

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

(Hill East Design Review @ 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 a mandatory design review in the Hill East (“HE”) zones in order to construct a new correctional facility at 1900 Massachusetts Avenue, S.E. (Square 1112E, Lot 826) (the “Property”) pursuant to Subtitle K, Chapter 4 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR” or “Zoning Regulations” [to which all subsequent citations refer unless otherwise specified]), which applies to new construction in the Hill East Zone District pursuant to Subtitle K § 409.1, and Subtitle X, Chapter 6, which applies to a “Mandatory Design Review” as described in Subtitle X § 601.1.

The Applicant requested various design flexibility and the following relief from certain design guidelines applicable to the Hill East Zone District pursuant to Subtitle K §§ 409.2 and 409.3:

- An area variance from Subtitle K § 420.5 to permit one public entrance along Massachusetts Avenue;
- Special exception relief pursuant to Subtitle K § 412.1(k) to allow additions to a large-scale governmental use in the HE Zone District; and
- Two waivers from the ground floor preferred use requirements of Subtitle K § 417.1(e) and the design conditions of Subtitle K § 419.3.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z. 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 (Exhibit [“Ex.”] 3D).
4. Pursuant to Subtitle Z § 402, on January 10, 2025, the Office of Zoning (“OZ”) provided notice of the March 17, 2025, virtual public hearing to:
- The Applicant;
 - ANC 7F;
 - ANC 7D;
 - ANC 6B;
 - ANC Single Member Districts (“SMD”) 6B09, 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).
5. OZ published notice of the public hearing, concerning the Application in the January 24, 2025, issue of the *District of Columbia Register* (72 DCR 000606 *et seq.*) as well as on the calendar on OZ’s website (Ex. 5-6).
6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on February 4, 2025 in accordance with Subtitle Z § 402.8 and maintained such notice in accordance with Subtitle Z § 402.10 (Ex. 9, 15).

The Applicant

7. 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).

8. 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

9. 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).
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, S.E. 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 steps for the B2 and 96 Metrobus lines within two blocks of the Property (Ex. 3).

Hill East Zoning (HE-3 and HE-4)

13. The Property is located in the HE-3 and HE-4 zones and has frontage on Massachusetts Avenue, S.E. and 19th Street, S.E.
14. The HE-3 zone includes the following development standards:
 - Density: A maximum permitted density of 7.2 FAR (Subtitle K § 402.1);
 - Height: A minimum height of 80 feet is required and a maximum height of 110 feet and 10 stories is permitted. Building height shall be measured from the lowest curb level along a street frontage abutting the lot (Subtitle K §§ 403.1 and 403.2);
 - Penthouses and Rooftop Structures: Penthouses and rooftop structures are subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle K § 403.5 (Subtitle K § 403.4);
 - Penthouse Height: A maximum penthouse height of 20 feet and one story plus mezzanine is permitted, but a second story is permitted for penthouse mechanical space (Subtitle K § 403.5);
 - Lot Occupancy: A maximum lot occupancy of 80% is permitted (Subtitle K § 404.1);

- Rear Yard: All residential buildings shall provide a rear yard in accordance with Subtitle K §§ 406.5 or 406.6 and, in either instance, not less than 12 ft. (Subtitle K § 406.4); and
 - Side Yard: No side yard is required; however, if a side yard is provided it shall be no less than eight feet (Subtitle K § 407.1).
15. The HE-4 Zone includes the following development standards:
- Density: A maximum permitted density of 6.0 FAR (Subtitle K § 402.1);
 - Height: A maximum height of 90 feet and eight stories is permitted. Building height shall be measured from the lowest curb level along a street frontage abutting the lot (Subtitle K §§ 403.1, 403.2);
 - Penthouses and Rooftop Structures: Penthouses and rooftop structures are subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle K § 403.5 (Subtitle K § 403.4);
 - Penthouse Height: A maximum penthouse height of 20 feet and one story plus mezzanine is permitted, but a second story is permitted for penthouse mechanical space (Subtitle K § 403.5);
 - Lot Occupancy: A maximum lot occupancy of 75% is permitted (Subtitle K § 404.1);
 - Rear Yard: All residential buildings shall provide a rear yard in accordance with Subtitle K §§ 406.5 or 406.6 and, in either instance, not less than 12 ft. (Subtitle K § 406.4); and
 - Side Yard: No side yard is required; however, if a side yard is provided it shall be no less than eight feet (Subtitle K § 407.1).

Hill East Zone District Requirements and Design Criteria

16. The Commission shall review the design of all new buildings, or additions to existing buildings in the Hill East zones for consistency with the design guidelines set forth at Subtitle K §§ 419 through 420 and with the purposes as stated in Subtitle K § 400 of Chapter 4 (Subtitle K § 409.1).

Purposes of the Hill East Zone District

17. Pursuant to Subtitle K § 400.1, the purposes of the HE zones (HE-1 through HE-4) are to:
- Connect and integrate Reservation 13 with adjacent neighborhoods and the new waterfront park along the Anacostia River (Subtitle K § 400.1(a));
 - Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation, and housing (Subtitle K § 400.1(b));
 - Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately scaled development (Subtitle K § 400.1(c));
 - 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 (Subtitle K § 400.1(d));

- Connect the Hill East neighborhood and the city at large to the waterfront via treelined public streets, recreational trails, and increased access to waterfront parklands (Subtitle K § 400.1(e));
- 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 (Subtitle K § 400.1(f));
- 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 (Subtitle K § 400.1(g));
- Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue (Subtitle K § 400.1(h)); and
- Create attractive “places” of unique and complementary character including: (Subtitle K § 400.1(i))
 - A new, vital neighborhood center around the Metro station at C and 19th Streets, S.E. that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district;
 - Massachusetts Avenue as a grand Washington ‘boulevard’ in the tradition of the L’Enfant plan;
 - A district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue, S.E.; and
 - A grand public waterfront park incorporating monumental places and quiet natural retreats accessed by a meandering park drive set back from the Anacostia River.

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

18. For the purposes of the HE Zones, “preferred uses” shall include retail, entertainment, assembly, and performing arts, and service uses (Subtitle K § 411.1). The following locations are required to devote not less than sixty-five percent (65%) of the ground floor frontage to preferred uses and main building entrances, or lobbies to office and residential uses, and shall comply with the design requirements of Subtitle K §§ 418 through 420:
- The west face of Square F (19th Street frontage);
 - The northwest corner of Square G;
 - The southeast corner of Square J at Massachusetts Avenue and Water Street, facing the monumental circle;
 - The northeast corner of Square M at Massachusetts Avenue and Water Street, facing the monumental circle; and
 - All Independence Avenue and Massachusetts Avenue frontages.
- (Subtitle K § 417.1).
19. The following locations are permitted to have ground floor preferred uses, provided that the building shall be constructed so that not less than sixty-five percent (65%) of the ground floor frontage will be devoted to preferred uses and main building entrances, or lobbies to office and residential uses, and shall comply with the design requirements of Subtitle K §§ 418 through 420:

- All frontages on 19th Street;
 - All frontages on Burke Street;
 - The C Street frontage of Square H, facing the park in Square E, for a maximum length of two hundred feet (200 ft.) from Square H's northeast corner at the intersection of C Street and 21st Street;
 - The 21st Street frontage of Square D;
 - The southeast corner of Square D, which faces the intersection of C Street and Water Street;
 - The northeast corner of Square I, which faces the intersection of C Street and Water Street; and
 - All frontages on Water Street.
- (Subtitle K § 417.2)

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

20. Wherever preferred uses, as defined in Subtitle K § 411, are required or allowed pursuant to Subtitle K § 412, such ground floor preferred uses shall:
- If located on a corner, wrap around the corner to a minimum depth of 20 feet on the side street (Subtitle K § 418.1(a));
 - Occupy the ground floor to a minimum depth of 30 feet (Subtitle K § 418.1(b));
 - Have a minimum clear floor-to-ceiling height of 14 feet, measured from the finished grade, for the area of the ground floor dedicated to preferred uses (Subtitle K § 418.1(c));
 - The street-facing façades of buildings on primary streets shall devote not less than 75% per individual use or 50% of the length and 50% of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances (Subtitle K § 418.1(d)); and
 - The street-facing façades of mixed-use or non-residential buildings on secondary streets shall devote not less than 75% per individual use or 30% of the length and 30% of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances (Subtitle K § 418.1(e)).

Design Conditions for the Hill East Zone District (Subtitle K § 419)

21. Subtitle K § 419 establishes the following design requirements for all buildings and structures located in the HE Zone District:
- Except as provided in Subtitle K § 418.2, the front of a building or structure shall extend to the property line(s) abutting the street right-of-way for not less than 90% of the property line and to a height of not less than 25 ft. (Subtitle K § 419.2);
 - Whatever portion of the front of a building or structure that does not extend to the property line(s) pursuant to Subtitle K § 419.2 must extend to within 25 ft. of the front property line and to a height of not less than 25 ft. (Subtitle K § 419.3);
 - Awnings, canopies, bay windows, and balconies may extend forward of the required building line to the extent permitted by any other regulations (Subtitle K § 419.4);

- For every 50 ft. of uninterrupted building façade length, the building shall incorporate modulated and articulated building wall planes through the use of projections, recesses and reveals expressing structural bays, changes in color graphical patterns, texture, or changes in building material of the façade (Subtitle K § 419.5);
 - The articulation shall have a minimum change of plane of six inches (Subtitle K § 419.6);
 - Façade articulation of less than two feet in depth shall qualify to meet the street frontage required building line standards of Subtitle K §§ 419.2 and 419.3 (Subtitle K § 419.7);
 - Any single articulation feature shall not exceed 60% of the building façade width (Subtitle K § 419.8);
 - Buildings with ground floor retail shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than 50 ft. apart (Subtitle K § 419.9);
 - Security grilles shall have no less than 70% transparency (Subtitle K § 419.10);
 - Street-facing facades shall not have blank walls (without doors or windows) greater than 10 ft. in length (Subtitle K § 419.11);
 - Each use within a building shall have an individual public entrance that is clearly defined and directly accessible from the public sidewalk (Subtitle K § 419.12);
 - Exterior display of goods and exterior storage between the building line and the front lot line is prohibited. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, or other appropriate vendors, are permitted to the extent consistent with other District laws (Subtitle K § 419.13);
- Windows shall cover the following minimum area of street-facing façades above the ground-floor level: (Subtitle K § 419.14);

Table K § 419.14: Minimum Percentage of Street-Facing Façades		
Location	Minimum Percentage	
	Non-Residential	Residential
Primary Street	35%	20%
Secondary Street	40%	20%

- Buildings and structures shall clearly articulate a base, middle, and top, except for row dwellings and flats (Subtitle K § 419.15);
- High quality, durable materials which enhance the building and convey permanence shall be required (Subtitle K § 419.16); and
- The use of synthetic stucco, vinyl siding, and/or other low-grade exterior finishes is prohibited (Subtitle K § 419.17).

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

22. Since the Property is located on Massachusetts Avenue, S.E., which is designated as a primary street pursuant to Subtitle K § 400.5(a), the following design requirements apply:
- Notwithstanding Subtitle K §§ 419.2 and 419.3, the fronts of buildings located at street intersections shall be constructed to the property lines abutting each intersecting street, without any setback, for a minimum of 50 ft. from the intersection, along each street frontage (Subtitle K § 420.2);

- The corner of the building at the intersection of two primary streets or a primary and secondary street shall incorporate articulation such as, but not limited to, being angled, curved, or chamfered to emphasize the corner (Subtitle K § 420.3);
- The distance from the corner shall not exceed twenty feet (20 ft.), measured from the corner of the lot to the end of the angled or curved wall segment (Subtitle K § 420.4);
- Entrances into a building shall be no more than 50 ft.)apart and recessed no more than six feet deep or 10 ft. wide (Subtitle K § 420.5);
- Buildings shall incorporate vertical elements in the street-facing façade to create a series of storefront-type bays where preferred uses are present; (Subtitle K § 420.6)
- Residential buildings shall have at least one primary entrance directly accessible from the public sidewalk (Subtitle K § 420.7); and
- Instead of the windows required by Subtitle K § 418.1(d), on primary streets artwork and displays relating to activities occurring within the building shall be permitted as a special exception if approved by the Commission pursuant to Subtitle X, provided the applicant demonstrates that:
 - The building has more than 50% of its ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters); and
 - The artwork or displays are consistent with the objective of providing a pleasant, rich, and diverse pedestrian experience.
 (Subtitle K § 420.8).

Mandatory Design Review Standards (Subtitle X § 604)

23. Except for a Design Review required by Chapter 7 of Subtitle I, Chapter 6 of Subtitle X applies to any instance when the Zoning Regulations require the Commission’s review of any building, structure, or use other than a campus plan pursuant to Subtitle X, Chapter 1. Such a review is referred to as a “Mandatory Design Review” (Subtitle X § 601.1).
24. In addition to the standards applicable to the Hill East Zone District, the Commission must evaluate and approve the Project according to the general design review standards of Subtitle X § 604, which include the following:
- The Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (Subtitle X § 604.5);
 - The Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9 (Subtitle X § 604.6);
 - The Commission shall review the urban design of the site and the building for the following criteria: (Subtitle X § 604.7)
 - Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:
 - Multiple pedestrian entrances for large developments;
 - Direct driveway or garage access to the street is discouraged;
 - Commercial ground floors contain active uses with clear, inviting windows;

- Blank façades are prevented or minimized; and
- Wide sidewalks are provided;
- Public gathering spaces and open spaces are encouraged, especially in the following situations:
 - Where neighborhood open space is lacking;
 - Near transit stations or hubs; and
 - When they can enhance existing parks and the waterfront;
- New development respects the historic character of Washington’s neighborhoods, including:
 - Developments near the District’s major boulevards and public spaces should reinforce the existing urban form;
 - Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and
 - Development should respect and protect key landscape vistas and axial views of landmarks and importance places;
- Buildings strive for attractive and inspired façade design, including:
 - Reinforce the pedestrian realm with elevated detailing and design of first and second stories; and
 - Incorporate contextual and quality building materials and fenestration;
- Sites are designed with sustainable landscaping; and
- Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:
 - Pedestrian pathways through developments increase mobility and link neighborhoods to transit;
 - The development incorporates transit and bicycle facilities and amenities;
 - Streets, easements, and open spaces are designed to be safe and pedestrian friendly;
 - Large sites are integrated into the surrounding community through street and pedestrian connections; and
 - Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.

Comprehensive Plan (Title 10A DCMR, the “CP” or “Comp Plan”)

25. The Comprehensive Plan’s 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.” (*See* 10A DCMR § 227.17). The “Medium Density Residential” designation is for “neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings.” (*See* 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.” (*See* 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.” (*See* 10A DCMR § 227.18).

26. 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.” (See 10A DCMR § 2503.2).
27. The Comprehensive Plan designates the Property as within the Capitol Hill Area Element.
28. The Property is subject to the objectives and recommendations of the Master Plan, which:
 - Envisions “[a]n urban waterfront district that serves the District of Columbia and connects the surrounding neighborhoods to the Anacostia River via public streets and green parks. It is a public resource hosting a mixture of uses, including health care, civic, residential, educational, community and other public uses. It is pedestrian-oriented, has a human scale, and is a convenient, safe and pleasurable place to visit, live, work and play” (Master Plan at p. 3); and
 - Provides nine core planning principles, among which include:
 - Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately scaled development;
 - 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; and
 - 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. (Master Plan at p. 15).

II. THE APPLICATION

The Project

29. The Application proposes to subdivide the Property and construct a new correctional facility (the “Project”) that will replace a portion of the CDF and be connected to the CTF, which will be renovated at a later date. 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).
30. Once subdivided,¹ the Property will be approximately 594,157 sq. ft. of land area encompassing Hill East Parcels L, N, and O (Ex. 3, 10A2).

¹ At the time of filing the Application, the Property consisted of a single record lot (Square 1112E, Lot 826). The Applicant states that the proposal intends to subdivide the Property into Parcels L, N, and O (Ex. 3).

31. 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, S.E. 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).
32. In total, the Project will have approximately 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).
33. The Project will be constructed to the following standards:
 - Approximately 1,125,772 sq. ft. of gross floor area (“GFA”) for a total floor-area-ratio (“FAR”) of 1.89²;
 - A maximum building height of 88 ft. for Building 1 and 46 ft. for Building 2. Each building will also have a mechanical penthouse;
 - A total lot occupancy of 42%;
 - Approximately 409 vehicular parking spaces and two loading berths; and
 - 12 short-term bicycle parking spaces and 63 long-term bicycle parking spaces.(Ex. 10A1-10A9).
34. As part of the Project, the Applicant proposes to extend the Massachusetts Avenue, S.E. 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).
35. 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).
36. 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

² This figure includes the existing CTF and the portion of the CDF that will remain on site.

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).

37. 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

38. 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).
39. On February 17, 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. The Applicant submitted revised architectural plans reflecting the foregoing changes (*See* Ex. 10A1-10A9);
 - **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. Specifically, the Applicant revised the width of the service road and reconfigured the bioretention area to provide more room to replant buffering trees along the shared lot line with Congressional Cemetery. These revisions required a narrowing and repaving of the internal access road at the southern end of the Property and a reconfiguration of the bioretention area. The Applicant states it will plant new trees on the southern and western side of the access road;
 - **Comprehensive Transportation Review:** The Applicant provided a Comprehensive Transportation Review prepared by Gorove Slade Associates, the Applicant’s transportation consultant, which included a draft Transportation Demand Management Plan (*See* Ex. 10B);
 - **Community Outreach:** The Applicant updated the Commission regarding community outreach conducted with ANC 7F, ANC 7D, ANC 6B and other organizations; and

- 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).
40. On March 3, 2025, the Applicant filed an update on review of the Project by CFA and the National Capital Planning Commission. Based on the revisions, the Applicant states that CFA voted to approve the concept submission for the Project (*See* CFA concept approval letter at Ex. 11A). The Applicant requested a waiver from Subtitle Z § 401.8 in order to make the filing within 30 days of the hearing date, which was granted by the Commission at the beginning of the March 17, 2025 public hearing (Ex. 11-11B; Tr. at pp. 6-7).
 41. 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.
 42. On March 31, 2025, the Applicant filed proposed findings of fact and conclusions of law pursuant to Subtitle Z § 601.1 (Ex. 20-20A).

Relief Requested

43. As a part of its Mandatory Design Review Application, the Applicant also requested the following flexibility and relief.
44. The Applicant requested special exception relief under Subtitle K § 412.1(k) to provide a large school government use at the Property (Ex. 3).
45. 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 (i.e., Massachusetts Avenue) be located no more than 50 ft. apart and recessed no more than six ft. deep or 10 ft. wide (Ex. 3).
46. 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, S.E. be dedicated to preferred uses, main building entrances or lobbies to office and residential uses; and
 - 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 a height of not less than 25 ft. (Ex. 3).

47. 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 Z § 702.8 to construct the Project in complete accordance with the final approved plans (Ex. 3).

Applicant's Justification for Design Review Approval

HE Zone Design Review Standards

48. Purposes of the Hill East Zone District (Subtitle K § 400.1) – The Application provides evidence that the Project meets the general purpose of the Hill East Zone Districts pursuant to Subtitle K § 400.1 (*see* FF No. 16 above), as follows:
- Pursuant to Subtitle K § 400.1(a), the Applicant asserted 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 a 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, S.E., as envisioned in the Master Plan (Ex. 3); and
 - 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 an 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 (Ex. 3).
49. Ground Floor Uses Where Required and Permitted (Subtitle K §§ 417, 418) – With respect to the ground floor use and design standards under Subtitle K § 417 and Subtitle K § 418, respectively, (*see* FF No. 17-19 above) 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 (as noted above and further discussed below). 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).
50. Design Conditions for the Hill East Zone District (Subtitle K § 419) – The Application provides evidence that the Project meets the general design conditions in the HE zones under Subtitle K § 419 (*see* FF No. 20 above), with the exception of Subtitle K § 419.3 from which the Applicant requests a waiver (as noted above and further discussed below), 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); and
- Subtitle K § 419.17 – The Project does not feature any stucco, vinyl siding or other low-grade exterior finishes (Ex. 3, 10A1-10A9).

51. Design Conditions for Buildings Located on Primary Streets (Subtitle K § 420) – The Application provides evidence that the Project meets the design conditions for a building located on a primary street under Subtitle K § 420 (*see* FF No. 21 above), with the exception of Subtitle K § 420.5 from which the Applicant requests area variance relief (as noted above and further discussed below), 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); and
- 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

52. The Applicant asserted that the Application met the general design review standards of Subtitle X § 604 because of the justifications detailed immediately below (Ex. 3, 3G).
53. Not Inconsistent with CP and Public Policies (Subtitle K § 604.5) – The Application provided evidence that the Project is not inconsistent with the Comprehensive Plan including its maps and policies when viewed through a racial equity lens, and other public policies, pursuant to Subtitle X § 604.5 as follows:
- FLUM: The Project is not inconsistent with the FLUM’s designation for the Property of Mixed-Use: “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 Project is also not inconsistent with the GPM’s designation for the Property within a Resilience Focus Area, since the Applicant plans to integrate green features into the Project such as LEED Silver certification and landscaping improvements along the Massachusetts Avenue frontage. The Application does not propose a zoning change and, therefore, is consistent with the Future Planning Analysis Area (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); and
- *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); and
- 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); and
- 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.

Racial Equity

54. The Comprehensive Plan also requires the Commission to evaluate all zoning actions through a racial equity lens (CP § 2501.8). Consideration of equity is intended to be based on the policies of the Plan and part of the Commission’s consideration of whether the design review in this case is “not inconsistent” with the Comprehensive Plan, rather than a separate determination about its equitable impact.
55. The Comprehensive Plan’s Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality (CP § 213.6). Further “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development and employment opportunities.” (CP § 213.7). The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions (CP § 213.9).
56. The Comprehensive Plan’s Implementation Element provides guidance for the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states that “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of difference areas in the District.” (CP § 2501.6). In addition, the Implementation Element suggests to prepare and implement tools to use as a

part of the Commission's evaluation process (CP § 2501.8). 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).

57. The Applicant provided the following information about the community and its outreach in its responses to the Community Outreach and Engagement component of the Commission's revised Racial Equity Analysis Tool.
- Community Outreach and Engagement: The Applicant has attended and presented at 23 community and stakeholder meetings in connection with the Project, including meeting with ANC 7F three times; ANC 7D three times; and ANC 6B once. The Applicant also met with the Council for Court Excellence and the Jails & Justice Task Force. The Applicant held several informational sessions as well (Ex. 3G, 10).
58. General Special Exception Criteria of Subtitle X, Chapter 9 (Subtitle X § 604.6) – 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); and
 - 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).
59. Urban Design Criteria (Subtitle X § 604.7) – The Application provided evidence that the Project meets the urban design criteria of Subtitle X § 604.7 (*see* FF No. 23 above) in a way that is superior to a matter-of-right development in accordance with Subtitle X § 604.8, 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 (Ex. 3);
- 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 (Ex. 3);
- 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. (Ex. 3); and
- 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 (Ex. 3).

Applicant's Justification for Zoning Relief and Design Waivers

Special Exception Relief – Large Scale Government Use

60. Pursuant to Subtitle K § 412.1(k) uses not permitted by Subtitle K § 410 and not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the general special exception criteria of Subtitle X § 901.2 and Subtitle K § 416.³ Additionally,

³ Subtitle K § 416, which applies to developments subject to inclusionary zoning requirement, is inapplicable to the Project.

an application for special exception relief within the HE zones must demonstrate compliance with the following general use provisions of Subtitle K § 413:

- Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby uses;
- The proposed building will comply with the applicable ground floor use and design requirements of Subtitle K §§ 416 through 419;
- The building's architectural design will enhance the urban design features of the immediate vicinity in which it is located; and
- Vehicular access and egress will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

(See Subtitle K §§ 412.1(k), 413.1).

61. 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); and
- *Will Not Tend to Affect Adversely Use of 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).

62. In addition to the general special exception standard, the Project meets the special conditions for a large-scale government use under Subtitle K § 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 approximately 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); and
- 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, S.E. All vehicular entrances will be restricted with a security gate or garage door (Ex. 3).

Area Variance Relief – Building Entrances Greater Than 50 Feet Apart

63. The Applicant asserted that it meets the area variance requirements of Subtitle X §§ 1000.1, 1002.1(a) for relief from the HE zone design requirement of having 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); and

- *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 (Ex. 3).

HE Design Waivers

64. The Application asserts good cause to grant a waiver from Subtitle K § 417.1(e), which requires 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 (Ex. 3).
65. 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 (Ex. 3).

III. RESPONSES TO THE APPLICATION

Office of Planning

66. OP submitted a report dated March 10, 2025 (the “OP Report”, Ex. 14A)⁴ 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 (with the exception of the waivers and relief requested) and the general design review criteria of Subtitle X § 604, including that the Project, on balance, is not inconsistent with the Comprehensive Plan maps and policies as viewed through a racial equity lens, as well as the Master Plan. The OP Report also recommended approval of the special exception relief, area variance relief, and design waivers requested by the Applicant.
67. In support of its recommendation that the Commission approve the Application, the OP Report made the following findings, among others:⁵
- **FLUM:** The new correctional facility will continue to be owned and operated by the District of Columbia and is therefore not inconsistent with the Local Public Facilities designation for most of the site. A portion of the overall property, Parcel L, and a portion of Parcel O, is recommended for a mixed use - residential, commercial and institutional uses. The mixed-use designation for Parcel L and a portion of Parcel O is reflective of the vision of the Hill East Master Plan that Parcel L be developed with a mix of correctional supportive facilities. However, due to the need to retain the residents onsite during the future demolition of the existing, outdated buildings and to have some supportive services closer to where the residents are housed, the new

⁴ The OP Report included a request (*see* Ex. 14) to reopen the record to accept the OP Report less than 10 days before the March 17, 2025 public hearing, which was granted by the Commission at the start of the hearing (Tr. at pp. 6-7).

⁵ Many of the contents of the OP Report are directly quoted in the following summary.

building would be located within the area designated for medium-density residential and commercial and institutional uses. In light of flexibility provided for mixed use designations, and the direction of the Master Plan and the HE zones, taken as a whole, the development is not inconsistent with the FLUM designations for the Property;

- GPM: Reservation 13 formerly housed the City’s hospital and other medical services, shelters and correctional facilities. The Hill East Master Plan outlines a vision for the redevelopment of the Hill East which includes the retention of the correctional facilities south of Massachusetts Avenue, S.E. while redeveloping the remainder of the site with a mixed-use community containing housing, affordable housing, retail, and parks and open space areas, as recommended by the FLUM, the Capitol Hill Area Element and the Reservation 13 Policy Focus Area. The development of Parcels L, N and O would be in line with the development envisioned for this Land Use Change Area. The proposal would implement and meet all applicable design guidelines for Hill East which aspire to create a high-quality neighborhood through exemplary site and architectural design and would be compatible to adjacent uses and future development envisioned for Hill East. The development would incorporate many climate resilient features including stormwater management and landscaping to minimize water run off to the Anacostia River. The Applicant states that they will continue to coordinate with DOEE on meeting applicable requirements. The future planning for the redevelopment of Reservation 13, which included significant public participation, has already taken place and resulted in the Council approved Master Plan for Reservation 13, Hill East Waterfront. To implement the recommendations of the Master Plan, the Hill East Zone and Design Guidelines were approved by the Zoning Commission. Any future planning for this area would not impact the Hill East site;
- Citywide Elements: The proposed development, including on and off-site improvements including the extension of Massachusetts Avenue, would not be inconsistent with the Citywide Elements of the Comprehensive Plan and would particularly further policies of the Land Use, Transportation, Environmental Protection, Urban Design, and Community Services and Facilities Elements.
 - *Land Use Element*: The proposed development would facilitate the redevelopment of the correctional facility south of Massachusetts Avenue, S.E. as envisioned by the Comp Plan and the Hill East Master Plan and would benefit the District as a whole. The correctional facility is in close proximity to the Stadium Armory Metro station and the development would provide improved bicycle and pedestrian access for visitors or employees. The proposed building along with future developments would lead to the revitalization of Hill East. The landscaping along Massachusetts Avenue and along other building frontages and pedestrian walkways would provide connections to the adjacent neighborhood and provide future connections to the waterfront. The proposal would particularly further the following policies:
 - Policy LU-1.3.1: Reuse of Large Publicly Owned Sites;
 - Policy LU-1.3.5: Public Benefit Uses on Large Sites;
 - Policy LU-1.3.6: New Neighborhoods and the Urban Fabric;
 - Policy LU-1.3.7: Protecting Existing Assets on Large Sites;
 - Policy LU-1.4.2: Development Around Metrorail Stations;
 - Policy LU-1.4.5: Design to Encourage Transit Use;

- Policy LU-1.4.7: Parking Near Metro Stations;
- Policy LU-1.4.9: Public Facilities;
- Policy LU-2.1.2: Neighborhood Revitalization; and
- Policy LU-2.2.4: Neighborhood Beautification;
- *Transportation Element*: The proposed development would include the extension of Massachusetts Avenue, S.E. through Hill East to the future Anacostia Waterfront area, and would provide connections to other neighboring streets. The Property is in close proximity to public transit, the Stadium-Armory Metrorail station, with connections to various train and bus routes would provide increased access to workers and visitors to the facility. The existing and proposed transportation improvements, including long- and short-term bicycle parking stations, would assist in creating a multi-modal environment where pedestrians, bicyclists, and motorists can navigate safely. A multi-modal transportation system serving the development would result in a more equitable network that provides greater accessibility to workers and visitors to the site. The proposed transportation demand management plan includes strategies to manage the traffic generated by the facility and minimize any adverse impacts to the surrounding roadways. The proposal would particularly further the following policies:
 - Policy T-1.1.3: Context-Sensitive Transportation;
 - Policy T-1.1.7: Equitable Transportation Access;
 - Policy T-1.2: Transforming Corridors;
 - Policy T-1.3.1: Transit-Accessible Employment;
 - Policy T-1.4.1: Street Design for Placemaking;
 - Policy T-2.2.1: Multimodal Connections;
 - Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning;
 - Policy T-2.3.3: Bicycle Safety;
 - Policy T-2.3.B: Bicycle Facilities;
 - Policy T-2.4.1: Pedestrian Network;
 - Policy T-2.4.2: Pedestrian Safety;
 - Policy T-2.5.5: Natural Landscaping; and
 - Policy T-3.1.1: TDM Programs;
- *Environmental Protection Element*: The proposed facility would incorporate energy efficient systems to reduce energy use. The development would be at a LEED Silver certification level and DOEE has made additional recommendations to the Applicant to further address energy and sustainability issues. The proposal would particularly further the following policies:
 - Policy E-1.1.2: Urban Heat Island Mitigation;
 - Policy E-2.1.3: Sustainable Landscaping Policy Practices; and
 - Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff;
- *Urban Design Element*: The proposed buildings would implement the applicable architectural elements required by the Hill East Design Guidelines. Design elements of the building façade would include a combination of glass, scrims, and a pronounced entrance giving the large building a strong architecture character befitting of a large-scale government building. The scale and massing of the buildings would be consistent with the HE-3 and HE-4 zones. The abutting

streetscape and landscaping would engender safe and active spaces and movement along Massachusetts Avenue and would allow for its extension towards the future waterfront area. The proposal would particularly further the following policies:

- Policy UD-1.3.6: Waterfront Access and Connectivity;
 - Policy UD-1.4.1: Thoroughfares and Urban Form;
 - Policy UD-1.4.3: Thoroughfare Vistas and View Corridors;
 - Policy UD-2.1.1: Streetscapes that Prioritize the Human Experience;
 - Policy UD-2.2.1: Neighborhood Character and Identity;
 - Policy UD-2.2.2: Areas of Strong Architectural Character;
 - Policy UD 4.1.1: Capital Improvements and Urban Design; and
 - Policy UD-4.2.1: Scale and Massing of Large Buildings;
- *Community Services and Facilities Element*: The proposed new facility would be designed with upgrades to safety and security systems, allow for electronic visits, and provide additional opportunities for the rehabilitation of residents. The proposal would particularly further the following policies/action:
 - Policy CSF-5.1.1: Ensuring Safety, Security, and Humane Operation;
 - Policy CSF-5.1.3: Information Systems; and
 - Action CSF-5.1.A: Planning and Design of Correctional Facilities;
- **Area Element**: The Hill East Master Plan envisioned the proposed correctional facility south of Massachusetts Avenue and would address implementing many of the policies for the creation of Hill East as a vibrant, mixed-use area. The buildings would be within the required building heights and generally meets the urban design elements. As required, Massachusetts Avenue would be extended to further towards the future waterfront park and would be complemented by extensive landscaping and would enhance pedestrian circulation. The proposal would particularly further the following policies:
 - Policy CH-1.2.3: L’Enfant Avenues;
 - Policy CH-2.4.1: Redevelopment of Public Reservation 13;
 - Policy CH-2.4.2: Reservation 13 as an Extension of Hill East;
 - Policy CH-2.4.4: Stadium-Armory Metro Station;
 - Policy CH-2.4.5: Reservation 13 Building Heights; and
 - Policy CH-2.4.A: Hill East/Reservation 13 Master Plan;
 - **Potential CP Inconsistencies**: OP identified the following CP policies which would not be advanced by the proposed development:
 - Policy LU-2.1.12: Reuse of Public Buildings;
 - Policy E-3.2.2: Net-Zero Buildings; and
 - Policy E-3.2.7: Energy-Efficient Building and Site Planning.The Applicant has stated that the existing CDF building is old, lacking in modern facilities and new technology and in general is not conducive to the goal of rehabilitation of its residents. To renovate the CDF building would be expensive and not cost effective. However, the CTF building is slated for renovation at a later date. The proposal would be constructed at a LEED Silver standard which is the minimum and does not meet the net-zero standards and would not incorporate alternative energy sources; and

- Hill East Master Plan: The proposed development would be wholly located to the area south of Massachusetts Avenue, S.E. and would help to implement the vision for Hill East as it would address public needs and provide a government service. The building heights would be as allowed in the HE-3 and HE-4 zones and would be consistent with the slope of the land down towards the Anacostia waterfront. Massachusetts Avenue would be extended and would be designed with bicycle lanes, pedestrian walkways and landscaping to create a “grand boulevard” and greater connectivity towards the future waterfront park. The development would include stormwater management systems, and extensive landscaping to create an environmentally sensitive design. Ample parking spaces would be provided on site to reduce parking on neighborhood streets along with opportunities for virtual visits and encouragement of persons to utilize the Stadium Armory Metro Station and buses to access the property to reduce traffic to the site.

68. The OP Report concluded that when viewed through a racial equity lens, using the Commission’s Revised Racial Equity Tool, the Project furthers racial equity policies of the Citywide Elements and the Capitol Hill Area Element for the reasons summarized above. The proposed development would also:

- Not result in the displacement of any residents or businesses;
- Not negatively impact housing affordability in the area; and
- Result in public space, streetscape and design improvements. Currently, the frontage along Massachusetts Avenue is mostly concrete for driveways and parking areas with very few trees or landscaping. The proposed development would provide landscaping and streetscape improvements along Massachusetts Avenue, S.E. to a degree greater than that recommended in the Hill East Master Plan and Hill East Design Guidelines, to be more accommodating to pedestrians, bicyclists and drivers. The development would comply with the Hill East Design Guidelines which envision the development of the overall Hill East into a community. The buildings would include superior urban design elements such as its vertical planes panels, opaque and translucent glass and aluminum along with horizontal projection interspersed on the façade. The design and cladding of the building would help to present a distinct architecture compatible with the present and future urban character of Hill East, and with the importance of Massachusetts Avenue, S.E. as a vibrant boulevard. The proposed public facility would have a distinctive architectural design along with the building materials. The sitting areas could provide a respite for pedestrian and bicyclist that travel down Massachusetts to future developments and the Anacostia Waterfront Park.

(Ex. 14A).

In response to Part 3 of the revised Racial Equity Analysis Tool, OP’s racial equity analysis stated that “the proposed correctional facility would have a citywide impact and is not expected to have a direct impact on the Capitol Hill demographics. The racial equity impact would be citywide.” Therefore, OP did not provide an analysis of disaggregated race and ethnicity data for the Planning Area but did include Citywide data (without analysis as to the zoning action’s potential outcomes) as an attachment to its report (Ex. 14A).

69. The OP Report included comments from DOEE. urging the Applicant to incorporate all-electric, net-zero energy design strategies in order to comply with the Greener Government Buildings Amendment Act of 2022 (Ex. 14A).
70. The OP Report did not request any conditions of approval (Ex. 14A).
71. At the March 17, 2025 public hearing, OP testified in support of the Application, including the requested relief (Hearing Transcript “Tr.” pp. 69-73).

DDOT Report

72. 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 the following revisions requested by DDOT:
 - Design at least one of the spaces for cargo or larger bikes to be served by an electrical outlet; and
 - Specify the number of long-term bike parking spaces to be located horizontally on the floor, designed with electrical outlets, and designed for cargo and larger bikes as follows:
 - 63 spaces horizontally on the floor (in bicycle lockers);
 - Seven spaces served by electrical outlets for e-bikes and scooters; and
 - Four spaces for cargo or larger bikes (10’x3’ rather than 6’x2’).
73. In its presentation at the public hearing on March 7, 2025, the Applicant agreed to the revisions requested by DDOT (Ex. 16A3).
74. At the public hearing on March 7, 2025, DDOT testified in support of the Application (Tr. at pp. 66-69).

ANC Reports

75. 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 and noted its intention to seek further conversations with DOC and the other two affected ANCs (ANCs 7D and 7F) to help make the construction process easy on all the neighbors.
76. 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.

77. ANC 7F did not submit a report to the case record or appear or provide testimony at the public hearing.

Letters in Support, Opposition, or Undeclared

78. There was one letter of support filed in the case record and no letters of opposition. No individuals or groups testified in support or opposition at the public hearing (Ex. 18).
79. Ernest Johnson filed written comments stating that the Project should address past failures including inmate deaths, recidivism, and poor conditions. His comments note that community engagement needs to be a “cornerstone of this effort.” (Ex. 4).

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 zones, 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, S.E., the Applicant is required to comply with the primary streets criteria of Subtitle K § 420. Subtitle X § 604 also provides the Applicant must meet the special exception standards of Subtitle X, Chapter 9, and general design review standards/criteria.
4. Section 8 of the Act authorizes the Commission to grant special exceptions, as provided in the Zoning Regulations under Subtitle X § 901.2, 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 Maps; and
 - c. Complies with the special conditions specified in the Zoning Regulations.
5. Section 8 of the Act authorizes the Commission to grant area variances, as provided in the Zoning Regulations under Subtitle X § 1002.1(a), where, in the judgment of the Commission:
 - a. The Property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
 - b. The owner would encounter practical difficulties if the zoning regulations were strictly applied; and
 - c. 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. Pursuant to Subtitle K § 409.2, for good cause shown, the Commission, in its discretion, may waive one or more of the HE zone District design standards in Subtitle K §§ 417 through 419.
 7. Pursuant to Subtitle K § 409.3, the Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property, including the special exceptions provided for in this chapter. Such requests shall be advertised, heard, and decided together with the application for Commission review and approval.
 8. 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)

9. Based on the case record and the Findings of Fact herein, 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.
10. 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”] 16, 47, 65).

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.

11. 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 16, 47, 65).

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.
12. 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 13, 14, 16, 47, 65).

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.
13. 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 13, 14, 16, 47, 65).

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.
14. 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 16, 47, 65).

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.
15. The Project will achieve LEED Silver certification and incorporates new landscaping and bioretention at the Property (FF 16, 47, 65).

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.
16. 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 approximately 409 parking spaces and a Transportation Demand Management Plan that incorporates revisions requested by DDOT reduces the impact of parking and traffic on the neighborhood as well (FF 16, 47, 65, 71, 72).

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

17. The Project will be located to the south of Massachusetts Avenue, S.E. (FF 16, 47, 65).

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.

18. 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 16, 47, 65).

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

19. Based on the case record and the Findings of Fact herein, the Commission concludes that the Application complies with the ground floor use requirements set forth in Subtitle K § 417 for the reasons discussed in FF No. 48, except for the waiver requested from the requirements of Subtitle K § 417.1(e), which is discussed in Conclusion of Law (“COL”) No. 29 below (FF 17, 18, 63).

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

20. Based on the case record and the Findings of Fact herein, the Commission concludes the design standards for ground floor uses are inapplicable because the Project does not provide a preferred use (FF 19, 48).

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

21. Based on the case record and the Findings of Fact herein, the Commission concludes that the Application complies with the general design requirements in the HE Zones set forth in Subtitle K § 419 for the reasons discussed in FF No. 49, except for the waiver requested from the requirements of Subtitle K § 419.3, which is discussed in COL No. 30 below (FF 20, 64).

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

22. Based on the case record and the Findings of Fact herein, the Commission concludes the design conditions for a building on a primary street set forth in Subtitle K §§ 420.2, 420.3, 420.4, 420.6, 420.7, and 420.8 are inapplicable for the reasons discussed in FF No. 50 and

the Applicant has otherwise obtained area variance from the requirements of Subtitle K § 420.5, which is discussed in COL No. 27 below (FF 21, 62).

Special Exception Relief

23. Based on the case record and the Findings of Fact herein, 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 that a special exception to allow a large-scale government use will not tend to affect adversely the use of neighboring property 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 59, 60).
24. The Commission further concludes the Application satisfies the special conditions for a large-scale government use under Subtitle K § 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 creates 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 59, 61).

Area Variance Relief

25. 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.”

26. 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).
27. Based on the case record and the Findings of Fact herein, 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 difficulty 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 62).

Waivers

28. 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.
29. Based on the case record and the Findings of Fact herein, the Commission finds good cause to waive Subtitle K § 417.1(e) 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 63).
30. Based on the case record and the Findings of Fact herein, 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 64).

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

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

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

32. 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 52-56).
33. 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 maps and elements and other adopted public policies and active programs related to the site. 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 24, 66);
 - *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. The Project is also not inconsistent with the GPM's Resilience Focus Area designation for the Property, since the Project integrates green design features such as landscaping improvements along the Massachusetts Avenue frontage as well as LEED Silver certification (FF 25, 66);
 - *Citywide Elements*: The Project is not inconsistent with a number of policies reflected in the Comprehensive Plan's Citywide Elements, including the Land Use, Transportation, Environmental Protection, Urban Design, and Community Services and Facilities 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 an architectural and site design improvement over the existing CDF and CTF. The Project employs quality materials to create a civic building that is consistent with the vision for the Hill East neighborhood. The Project is a correctional facility that focuses on education and vocational training, rehabilitative services, substance abuse, behavioral, and mental health treatment programs, and reentry supportive services (FF 66);
- *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 setback from lower-scale row house neighborhoods to the west (FF 26, 66); and
 - *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 27, 66).

34. Potential CP Inconsistencies: As stated above, the Commission has determined that the Project is not inconsistent with the CP when read as a whole. In assessing the Project’s CP consistency, the Commission must acknowledge instances where the Project may be inconsistent with CP policies and explain why such inconsistencies are outweighed by other competing CP policies and considerations (*See D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013); *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016); and CP § 2504.6 (“[r]ecognize the overlapping nature of the [CP] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.”)). According to the CP evaluation in the OP Report, there is potential that the Project is inconsistent with the Land Use Element policy related to the reuse of public buildings (LU-2.1.12) and the Environmental Protection Element policies related to net-zero buildings (E-3.2.2) and energy-efficient buildings and site planning (E-3.2.7). The Commission concludes that these potential inconsistencies are outweighed by the Project’s overall consistency with numerous other CP policies, particularly those described above (FF 52, 66).

Racial Equity

35. The Commission concludes that the Project is not inconsistent with the Comprehensive Plan when viewed through a racial equity lens. The Commission reaches its conclusion based on the racial equity analyses provided by the Applicant, inclusive of community outreach and engagement information, and the OP Report (FF 56, 67).
36. Applicant’s Racial Equity Analysis. The Commission finds that the Applicant’s racial equity analysis addresses the components of the revised Racial Equity Analysis Tool. The Commission notes the following from the Applicant’s analysis:
- Community Outreach and Engagement: The Applicant’s racial equity analysis indicates that it conducted community outreach and engagement, including meetings with ANC 7F, ANC 7D, and ANC 6B. In addition, the Applicant also met with the

Council for Court Excellence and the Jails & Justice Task Force. The Commission notes that ANCs 6B and 7D each submitted reports in support of the Application. Therefore, the Commission believes that the Applicant did conduct significant outreach with the community, including the ANCs, and that the resulting Project was informed and shaped by its engagement with the community (FF 56, 74, 75).

37. OP's Racial Equity Analysis. The Commission finds that OP's racial equity analysis addresses the components of the revised Racial Equity Analysis Tool. The Commission notes the following from OP's analysis:
- Disaggregated Race and Ethnicity Data: The Commission notes OP's decision not to include disaggregated race and ethnicity data for the Capitol Hill Planning Area in its racial equity analysis, in response to Part 3 of the revised Racial Equity Analysis Tool. Given that the Application does not propose any residential uses, the Commission concurs with OP's judgment not to provide disaggregated race and ethnicity data for the affected Planning Area. However, the Commission did find the Project will result in public space, streetscape, and design improvements that are compatible with the Master Plan and urban character of the Hill East area (FF 67).

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

38. 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.
39. 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 13, 14, 57).
40. 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 57).

Satisfaction of Urban Design Criteria (Subtitle X § 604.7)

41. 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 accordance 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.

42. 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 58).

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

43. 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 58).

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.

44. The Project extends Massachusetts Avenue and creates public space that encourages multi-modal transportation and access to the Anacostia waterfront. The Project creates a 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 contribute to the overall neighborhood’s architectural character (FF 58).

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.

45. The Project’s façade incorporates the perforated scrim that is broken up with horizontal leaves and the large public entrance. These 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 58).

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

46. The Project will have sustainable landscaping throughout the site, including in the bioretention areas (FF 58).

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.

47. The Project will create 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 58).

“Great Weight” to the Recommendations of OP

48. 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, 1086-87 (D.C. 2016)).
49. 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. The Commission finds OP’s recommendation to approve the Application, including the requested waivers, special exception, and area variance, persuasive and concurs with this judgment (FF 65-70).

“Great Weight” to the Written Report of the ANC

50. 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 (*See* 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)).
51. The ANC 6B Report and ANC 7D Report recommend support for the Application without raising any issues or concerns. The Commission concurs with the recommendations of ANC 6B and ANC 7D to approve the Application (FF 74, 75). As noted in the ANC

Reports and the comments submitted by Ernest Johnson, the Commission strongly encourages the Applicant to continue community outreach and engagement efforts during development of the Project (FF 74, 75, 78).

52. ANC 7F did not submit a written report into the case record and, therefore, there is nothing to which the Commission can give “great weight.” (FF 76).

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(k);
- Area variance relief from the HE zone design requirement pertaining to building entrances along a primary street under Subtitle K § 420.5;
- Waivers from the ground floor preferred use requirements of Subtitle K § 417.1(e) and the design conditions of Subtitle K § 419.3; 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 Ex. 3F1-3F9, as modified in the Applicant’s supplemental statement dated February 17, 2025 at Ex. 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. To vary the exterior materials to make minor refinements in general design of the project to comply with the requirements of and the approval by the U.S. Commission of Fine Arts or the National Capitol Planning Commission; and
 - f. 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; and
 - 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 spaces shall be served by electrical outlets for e-bikes and scooters. Four spaces shall be for cargo or larger bikes (10'x3' rather than 6'x2'), with at least one of those spaces to be served by an electrical outlet;
 - c. Provide at least 6 showers and 35 lockers for use by employees; and
 - d. Install a minimum of 9 electric vehicle (EV) charging spaces on site.

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

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

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Z.C. Order No. 24-21 shall become final and effective upon publication in the *District of Columbia Register*; that is, on February 20, 2026.

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.