meant to “ensure resilience to flooding for new development and infrastructure.” 10A DCMR § 304.7. Finally, the Property is within a “Future Planning Analysis Area” that is meant to “large tracts or corridors where future analysis is anticipated to ensure adequate planning for equitable development.” 10A DCMR § 2503.2.

15. The Comprehensive Plan designates the Property as within the Capitol Hill Area Element.

II. The Application

The Project

16. The Application proposes to subdivide the Property and construct a new correctional facility (the “**Project**”). The goal of the Project is to replace the aging CDF with a modern, secure, and resilient correctional facility that has the necessary infrastructure to address the critical rehabilitation, treatment and reentry needs of individuals in the custody and care of DOC. (Ex. 3).
17. Once subdivided, the Property will be approximately 594,157 sq. ft. of land area encompassing Hill East Parcels L, N and O. (Ex. 3, 10A2).
18. The proposed correctional facility will consist of two new buildings that are connected by an above-grade walkway. The eastern-most building (“**Building 1**”) will be five stories and have a public entrance and lobby accessed from Massachusetts Avenue SE. Building 1 will feature medical clinic space, infirmary housing, intake space, transfer and release services, a visitation center, behavioral health facilities, office space for staff, resident educational programs and three floors of resident housing and support spaces. (Ex. 3). The western-most building (“**Building 2**”) will be two stories and be dedicated to housing and support spaces and administrative offices. Each building will have a below-grade parking garage with two levels. (Ex. 3).
19. In total, the Project will have 958 beds. Once complete, the Project will be connected to the existing CTF, which the Applicant also intends to renovate in the future. (Ex. 3).
20. The Project will be constructed to the following standards:
- Approximately 1,125,772 sq. ft. of gross floor area (“GFA”) for a total FAR of 1.89.¹
 - A maximum building height of 88 ft. for Building 1 and 46 ft. for Building. Each building will also have a mechanical penthouse.

¹ This figure includes the existing CTF and the portion of the CDF that will remain on site.

- A lot occupancy of 42%.
- 409 vehicular parking spaces and two loading berths.
- 12 short-term bicycle parking spaces and 63 long-term bicycle parking spaces.

(Ex. 10A1-10A9).

21. As part of the Project, the Applicant proposes to extend the Massachusetts Avenue SE right-of-way from the northwest side of the Property to the southeastern lot line. The 160-foot right-of-way will include 56 ft. of street with 52 ft. of public space on either side of the street. The segment of public space adjacent to the Property will have a 32-foot-wide landscape buffer, a 10-foot-wide sidewalk, a 10-foot-wide planting strip, a bicycle lane and a parking lane. (Ex.3).
22. The Project proposes only one curb cut from Massachusetts Avenue at the southeastern side of the Property. The curb cut will provide access to a private drive that connects to an internal road network within the Property and provides access to the below-grade parking garages and loading berths. The correctional facility will continue to use the existing private drive on the western side of the site as well. (Ex. 3).
23. The Project's architecture is intended to create a strong, safe and secure civic building that offers a place for residents to be healed and reduce recidivism while also designing a building that harmonizes with the surrounding neighborhood. The defining feature is an aluminum scrim held up by a series of paired columns. The scrim has varying textures, transparency, color and tone and is broken up by a series of horizontal leaves. Beneath the scrim is an interior security wall and a window wall. The two interior walls will have different types of glazing throughout the façade in order to be responsive to the adjacent programming needs. The Project's landscaping design provides continuous and terraced retaining walls with extensive plantings along the Massachusetts Avenue frontage. The Project is designed to achieve LEED-Silver standards. (Ex. 3; 10).
24. To Project will be constructed in a sequence to ensure minimal disruption to DOC operations. First, Building 1 will be constructed followed by demolition of a portion of the CDF. This sequencing will allow some residents to move from CDF to Building 1. At completion, Building 1 will be connected with the existing CTF. Second, Building 2 will be constructed. (Ex. 3).

Applicant's Submissions, Revisions and Testimony

25. On December 2, 2024, the Applicant filed the initial Application and related materials. (Ex. 1-3G). The supporting materials include an evaluation of the Application's consistency with the Comprehensive Plan as viewed through a racial equity lens. (Ex. 3G).
26. On January 27, 2025, the Applicant filed a supplemental statement, as permitted under Subtitle Z § 401.5, which included the following:

- Updated Architectural Plans: The Applicant refined the Project design in response to comments from U.S. Commission of Fine Arts (“CFA”), which also has review authority over the Project. The architectural refinements included changes to the scrim feature, additional detail on window wall materiality, changes to the vertical columns and mechanical penthouse screen, a simplified landscape/public space design, removal of a separate staff entrance, and minor changes to Project development data.
- Bed Count: The Applicant confirmed the number of beds that will be in CTF once the building is renovated. Accordingly, the Project and CTF will have a combined 2,144 beds.
- Bioretention: The Applicant revised the Project’s stormwater management plan in response to comments from members of the Congressional Cemetery, which is located to the south of the Property.
- Comprehensive Transportation Review: The Applicant provided a Comprehensive Transportation Review prepared by Gorove Slade Associates, the Applicant’s transportation consultant.
- Community Outreach: The Applicant updated the Commission regarding community outreach conducted with ANC 7F, ANC 7D, ANC 6B and other organizations.
- Outline of Witness Testimony with Expert Resumes: The Applicant provided an outline of hearing testimony for witnesses along with the resumes of proffered expert witnesses.

(Ex. 10-10D).

27. On March 3, 2025, the Applicant filed an update on review of the Project by CFA and the National Capital Planning Commission. The Applicant requested a waiver from Subtitle Z § 401.8 in order to make the filing within 30 days of the hearing date. (Ex. 11-11B).
28. Testimony at the public hearing on March 17, 2025, including a powerpoint presentation. (Ex. 16A1-16A4). Three witnesses testified during the Applicant’s presentation: Thomas Faust, Director of the DOC; Michelle Wilson, Deputy Director of Administration for the DOC; Agyei Hargrove, Executive Program Manager for the Applicant; Tamara Clarke, architect from CGL Companies; David Cheney, architect from CORE Architecture + Design; and Erwin Andres, traffic consultant from Gorove Slade. Mr. Cheney and Mr. Andres were accepted as expert witnesses by the Commission.
29. On March 31, 2025, the Applicant filed proposed findings of fact and conclusions of law pursuant to Subtitle Z § 601.1. (Ex. ____).

Relief Requested

30. The Applicant requested special exception relief under Subtitle K § 412.1(k) to provide a large school government use at the Property.
31. The Applicant requested area variance relief from Subtitle K § 420.5, which requires that entrances to a building on a primary street in an HE zone be located no more than 50 ft. apart.
32. The Applicant requested two waivers from design requirements in the HE zones. The Applicant requested a waiver from Subtitle K § 417.1(e), which requires that a minimum of 65% of a building's ground floor frontage on Massachusetts Avenue SE be dedicated to preferred uses, main building entrances or lobbies to office and residential uses. The Applicant also requested a waiver from Subtitle K § 419.3, which requires that the building's frontage extend to within 25 ft. of the front property line and to height of not less than 25 ft.
33. The Applicant requested certain design flexibility to vary elements of the final plan set approved by the Commission and still comply with the requirements of Subtitle X § 311.2 and Subtitle Z § 702.8 to construct the Project in complete accordance with the final approved plans.

III. Applicant's Justification for Design Review Approval

HE Zone Design Review Standards

34. The Application provides evidence that the Project meets the general purpose of the Hill East Zone Districts pursuant to Subtitle K § 400.1, as follows:
 - Pursuant to Subtitle K § 400.1(a), the Project will connect and integrate Reservation 13 with adjacent neighborhoods and the Anacostia River waterfront by extending Massachusetts Avenue and substantially improving the conditions at the Property. The proposed extension of Massachusetts Avenue will offer multi-modal transportation as well as a new sidewalk and landscaping in public space. By comparison, Massachusetts Avenue currently dead-ends into an unattractive parking lot serving the CDF and CTF. Additionally, the Project will contribute to the broader neighborhood with improved site layout, a strong architectural presence and publicly-engaging features. (Ex. 3).
 - Pursuant to Subtitle K § 400.1(b), the Applicant asserted the Project allow the Hill East zones to meet a diversity of public needs by providing a new correctional facility that is focused on rehabilitation, behavioral health and well-being. (Ex. 3).
 - Pursuant to Subtitle K § 400.1(c), the Applicant asserted the Project will extend the existing pattern of local streets through the Hill East neighborhood through the extension of the 160-foot-wide Massachusetts Avenue. Additionally, the Project is appropriately scaled as it is consistent with the physical development standards in the HE-3 and HE-4 zones. (Ex. 3).
 - Pursuant to Subtitle K § 400.1(d), the Applicant asserted the Project maintains a human-scale of building heights that match existing neighborhood buildings and

increase height toward the Anacostia waterfront as the Project will comply with the minimum and maximum height requirements in the HE-3 and HE-4 zones. Additionally, Building 1, which is closer to the waterfront, is taller than Building 2. (Ex. 3).

- Pursuant to Subtitle K § 400.1(e), the Applicant asserted the Project connects the Hill east neighborhood and city at large to the waterfront by extending Massachusetts Avenue toward the waterfront with improved access for vehicles, bicyclists and pedestrians. The right-of-way extension and overall site plan represent a significant improvement over existing conditions with respect to accessibility and connectivity. (Ex. 3).
- Pursuant to Subtitle K § 400.1(f), the Applicant asserted the Project will demonstrate environmental stewardship by achieving LEED-Silver standards as well as extensive new landscaping and stormwater management features. This is an improvement over existing conditions as much of the Property is comprised of concrete and non-pervious surfaces. (Ex. 3).
- Pursuant to Subtitle K § 400.1(g), the Applicant asserted the Project promotes the use of mass transit and creates an environment where pedestrian, bicycle and auto are all welcome due to its location two blocks from the Stadium-Armory Metrorail station. The DC government incentivizes the use of mass transit through a \$50 per month allotment to eligible employees for Metro public transportation. Additionally, the Massachusetts Avenue extension encourages multi-modal transportation by providing dedicated vehicular, bicycle and pedestrian lanes. (Ex. 3).
- Pursuant to Subtitle K § 400.1(h), the Project limits correctional facility uses to south of Massachusetts Avenue SE, as envisioned in the Master Plan.
- Pursuant to Subtitle K § 400.1(i), the Project will provide unique, vibrant and attractive architecture that contributes to the overarching goals of the HE zones. In this respect, the Project represents a significant improvement over the existing CDF and CTF, which are aging, uninviting and architecturally outdated. The Project furthers the vision of Massachusetts Avenue as a grand boulevard by extending the 160-foot right-of-way toward the Anacostia riverfront.

35. With respect to the ground floor use and design standards under Subtitle K § 417 and Subtitle K § 418, respectively, the Project does not provide preferred uses, which include retail, entertainment, assembly, and other use types, and, therefore, the Applicant requests a waiver from Subtitle K § 417.1. Since the Project does not provide preferred uses, the Application asserts the preferred use requirements of Subtitle K § 417.2 and the design standards for ground floor preferred uses under Subtitle K § 418 are not applicable. (Ex. 3).

36. The Application provides evidence that the Project meets the general design conditions in the HE zones under Subtitle K § 419, with the exception of Subtitle K § 419.3 from which the Applicant requests a waiver, as follows:

- Subtitle K § 419.2 – The Project extends to the property line abutting Massachusetts Avenue for not less than 90% of the property and to a building height of not less

- than 25 ft. (Ex. 3, 10A1-10A9).
- Subtitle K § 419.4 – The Project's entrance features a decorative metal awning that extends beyond the building line. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.5 – The Project's façade is modulated and articulated through the use of the perforated scrim feature comprised of painted aluminum material. The scrim is broken open by horizontal leaves to provide further visual interest on the façade. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.6 – The perforated scrim projects more than six inches for the building's window wall. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.7 – The façade articulation is greater than two feet. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.8 - The Project incorporates a combination of articulated and modulated elements to ensure no element exceeds 60% of the building facade. These elements include vertical columns that are broken down by the varied scrim feature. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.9 – The Project does not have ground floor retail and, therefore, the requirement is not applicable. (Ex. 3).
 - Subtitle K § 419.10 – The Project does not have security grills and, therefore, the requirement is not applicable. (Ex. 3).
 - Subtitle K § 419.11 – The Project's façade does not feature blank walls without doors and windows as the entire façade is comprised of a window wall. The window wall is always visible through the scrim panels. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.12 – The Project provides a public entrance at the northwest corner of Building 1 that is clearly defined and easily accessible from the public sidewalk. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.13 – The Project does not provide exterior display of goods or exterior storage. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.14 – The Project's entire façade is made up of a window wall and, therefore, the minimum requirement of 35% windows on a non-residential façade facing a primary street is met. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.15 - Building 1 defines its base within the 22'-0" tall first floor with the exposed vision glass of the building entry, approximately 30% less facade panels at this level, and a large canopy at the entrance entry. Building 2 defines its base with a plinth made of a heavy board formed concrete wall softened by a landscaped berm. The top of both buildings is comprised of a full row of scrim panels that reduce toward the middle of each building to further define a base, middle and top. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.16 – The Project features high-quality and durable materials to enhance the feeling of the building's permanence. (Ex. 3, 10A1-10A9).
 - Subtitle K § 419.17 – The Project does not feature any stucco, vinyl siding or other low-grade exterior finishes. (Ex. 3, 10A1-10A9).

37. The Application provides evidence that the Project meets the design conditions for a building located on a primary street under Subtitle K § 420, with the exception of Subtitle K § 420.5 from which the Applicant requests area variance relief, as follows

- Subtitle K § 420.2 – The Project does not front the intersection of two streets and, therefore, this requirement is not applicable. (Ex. 3, 10A1-10A9).
- Subtitle K § 420.3 – The Project is not located at the intersection of two primary streets or a primary and secondary street and, therefore, this requirement is not applicable. (Ex. 3, 10A1-10A9).
- Subtitle K § 420.4 – The Project is not located at the intersection of two streets and, therefore, this requirement is not applicable. (Ex. 3, 10A1-10A9).
- Subtitle K § 420.6 – The Project does not incorporate preferred uses and, therefore, this requirement is not applicable. (Ex. 3, 10A1-10A9).
- Subtitle K § 420.7 – The Project does not incorporate a residential use and, therefore, this requirement is not applicable. (Ex. 3, 10A1-10A9).
- Subtitle K § 420.8 – The Project does not incorporate preferred uses and, therefore, this requirement is not applicable. (Ex. 3, 10A1-10A9).

General Design Review Standards

38. The Application provided evidence that the Project is not inconsistent with the Comprehensive Plan pursuant to Subtitle X § 604.5 as follows:

- *FLUM*: The Project is not inconsistent with the FLUM's designation for the Property of "Local Public Facilities," "Medium Density Residential," "Medium Density Commercial," and "Institutional." The FLUM identifies most of the Property for the "Local Public Facilities" designation, which is intended for land and facilities occupied and used by the District of Columbia government just as the Project will be. Further, the FLUM's mixed-use categorization accounts for "large sites...where opportunities for multiple uses exist." The FLUM identifies the Property and much of Reservation 13 for a mix of uses to allow for flexibility in future planning efforts. The HE zones and the Master Plan both envision the area south of Massachusetts Avenue for a correctional facility use. Nonetheless, the Project is consistent with the expected density in the medium density residential and commercial designations. (Ex. 3, 3G).
- *GPM*: The Project is not inconsistent with the GPM's designation for the Property as a "Land Use Change Area" because the Project is consistent with the planning broader goals for the Hill East neighborhood, as reflected in the Master Plan. The Application does not propose a zoning change and, therefore, is consistent with the Future Planning Analysis Area. (Ex. 3, 3G).
- *Racial Equity*: The Project advances racial equity goals by providing a new correctional facility that is focused on rehabilitation, treatment and re-entry of its disproportionate share of minority and impoverished residents. The Project was designed in consultation with existing residents, staff and other key stakeholders to ensure the most critical needs are met. To that end, the Project's programming emphasizes education and vocational opportunities, rehabilitative services, substance abuse, behavioral and mental health programs, and re-entry support

services. In pursuing the Application, the Applicant and DOC conducted an extensive amount of community outreach and engagement, including with a Project website. (Ex. 3, 3G).

- *Citywide Elements*: The Project is not inconsistent with a number of policies reflected in the Comprehensive Plan's Citywide Elements, including:
 - Land Use Element: The Project re-uses a large publicly-owned site and harmonizes with the surrounding neighborhood with modern and engaging architectural design. The improved public space adjacent to the Property promotes multi-modal transit and access to Metrorail. (Ex. 3, 3G).
 - Transportation Element: The Project is in close proximity to Metrorail and greatly improves the pedestrian, bicycle and vehicular network with the extension of the Massachusetts Avenue right-of-way. (Ex. 3, 3G).
 - Environmental Element: The Project will achieve LEED-Silver certification and incorporates new landscaping and stormwater management. (Ex. 3, 3G).
 - Urban Design Element: The Project represents a substantial architectural and site design improvement over the existing CDF and CTF. The Project employs high-quality materials to create a memorable civic building that is consistent with the vision for the Hill East neighborhood. (Ex. 3, 3G).
 - Community Services and Facilities Element: The Project is a state-of-the-art correctional facility that focuses on education and vocational training, rehabilitative services, substance abuse, behavioral, and mental health treatment programs, and reentry supportive services. (Ex. 3, 3G).
- *Area Element*: The Project furthers the goals of the Capitol Hill Area Element to redevelop Reservation 13 into a mixed-use neighborhood with Massachusetts Avenue as a grand boulevard. The Project is significantly setback from lower-scale row house neighborhoods to the west. (Ex. 3, 3G).
- *Master Plan*: The Master Plan contemplates correctional facilities to the south of Massachusetts Avenue and identifies the "Massachusetts Avenue District" for "new civic and municipal buildings" including "correctional treatment facilities." The Project is also consistent with the Master Plan's vision to extend Massachusetts Avenue toward the Anacostia River and increase building heights toward the waterfront.

39. The Application provided evidence that the Project satisfies the general special exception criteria of Subtitle X, Chapter 9, as required under Subtitle X § 604.6:

- The Project is in harmony with the purpose and intent of the Zoning Regulations

and Maps because the Project will be consistent with the intent of the Hill East zones. The Project provides an important public service and will meet the design and planning goals of the Hill East zones, including to extend Massachusetts Avenue with a multi-modal right-of-way. The Project also meets the physical development standards in the HE-3 and HE-4 zones, including as to height, FAR and lot occupancy. (Ex. 3).

- The Project will not create adverse impacts to neighboring property as it will be buffered from the surrounding neighborhood by rights-of-way. The only abutting private property is the Congressional Cemetery and Hill East Parcel M, which is vacant. Correctional facility operations are primarily within the Project. Transport and intake will occur via the new sallyport located behind Building 1. The Project provides one curb cut and two large underground garages for staff parking. (Ex. 3).

40. The Application provided evidence that the Project meets the urban design criteria of Subtitle X § 604.7, as follows:

- Subtitle X § 604.7(a) – The Project's street frontage on Massachusetts Avenue is designed to be safe, comfortable, and encourage pedestrian activity. The Project extends Massachusetts Avenue and enlivens the streetscape with a large landscape buffer, retaining walls and bench seating. Additionally, there will be no direct driveway or garage access from Massachusetts Avenue, with only one curb cut provided at the eastern end of the site. The Project's public entrance is prominently located at the northwest corner of Building 1. (Ex. 3).
- Subtitle X § 604.7(b) - The Project's frontage along Massachusetts Avenue is intended to be open and inviting. The landscaping and bench seating in front of the Project will encourage pedestrian activity and interaction with the building. (Ex. 3).
- Subtitle X § 604.7(c) - The Project will extend a major boulevard in Massachusetts Avenue and create public space that encourages multi-modal transportation and access to the Anacostia waterfront. The extension of Massachusetts Avenue also reinforces the axial views toward the waterfront as envisioned by the Master Plan. The Project is also designed to create a strong street wall that allows the public to interface with an important civic building. The correctional facility has been located at the site for almost 50 years and the new facility will enhance the neighborhood's visual connection to this long existing use. The modern and memorable architecture is consistent with the style of development in Hill East and will positively contribute to the overall neighborhood's architectural character.
- Subtitle X § 604.7(d) - The Project incorporates detailed façade design with the primary architectural features of the perforated scrim, horizontal leaves and large public entrance with a canopy feature. These attractive and unique features are intended to encourage public interaction with this civic building while also achieving the goals of a secure and "functionally anonymous" correctional facility. The Project forms a close connection with adjacent public space through the use of tiered retaining walls and extensive landscape features.
- Subtitle X § 604.7(e) - The Project provides extensive sustainable landscaping along Massachusetts Avenue, including native trees and other plantings. The Project will also have modern stormwater management features in accordance with

- current regulations
- Subtitle X § 604.7(f) - The Project's extension of Massachusetts Avenue significantly improves mobility and transit links in the Hill East neighborhood. As envisioned by the Master Plan, the Project continues the progress of building out the street network in the area, including between the metro station and the Anacostia waterfront. Massachusetts Avenue will be a multi-modal right-of-way that is welcoming to transit, bicyclists and pedestrians. The public space improvements will integrate the correctional facility with the surrounding community.

IV. Applicant's Justification for Zoning Relief and Design Waivers

Special Exception Relief – Large Scale Government Use

41. The Applicant asserted that it meets the special exception requirements of Subtitle X § 901.2 for a large scale government use of the Property pursuant to Subtitle K § 412.1(k), as follows:
 - *Harmonious with General Purpose and Intent of Zoning Regulations* - The HE zones are intended to provide an array of uses including government services and administration..." See Subtitle K § 400.1(c). Both the HE zones and the Master Plan specifically identify a correctional facility use to be located south of Massachusetts Avenue. See Subtitle K § 400.1(h). (Ex. 3).
 - *No Adverse Affect on Neighboring Properties* – The D.C. Jail has been operating on or near the Property since 1873. The Applicant proposes to decommission the existing CDF and replace those operations with the Project. Therefore, the Project and proposed use are consistent with existing conditions. (Ex. 3).
42. In addition to the general special exception standard, the Project meets the special conditions for a large scale government use under Subtitle U § 413.1, as follows:
 - Subtitle K § 413.1(a) – Parking and traffic conditions will not adversely affect neighboring property because the Project proposes below-grade parking garages with 409 parking spaces. This will reduce the number of cars that circulate through the surrounding neighborhoods looking for parking. Additionally, the Project is designed to provide for on-unit virtual visitation, which means family members and legal representation do not have to travel to the site as much. (Ex. 3).
 - Subtitle K § 413.1(b) - The Project is not expected to create external noise that would impact adjacent properties because correctional operations are contained primarily within the proposed structures. Intake procedures will occur on the internal side of the Project away from adjacent properties. The Project is also separated from other uses by public rights-of-way, including the 160-foot-wide Massachusetts Avenue extension. (Ex. 3).
 - Subtitle K § 413.1(c) – The Project complies with the ground floor use and design requirements with the exception of any waivers requested or requirements that are otherwise not applicable. (Ex. 3).
 - Subtitle K § 413.1(d) - The new state-of-the-art facility will provide modern and

memorable civic architecture and create a meaningful connection with the Hill East neighborhood. The prominent and accessible entrance establishes a public-facing element. The Project will provide extensive landscaping and retaining wall features along the Project's Massachusetts Avenue frontage that will encourage walkability. (Ex. 3).

- Subtitle K § 413.1(e) - The Project utilizes connected private drive aisles to allow for the flow of vehicular traffic around the site while minimizing conflict with public space. The Project will create only one curb cut on Massachusetts Avenue to limit any impact to pedestrian movement. There will be a separate entrance to the parking garage beneath Building 2 that is internal to the site and accessed either from the same Massachusetts Avenue curb cut or from the entrance off E Street SE. All vehicular entrances will be restricted with a security gate or garage door.

Area Variance Relief – Building Entrances Greater Than 50 Feet Apart

43. The Applicant asserted that it meets the area variance requirements of Subtitle X § 1000.1 for relief from the HE zone design requirement of building entrances on a primary street that are no less than 50 feet apart pursuant to Subtitle K § 420.5, as follows:

- *Exceptional Situation or Condition* - The Applicant and DOC's needs to provide a safe and secure correctional facility are an exceptional and unique condition at the Property. As set forth in *Neighbors for Responsive Government v. D.C. Bd. of Zoning Adjustment*, 195 A.3d 35, 56 (D.C. 2018) and *Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979), the Project is providing a public service in that it will be a new correctional facility for the District of Columbia that is also geared toward rehabilitation and healing Residents and reducing the rate of recidivism in the justice system. A critical programmatic requirement is that the Project must be constructed in an open area on the Property to permit the facility to continue operating during construction. Therefore, the only location to site a new facility is along Massachusetts Avenue, which is a primary street in the HE zone. (Ex. 3).
- *Practical Difficulty* – The requirements of Subtitle K § 420.5 would necessitate no fewer than 11 entrances to the Project on Massachusetts Avenue. The provision of 11 entrances creates a practical difficulty for the Project because it would be contrary to DOC's goals of creating a safe and secure correctional facility. Unlike many of the use types encouraged in Hill East, a correctional facility does not require multiple building entrances. Residents are transported to the correctional facility via the sallyport, which provides for secure intake. Visitors will enter the building through the primary entrance to Building 1. Further, multiple entrances would create challenges in incorporating the intended programming, as the floorplan would have to account for new circulation patterns. For example, the entirety of Building 2 is dedicated to housing units and support spaces, but new entrances would require a reconfiguration with fewer units. (Ex. 3).
- *No Detriment to Public Good* - The Applicant has incorporated many of the Hill East design guidelines to ensure the Project meets the intent of the Hill East zones, including on Massachusetts Avenue. Overall, the Project will not detract from the envisioned Hill East neighborhood.

HE Design Waivers

44. The Application asserts good cause to grant a waiver from Subtitle K § 417.1 requiring preferred uses along 65% of the Project's Massachusetts Avenue frontage. Given the unique nature and security needs of the Project, the co-location of preferred uses is not feasible.
45. The Application asserts good cause to grant a waiver from Subtitle K § 419.3 requiring that all portions of the Project be constructed to within 25 feet of the front property line. The only portion of the Project that does not extend to the property line is the above-ground connection between Building 1 and Building 2. The connection is setback more than 25 feet from the front property line due to internal circulation patterns and floorplan layout.

V. Responses to the Application

Office of Planning

46. OP submitted a report dated March 10, 2025 (the "**OP Report**", Ex. 14A) recommending that the Commission approve the Application. The OP Report concluded that the Project satisfies the HE design review criteria of Subtitle K §§ 400, 417, 418, 419 and 420. and the general design review criteria of Subtitle X § 604, including that the Project, on balance, is not inconsistent with the Comprehensive Plan as viewed through a racial equity lens and would further policy statements under the Land Use, Transportation, Environmental Protection, Urban Design, and Community Services and Facilities Citywide Elements, and the Capitol Hill Area Element. The OP Report also recommended approval of the special exception relief, area variance relief, and design waivers requested by the Applicant. The OP Report included comments from DOEE.
47. The OP Report did not request any conditions of approval. (Ex. 14A).
48. At the March 17, 2025 public hearing, OP testified in support of the Application, including the requested relief. (Hearing Transcript "Tr." _____).

DDOT Report

49. DDOT filed a report dated March 7, 2025 (the "**DDOT Report**," Ex. 13) stating that it has no objections to the Project subject to the implementation of the Transportation Demand Management Plan proposed by the Applicant in the Comprehensive Transportation Review (Exhibit 10B) for the life of the Project unless otherwise noted and subject to additional requests by DDOT in the DDOT Report.
50. At the public hearing on March 7, 2025, DDOT testified in support of the Application. (Tr. _____).

ANC Reports

51. ANC 6B submitted a resolution dated March 7, 2025 (the “**ANC 6B Report**,” Ex. 12), which was adopted at a duly noticed and regularly scheduled monthly meeting, with a quorum present. ANC 6B voted unanimously to support the Application.
52. ANC 7D submitted a resolution dated March 13, 2025 (the “**ANC 7D Report**,” Ex. 17), which was adopted at a duly noticed and regularly scheduled monthly meeting, with a quorum present. ANC 7D voted unanimously, with one abstention, to support the Application. The ANC 7D Report notes the Applicant presented to ANC 7D on several occasions and that there was no adverse feedback from the community. The ANC 7D Report references an expectation of on-going coordination with the Applicant and DOC, including during construction.
53. ANC 7F did not submit a report to the case record or appear or provide testimony at the public hearing. As reflected in the case record and testified to during the hearing, the Applicant attended numerous meetings of ANC 7F to discuss the Project and answer community questions.

Letters in Support or Opposition

54. There are two letters of support in the case record and no letters of opposition. No individuals or groups spoke in support or opposition at the public hearing. (Ex. 4, 18).

V. Conclusions of Law

Authority

1. Pursuant to the authority granted by the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.) (the “Act”)), the Commission is authorized to review and approve an application for design review in the HE zone that is consistent with the requirements of Subtitle X, Chapter 6 and Subtitle K, Chapter 4.

Standard of Review for Approval of Design Review

2. Pursuant to Subtitle X § 600.1, the purpose of the design review process is to:
 - (a) Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;
 - (b) Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;
 - (c) Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;
 - (d) Promote high-quality, contextual design; and
 - (e) Provide for flexibility in building bulk control, design and site placement

without an increase in density or a map amendment.

3. Due to the Property's location in the HE Zone Districts, the Applicant is required to comply with the design review criteria set forth under Subtitle K § 409. Additionally, due to the Property's frontage on Massachusetts Avenue SE, the Applicant is required to comply with the primary streets criteria of Subtitle K § 420. Subtitle X § 604.6 also provides the Applicant must meet the special exception standards of Subtitle X, Chapter 9.
4. Section 8 of the Act authorizes the Commission to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Commission, the special exceptions:
 - a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
 - b. Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
 - c. Complies with the special conditions specified in the Zoning Regulations.
5. Section 8 of the Act authorizes the Commission to grant variances, as provided in the Zoning Regulations, where, in the judgment of the Commission:
 - (1) The Property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
 - (2) The owner would encounter practical difficulties or undue hardship if the zoning regulations were strictly applied; and
 - (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.
6. The Commission makes the following conclusions of law based on the information provided in the case record, including testimony provided at the hearing, the Applicant's statements, the OP Report, the DDOT Report, the ANC 6B Report and the ANC 7D Report.

Satisfaction of the General Purpose of the HE Zones (Subtitle K § 400)

7. The Commission concludes that the Application meets the general purpose of the HE Zones as detailed below.

Subtitle K § 400.1(a) – Connect and integrate Reservation 13 with adjacent neighborhoods, and the new waterfront park along the Anacostia River.

8. The Project will connect Reservation 13 with adjacent neighborhoods and the Anacostia River by extending Massachusetts Avenue to provide a modern, multi-modal right-of-way. The Project represents a substantial improvement over existing conditions with Massachusetts Avenue dead-ending into a parking lot on the Property. (Findings of Fact ("FF") 34).

Subtitle K § 400.1(b) – Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation, and housing.

9. The Hill East zones are intended for a wide array of use types, including government services and administration. The Project is a government service and meets an important public need by providing a new correctional facility for the District of Columbia. (FF 34).

Subtitle K § 400.1(c) – Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately scaled development.

10. The Project will extend the 160-foot-wide Massachusetts Avenue further into the Hill East neighborhood. The Project is consistent with the physical development standards in the HE-3 and HE-4 zones and, therefore, will also be scaled in accordance with the Master Plan and HE zone standards. (FF 34).

Subtitle K § 400.1(d) – Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront.

11. The Project is consistent with the prescribed minimum and maximum building heights in the HE-3 and HE-4 zones. The Project also increases in height toward the Anacostia waterfront as Building 1 is five stories and Building 2 is two stories. (FF 34).

Subtitle K § 400.1(e) – Connect the Hill East neighborhood and the city at large to the waterfront via tree-lined public streets, recreational trails, and increased access to waterfront parklands.

12. The proposed extension of Massachusetts Avenue will improve access to the waterfront. The proposed right-of-way will feature a landscape buffer on each side of the public sidewalk. (FF 34).

Subtitle K § 400.1(f) – Demonstrate environmental stewardship through environmentally-sensitive design, ample open spaces, and a waterfront park that serve as public amenities and benefit the neighborhood and the city.

13. The Project will achieve LEED Silver certification and incorporates new landscaping and bioretention at the Property. (FF 34).

Subtitle K § 400.1(g) – Promote the use of mass transit by introducing new uses near Metro stations, and create an environment where the pedestrian, bicycle, and auto are all welcome, complementary, and unobtrusive, reducing the impact of traffic on adjacent neighborhood streets.

14. The Project is within two blocks of the Stadium-Armory Metrorail Station and, therefore, provides easy access for staff and visitors. Nonetheless, the Project promotes multi-modal transit with the extension of Massachusetts Avenue and significantly improved streetscape design. The provision of 409 parking spaces reduces the impact of parking on the

neighborhood as well. (FF 34).

Subtitle K § 400.1(h) – Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue.

15. The Project will be located to the south of Massachusetts Avenue SE. (FF 34).

Subtitle K § 400.1(i) – Create attractive “places” of unique and complementary character including: (1) A new, vital neighborhood center around the Metro station at C and 19th Streets that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district; (2) Massachusetts Avenue as a grand Washington ‘boulevard’ in the tradition of the L’Enfant plan; (3) A district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue; and (4) A grand public waterfront park incorporating monumental places and quiet natural retreats accessed by a meandering park drive set back from the Anacostia River.

16. The Project is an attractive and engaging civic building that will contribute to the goals for the Hill East zones. The Project demonstrates substantially improved site planning on an around the Property. The Project transforms the Property into a vibrant new focal point, for the neighborhood. The new structure will not only meet modern urban design standards but also foster a welcoming environment that encourages community interaction and accessibility. (FF 34).

Satisfaction of Ground Floor Uses Where Required and Permitted (Subtitle K § 417)

17. The Commission concludes that the Application complies with the ground floor use requirements set forth in Subtitle K § 417, except for the waiver requested from the requirements of Subtitle K § 417.1(e), which is discussed in Conclusion of Law (“COL”) No. 27 below. (FF 35).

Satisfaction of Design Standards for Ground Floor Preferred Uses (Subtitle K § 418)

18. The Commission concludes the design standards for ground floor uses are inapplicable because the Project does not provide a preferred use. (FF 35).

Satisfaction of General Design Conditions in the HE Zones (Subtitle K § 419)

19. The Commission concludes that the Application complies with the general design requirements in the HE Zones set forth in Subtitle K § 419, except for the waiver requested from the requirements of Subtitle K § 419.3, which is discussed in COL No. 28 below. (FF 36).

Satisfaction of Design Conditions for Buildings on Primary Streets (Subtitle K § 420)

20. The Commission concludes the design conditions for a building on a primary street set forth in Subtitle K § 420 are inapplicable and the Applicant has otherwise obtained area

variance from the requirements of Subtitle K § 420.5, which is discussed in COL No. 23-25 below. (FF 37).

Special Exception Relief

21. The Commission concludes the Application satisfies the general special exception standard for a large scale government use pursuant to Subtitle K § 412.1(k). The Commission bases this conclusion on the fact the HE zones are intended to include government services and administration. Additionally, the HE zones and Master Plan both identify a correctional facility use to be located south of Massachusetts Avenue at the Property. Further, the Commission finds no adverse effect because the Property has been used for a correctional facility for many decades and the Project would continue this use without a substantial change over existing conditions. (FF 41).
22. The Commission further concludes the Application satisfies the special conditions for a large scale government use under Subtitle U § 413.1. The Commission bases this conclusion on a finding that the Project will not adversely affect parking and traffic conditions due to the proposed 409-space parking garages as well as the programming with on-unit virtual visitation that will reduce family and legal trips to the Project (Subtitle K § 413.1(a)). The Project is not expected to create external noise that would impact adjacent properties because correctional operations are contained primarily within the proposed structures and intake procedures will occur on the internal side of the Project. The Project is otherwise buffered from adjacent uses by rights-of-way (Subtitle K § 413.1(b)). The Project complies with the ground floor use and design requirements with the exception of any waivers requested or requirements that are otherwise not applicable (Subtitle K § 413.1(c)). The Project proposes modern, memorable and attractive civic architecture and create a meaningful connection with the Hill East neighborhood, including with a prominent public entrance at Building 1 and extensive landscaping features along the Project's Massachusetts Avenue frontage (Subtitle K § 413.1(d)). Finally, the Project utilizes connected private drive aisles to allow for the flow of vehicular traffic around the site while minimizing conflict with public space. The Project will create only one curb cut on Massachusetts Avenue to limit any impact to pedestrian movement. (Subtitle K § 413.1(e)). (FF 42).

Area Variance Relief

23. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(3) (2018 Repl.) and Subtitle X §§ 1000.1 and 1000.3 authorize the Commission to grant variances from the Zoning Regulations "[w]here, by reason of . . . extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation . . . would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize . . . a variance. . . provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

24. The Commission may apply a more flexible standard of review when it assesses a public service organization, “especially where the organization is seeking the zoning relief in order to meet a public need or serve the public interest.” See *Neighbors for Responsive Government v. D.C. Bd. of Zoning Adjustment*, 195 A.3d 35, 56 (D.C. 2018); see also *Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (1979). The characterization of a proposed use as a public service is significant, and “when a public service has inadequate facilities and applies for a variance to expand...then the Board of Zoning Adjustment does not err in considering the needs of the organization as possible ‘other extraordinary and exceptional situation or condition of a particular piece of property.’” See *Monaco* at 1099.
25. The Commission concludes the Application satisfies the area variance standard from the HE zone requirement building entrances on a primary street that are no less than 50 feet apart pursuant to Subtitle K § 420.5. The Commission finds the Applicant is providing a public service because the Project is a critical need for the District of Columbia and is designed to be consistent with DOC’s safety protocols for correctional facilities as well as for the rehabilitation and healing goals of residents. As a public service, the Commission may find an exceptional condition based on the DOC’s unique programming needs. Additionally, the Project must be constructed on the Property while the existing CDF continues to operate. Yet, the only open area at the Property is along a primary street on Massachusetts Avenue. Further, the Applicant faces a practical difficult with strict compliance Subtitle K § 420.5 that would necessitate no fewer than 11 entrances to the Project on Massachusetts Avenue. This number of entrances is contrary to DOC’s goals of creating a safe and secure correctional facility. Unlike many of the use types encouraged in Hill East, a correctional facility does not require multiple building entrances. Multiple entrances would create challenges in incorporating the intended programming, as the floorplan would have to account for new circulation patterns. Finally, the relief does not substantially detriment the public good because the Project will positively contribute to the Hill East neighborhood and is consistent with a majority of the HE zone design guidelines. (FF 43).

Waivers

26. Pursuant to Subtitle K § 409.2, and for good cause shown, the Commission may waive one or more of the HE zone design standards in Subtitle K §§ 417 – 419.
27. The Commission finds good cause to waive Subtitle K § 417.1 requiring preferred uses along 65% of the Project’s Massachusetts Avenue frontage. The Project is a unique use type that has critical safety and security needs unlike other proposed developments in the Hill East zones. As such, the co-location of preferred uses in the Project is not feasible or recommended for a correctional facility use. (FF 44).
28. The Commission finds good cause to waive Subtitle K § 419.3 requiring that all portions of the Project be constructed to within 25 feet of the front property line. The only portion of the Project that does not extend to the property line on Massachusetts Avenue as required under Subtitle K § 419.2 is the above-ground connection between Building 1 and Building

2. The 25-foot setback is needed due to internal circulation patterns and floorplan layout. (FF 45).

Satisfaction of General Design Review Standards (Subtitle X § 604)

29. The Commission concludes the Application meets the general design review standards as detailed below.

Not Inconsistent with the Comprehensive Plan (Subtitle X § 604.5)

30. As part of the Application, the Applicant submitted an evaluation of the Project's consistency with the Comprehensive Plan, as viewed through a racial equity lens. The Applicant's evaluation was guided by the Commission's Racial Equity Tool. (FF 38).

31. In accordance with Subtitle X § 604.5, the Commission concludes that, when examined through a racial equity lens, the Project is not inconsistent with the Comprehensive Plan. The Commission's conclusion is based on the following:

- *FLUM*: The Project is not inconsistent with the FLUM's designation for the Property of "Local Public Facilities," "Medium Density Commercial," "Medium Density Residential" and "Institutional." The FLUM identifies most of the Property for the "Local Public Facilities" designation, which is intended for land and facilities occupied and used by the District of Columbia government just as the Project will be. Further, the FLUM's mixed-use categorization accounts for "large sites...where opportunities for multiple uses exist." The FLUM identifies the Property and much of Reservation 13 for a mix of uses to allow for flexibility in future planning efforts. The HE zones and the Master Plan both envision the area south of Massachusetts Avenue for a correctional facility use. The Project is otherwise consistent with expected densities in the Medium Density Residential and Commercial designations. (FF 38).
- *GPM*: The Project is not inconsistent with the GPM's designation for the Property as a "Land Use Change Area" because the Project carries out the goals for the Hill East neighborhood, as reflected in the Master Plan. The Application does not propose a zoning change and, therefore, is consistent with the Future Planning Analysis Area. (FF 38).
- *Citywide Elements*: The Project is not inconsistent with a number of policies reflected in the Comprehensive Plan's Citywide Elements. The Project re-uses a large publicly-owned site in close proximity to public transit options and harmonizes with the surrounding neighborhood with modern and engaging architectural design. The Project improves the pedestrian, bicycle and vehicular network with the extension of the Massachusetts Avenue right-of-way. The Project will achieve LEED-Silver certification and incorporates new landscaping and stormwater management. The Project represents a substantial architectural and site design improvement over the existing CDF and CTF. The Project employs high-

quality materials to create a memorable civic building that is consistent with the vision for the Hill East neighborhood. The Project is a state-of-the-art correctional facility that focuses on education and vocational training, rehabilitative services, substance abuse, behavioral, and mental health treatment programs, and reentry supportive services. (FF 38).

- *Area Element*: The Project is not inconsistent with the policies of the Capitol Hill Area Element, which acknowledge and encourage redevelopment of Reservation 13 into a mixed-use neighborhood. The Project will also promote Massachusetts Avenue as a grand boulevard. The Project is significantly setback from lower-scale row house neighborhoods to the west. (FF 38).
- *Master Plan*: The Project is not inconsistent with the Master Plan because it proposes a new correctional facility to the south of Massachusetts Avenue. The Project also reflects the Master Plan's vision to extend Massachusetts Avenue toward the Anacostia River and increase building heights toward the waterfront. (FF 38).

32. The Project also advances racial equity in the District. The Project is a critical public need as it will replace the aging CDF that does not offer the requisite programming or condition to appropriately meet the DOC's goals. By comparison, the Project is focused on the rehabilitation, treatment and re-entry needs of its residents, a disproportionate share of which are minority and impoverished residents. These Project goals are aimed at improving outcomes in the criminal justice system by reducing recidivism through increased focus on mental, behavioral and physical health. The Project's programming was developed in consultation with residents, staff and stakeholders and emphasizes education and vocational opportunities, rehabilitative services, substance abuse, behavioral and mental health programs, and re-entry support services. The Applicant and DOC conducted an extensive amount of community outreach and engagement with upwards of 24 meetings over the past year. The Commission acknowledges the concerns of ANC 7D that "undesired" uses are too often located in Ward 7 or Ward 8 communities. However, the Applicant established the operational need of maintaining the correctional facility use at the Property, where it has operated for decades. (FF 38).

Satisfaction of General Special Exception Criteria (Subtitle X § 604.6)

33. The Commission concludes the Project satisfies the general special exception criteria of Subtitle X, Chapter 9 because the Project: (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Maps; (b) will not tend to affect adversely the use of neighboring property; and (c) will meet such special conditions as may be specified in this title.
34. The Project is in harmony with the purpose and intent of the Zoning Regulations and Maps because the Project will be consistent with the intent of the Hill East zones. The Project meets the design and planning goals of the Hill East zones as reflected in the Master Plan and the Zoning Regulations. The Project also meets the physical development standards

in the HE-3 and HE-4 zones, including as to height, FAR and lot occupancy. (FF 39).

35. The Project will not create adverse impacts to neighboring property as it will be buffered from the surrounding neighborhood by rights-of-way. The only abutting private property is the Congressional Cemetery and Hill East Parcel M, which is vacant. Correctional facility operations are primarily within the Project. The Project provides 409 parking spaces on site in below-grade garages. Further, transport and intake will occur via the new sallyport located behind Building 1 and the internal circulation pattern on the Property allows for limited impact to the surrounding street network. The Project also provides one curb cut to limit impacts on pedestrians and bicyclists. (FF 39).

Satisfaction of Urban Design Criteria (Subtitle X § 604.7)

36. The Commission concludes the Project is consistent with the urban design criteria pursuant to Subtitle X § 604.7 in a way that is superior to a matter-of-right development in accord with Subtitle X § 604.8.

Subtitle X § 604.7(a) – Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) Direct driveway or garage access to the street is discouraged; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank façades are prevented or minimized; and (5) Wide sidewalks are provided.

37. The Project's street frontage on Massachusetts Avenue is designed to be safe, comfortable, and encourage pedestrian activity. The Project extends Massachusetts Avenue and enlivens the streetscape with a large landscape buffer, retaining walls and bench seating. Additionally, there will be no direct driveway or garage access from Massachusetts Avenue, with only one curb cut provided at the eastern end of the site. The Project's public entrance is prominently located at the northwest corner of Building 1. (FF 40).

Subtitle X § 604.7(b) – Public gathering spaces and open spaces are encouraged especially in the following situations: (1) Where neighborhood open space is lacking; (2) Near transit stations or hubs; and (3) When they can enhance existing parks and the waterfront

38. The Project's frontage along Massachusetts Avenue is intended to be open and inviting. The landscaping and bench seating in front of the Project will encourage pedestrian activity and interaction with the building. (FF 40).

Subtitle X § 604.7(c) – New development respects the historic character of Washington's neighborhoods, including: (1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form; (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.

39. The Project extends Massachusetts Avenue and creates public space that encourages multi-

modal transportation and access to the Anacostia waterfront. The Project creates a strong street wall that allows the public to interface with an important civic building. The project's architecture is consistent with the style of development in Hill East and will positively contribute to the overall neighborhood's architectural character. (FF 40).

Subtitle X § 604.7(d) – Buildings strive for attractive and inspired façade design, including: (1) Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and (2) Incorporate contextual and quality building materials and fenestration.

40. The Project's façade incorporates the attractive perforated scrim that is broken up with horizontal leaves and the large public entrance. These attractive and unique features are intended to encourage public interaction with this civic building while also achieving the goals of a secure and "functionally anonymous" correctional facility. The Project forms a close connection with adjacent public space through the use of retaining walls and landscape features. (FF 40).

Subtitle X § 604.7(e) – Sites are designed with sustainable landscaping.

41. The Project will have sustainable landscaping throughout the site, including in the bioretention areas. (FF 40).

Subtitle X § 604.7(f) - Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (2) The development incorporates transit and bicycle facilities and amenities; (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.

42. The Project will create safe connections for pedestrians and bicyclists on Massachusetts Avenue through the public space improvements to that right-of-way. The Project will meet the zoning requirements for short- and long-term bicycle parking as well. (FF 40).

"Great Weight" to the Recommendations of OP

43. 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 § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).
44. The Commission finds persuasive OP's evaluation of the Application as having satisfied the applicable design review standards, including that the Application meets the HE and general design review requirements of the Zoning Regulations. As such, the Commission gives OP's evaluation great weight. (FF 46).

"Great Weight" to the Written Report of the ANC

45. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
46. The ANC 6B Report and ANC 7D Report recommend support for the Application. As such, the Commission gives the recommendations of ANC 6B and ANC 7D great weight. (FF 51-52).
47. ANC 7F did not submit a written report into the case record and, therefore, the Commission is not statutorily required to give ANC 7F “great weight.” Based on the Applicant’s testimony and the case record, the Commission acknowledges the Applicant met with or attended meetings of ANC 7F on six occasions since May 2024. Accordingly, ANC 7F was apprised of the Application and provided ample opportunities to discuss the Project with the Applicant and DOC. (FF 26, 53; Hearing Tr. _____).

DECISION

Based on the case record, the testimony at the public hearing, and the above Findings of Fact and Conclusions of Law, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- Design review pursuant to the applicable standards and criteria in the HE Zone Districts of Subtitle K §§ 400, 417-420, the general design review criteria of Subtitle X § 604, and the special exception standards of Subtitle X § 901.2;
- Special exception relief for a large scale government use under Subtitle K § 412.1(b);
- Area variance relief from the HE zone design requirement pertaining to building entrances along a primary street under Subtitle K § 420.5; and
- Such other design flexibility as set forth in the Conditions hereof.

Said approval is subject to the following guidelines, conditions, and standards. Whenever compliance is required prior to, on or during a certain time, the timing of the obligation is noted in bold and underlined text.

A. Project Development

1. The Project shall be developed substantially in accordance with the architectural plans and

drawings submitted dated December 2, 2024 at Exhibits 3F1-3F9, as modified in the Applicant's supplemental statement dated February 17, 2025 at Exhibits 10A1-10A9 (collectively, the "Architectural Plans"), subject to the following areas of flexibility:

- a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided such variations do not change the exterior configuration or appearance of the building;
- b. Exterior Materials: 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 Architectural Plans approved by the Commission;
- c. Exterior Details: To make minor refinements to exterior façade details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, balcony railings and trim, or any other changes, providing such minor refinements do not substantially alter the Architectural Plans approved by the Commission and are necessary to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
- d. Streetscape Design: To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the D.C. Department of Transportation's Public Space Division; and
- e. Landscape Design: To vary the final landscaping dimensions and materials as shown on the Architectural Plans based on either (i) availability and suitability at the time of construction, or (ii) in order to satisfy permitting requirements of the D.C. Department of Energy and Environment.

B. Transportation Demand Management Measures

1. **For the Life of the Project**, the Applicant shall implement the following Transportation Demand Management ("TDM") measures:
 - a. DOC employees will be directed to the DC Department of Human Resources (DCHR) platform documenting the transportation benefits available to them, which will include the following:
 - A free annual Capital Bikeshare membership to each employee as part of DC Government employees' benefits.
 - Provide a \$50 per month transit subsidy to eligible DC Government bargaining unit employees, who are members of collective bargaining Compensation Units 1 or 2 and use Metro public transportation to commute to and from work.
 - Benefits-eligible employees will be permitted to enroll in the Commuter

Benefits program which provides an employee-paid pre-tax benefit for employees to pay for transit services.

- b. Provide, at no charge to and for use by any employee thereof, 63 long- and 12 short-term bicycle parking spaces. The 63 long-term bicycle parking spaces shall be provided horizontally on the floor in bicycle lockers. Seven (7) spaces shall be served by electrical outlets for e-bikes and scooters. Four (4) spaces shall be for cargo or larger bikes (10 feet by 3 feet, rather than 6 feet by 2 feet), with at least one (1) of those spaces to be served by an electrical outlet.
- c. Provide at least 6 showers and 35 lockers for use by employees.
- d. Install a minimum of 9 electric vehicle (EV) charging spaces on site.
- e. Long-term bicycle storage areas will accommodate nontraditional sized bikes including cargo, tandem, and kids bikes, with a minimum 5% of spaces (minimum 2) be designed for longer cargo/tandem bikes, and a minimum of 10% of spaces will be designed with electrical outlets for the charging of electric bikes and scooters. There will be no fee to the employees for usage of the long-term bicycle storage.

C. Miscellaneous

- 1. This approval shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit as set forth under Subtitle Z § 702.2. Construction of the Project must begin within three years of the effective date of this Order.

Final Action

Vote (March 17, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Tammy Stidham, Dr. Joseph S. Imamura and Gwen Wright to APPROVE)

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on _____.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

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.