

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA ZONING
COMMISSION ORDER NO. 24-23A

Z.C. Case No. 24-23A

Cedar Tree Academy Public Charter School
(Modification with Hearing of Approved
Design Review in NHR Zone @ Square 5861, Lot 89)
February 5, 2026

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a virtual public hearing on February 5, 2026 to consider the application (the “Application”) of Cedar Tree Academy Public Charter School (“Applicant”) for a Modification with Hearing to an approved design review in the Northern Howard Road (“NHR”) Zone District granted under Z.C. Case 24-23 (the “Original Approval”) for the property at 701 Howard Road, S.E. (Square 5861, Lot 89) (the “Property”).

The Commission reviewed the Application pursuant to Subtitle Z, Chapter 4 and Chapter 7 of the Zoning Regulations for 2016, Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations” or “ZR-16”). For the reasons stated below, the Commission hereby APPROVES the Application.

FINDINGS OF FACT

I. BACKGROUND

Parties

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant; and
 - Advisory Neighborhood Commission 8A (the “ANC”), the ANC in which the Property is located and, therefore, an “affected ANC” pursuant to Subtitle Z § 101.8; and
 - ANC 8C was also an automatic party by virtue of the fact that its boundary begins directly across the street from the Property; however, ANC 8C did not participate in the case.
2. The Commission received no requests for party status.

Notice

3. Pursuant to Subtitle Z § 301.6, on August 26, 2025, the Applicant mailed a Notice of Intent to file a Zoning Application to all property owners within 200 feet of the Property and to the ANC (Ex. 3B).

4. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) provided notice of the February 5, 2026 virtual public hearing, by a letter dated November 12, 2025, with the Notice of Public Hearing sent to:
 - The Applicant;
 - ANCs 8A and 8C;
 - ANC Single Member District (“SMD”) 8A06 and 8C01;
 - Ward 8 Councilmember;
 - Office of ANCs;
 - Office of Planning (“OP”);
 - D.C. Department of Transportation (“DDOT”);
 - D.C. Department of Buildings (“DOB”);
 - OZ Legal Division’s (“OZLD”) lead attorney;
 - D.C. Department of Energy and Environment (“DOEE”);
 - At-Large Councilmembers and the Chairman of the Council; and
 - Owners of property within 200 feet of the Property.(Ex. 12-13).
5. Publication of the Notice of Public Hearing in the November 21, 2025, edition of the *District of Columbia Register* at 72 DCR 12989 *et seq.* (Ex. 11).
6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on January 13, 2026, and maintained such notice in accordance with Subtitle Z § 402.10 (Ex. 14A, 19).¹

The Property

7. The Property is comprised of 77,530 sq. ft. of land area and is located in the NHR zone. The Property is improved with a three-story school building (the “Existing Building”) that has been used by the Applicant since 2013. There are two curb cuts, a 37-space parking lot, playground, basketball court and open green space (Ex. 3).

The Original Approval

8. By Order dated February 24, 2025, and effective August 15, 2025 (the “Original Order”), the Commission approved mandatory design review to allow the Applicant to demolish the Existing Building and construct a new, four-story school building with approximately 77,329 sq. ft. of gross floor area and 33 vehicular parking spaces (the “Approved Project”).
9. As part of the Original Approval, the Zoning Commission also granted special exception relief from the minimum residential FAR requirements of Subtitle K § 1001.3.

¹ At the hearing on February 5, 2026, the Commission granted the Applicant’s Motion to Waive the requirement of Subtitle Z § 402.3 that the public notice be posted no less than 40 days in advance of the hearing. The Applicant posted notice 22 days prior to the hearing (Ex. 14-14B).

II. THE APPLICATION

Design Review Modification

10. The Application proposes to re-design the Project to incorporate the Existing Building with a new rear addition (the “Revised Project”). The Revised Project will also include façade upgrades to the Existing Building. As modified, the Revised Project would include the following:
 - Approximately 62,541 sq. ft. of gross floor area for a total floor-area-ratio (“FAR”) of 0.80;
 - A maximum building height of 42’6”;
 - A maximum lot occupancy of 27%;
 - 34 vehicular parking spaces with a loading access area; and
 - 4 long-term bicycle parking spaces, 14 short-term bicycle parking spaces, 3 showers and 3 lockers.(Ex. 3, 3G1-3G7).
11. The Applicant is pursuing the Revised Project due to rapidly shifting financing dynamics, including a reduction in the Office of State Superintendent of Education’s “uniform per student funding formula” as well as cuts to the U.S. Department of Education (Ex. 3).
12. The Revised Project will incorporate 32 classrooms, a new cafeteria, gymnasium and library. The Revised Project will maintain existing green space for student play and provide new bioretention and landscape features (Ex. 3).
13. The Revised Project uses the Existing Building’s parking area, with a re-striping to incorporate a loading access area. The parking area is accessed from two curb cuts off Howard Road, S.E.
14. As part of the Application, the Applicant is requesting zoning relief as described below.
 - Special exception relief from:
 - Subtitle K § 1001.3 requiring a minimum residential FAR of 2.5;²
 - Subtitle K § 1001.9 requiring a rear yard of 2.5 inches per foot of building height, but not less than 12 feet;
 - Subtitle K § 1004.3(a) requiring buildings with frontage on a designated street to have a ground floor with a minimum clear height of 14 feet;
 - Subtitle K § 1004.3(b) requiring buildings with frontage on a designated street to devote 50% of the surface area to display windows or pedestrian entrances; and
 - The minimum vehicular parking requirements pursuant to Subtitle C § 703.2.
 - Variance relief from:
 - Subtitle K § 1008.1 requiring LEED v4.1 Gold level.

² Special exception relief from Subtitle K § 1001.3 was granted in the Original Order.

Applicant's Submissions and Testimony

15. On October 17, 2025, the Applicant filed the initial Application and related materials (Ex. 1-3H). The supporting materials include an evaluation of the Application's consistency with the Comprehensive Plan as viewed through a racial equity lens (Ex. 3C).
16. On January 5, 2026, the Applicant filed a supplemental statement, as permitted under Subtitle Z § 401.5, which included the following:
 - Updated Site Plan: The Applicant provided an updated site plan to reflect a revised parking area for appropriate truck turning radius. The revised parking area resulted in a reduction of one parking space from 35 spaces to 34 spaces;
 - Transportation Review: The Applicant provided a Transportation Memorandum analyzing the Revised Project prepared by Symmetra Design, the Applicant's transportation consultant;
 - Revisions to Conditions in Original Order: The Applicant detailed minor revisions to conditions in the Original Order. The revisions account for flexibility in the Revised Project's LEED certification and the location of solar panels. The revisions also update conditions for transportation demand management and the performance monitoring plan;
 - Community Outreach: The Applicant updated the Commission regarding the support of ANC 8A; 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. 7-7D).
17. On January 13, 2026, the Applicant filed a Motion to Waive the requirements of Subtitle Z § 402.3 and Subtitle Z § 402.8 pertaining to the posting of public notice and filing of the affidavit of posting.³
18. On January 28, 2026, the Applicant filed a revised Transportation Memorandum prepared by Symmetra Design to address questions and comments from DDOT. The Applicant requested a waiver from Subtitle Z § 401.8 in order to make the filing within 30 days of the hearing date (Ex. 18-18B).⁴
19. On February 2, 2026, the Applicant filed a PowerPoint presentation for the February 5, 2026 public hearing (Ex. 20). At the hearing, three witnesses testified during the Applicant's presentation: Dr. Latonya Henderson, Executive Director of the Applicant; Luis Boza from A2 Design, Inc.; and Nicole White from Symmetra Design. Mr. Boza and Ms. White were accepted as expert witnesses by the Commission.

³ At the February 5, 2026, public hearing, the Commission granted this waiver request.

⁴ At the hearing on February 5, 2026, the Commission granted the Applicant's Motion to Waive the requirement of Subtitle Z § 401.8.

20. On February 13, 2026, the Applicant provided proposed findings of fact and conclusions of law pursuant to Subtitle Z § 601.1 (Ex. 22, 22A).

III. Applicant's Justification

21. The Application provides evidence that the Revised Project meets the standards for a modification pursuant to Subtitle Z § 704 and is consistent with the design guidelines and standards of the NHR zone as set forth under Subtitle K § 1005.2, 1005.3 as follows:
- The Revised Project continues to achieve the objectives of the NHR zone by complementing the high-density mixed-use neighborhood with an improved public elementary school. The façade upgrades and new rear addition are intended to modernize the school building and create a more inviting entrance area along Howard Road, S.E. (Ex. 3);
 - The Revised Project minimizes conflict between vehicles, bicyclists and pedestrians by largely maintaining existing conditions. The Revised Project uses the existing drive aisle that allows for safe pick-up/drop-off of students to occur on site (Ex. 3);
 - The Revised Project minimizes unarticulated blank walls through the use of materiality, such as corrugated perforated metal, a varied color palette and architectural flourishes, including the covered egress stair at the rear of the building. The Revised Project also incorporates some of these architectural elements at the frontage of the Existing Building in order to modernize and eliminate the building's otherwise unarticulated walls facing Howard Road (Ex. 3);
 - The rear addition will achieve LEED-Silver certification and the Revised Project will incorporate solar panels to achieve on-site renewable energy goals in the NHR zone (Ex. 3); and
 - The Revised Project does not alter the Applicant's compliance with the requirements of Subtitle K § 1005.3.

The Applicant expanded on this explanation by further stating:

- Subtitle K § 1005.2(a) – Help achieve the objectives of the NHR zone defined in Subtitle K § 1000.1:
 - The Revised Project will help to achieve the objectives of the NHR zone, which is intended for a mixture of residential and commercial uses, including encouraging visitor-related uses like retail and entertainment, with a suitable height, bulk and design of buildings as indicated in the Comprehensive Plan (Subtitle K § 1000.2(a-b)). As with the Approved Project, the Revised Project is not specifically a residential or commercial use, but the Revised Project will provide an education use that complements the high-density mixed-use development that is expected on Howard Road;
 - The Revised Project will construct a modern new addition that will incorporate superior architectural styling (Subtitle K § 1000.2(d)). The Revised Project also modernizes the exterior of the Existing Building along Howard Road by incorporating similar materiality to the addition with a new awning and signage. The proposed changes to the Existing Building are intended to improve the

Property's connection with Howard Road by creating a more inviting entrance area in lieu of sitting the building closer to Howard Road as proposed in the Approved Project (Subtitle K § 1000.2(f)); and

- The Revised Project will provide designated locations for long- and short-term bicycle parking, continuing to complement a potential bicycle track on Howard Road (Subtitle K § 1000.2(f-g));
- Subtitle K § 1005.2(b) – Help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses:
 - As with the Approved Project, the Revised Project proposes a public education use that is permitted matter-of-right in the NHR zone, albeit not a preferred use identified in Subtitle K § 1005.2(b). However, the NHR zones identifies other preferred uses – including a public education use – to be located at any building frontage on a designated street. See Subtitle K § 1004.2(d). The Revised Project continues to meet this requirement by providing a preferred education use in the entire building frontage on Howard Road;
- Subtitle K § 1005.2(c) – Provide streetscape connections for future development on adjacent lots and parcels, and be in context with an urban street grid:
 - The Project does not propose changes to the existing streetscape. Nonetheless, the Property has been improved with a school use for over twenty years and provides safe pedestrian access;
- Subtitle K § 1005.2(d) – Minimize conflict between vehicles, bicycles, and pedestrians:
 - The Revised Project will largely maintain existing conditions with respect to vehicular, bicycle and pedestrian access to the site. The Revised Project will incorporate the existing drive aisle, which allows for pick-up/drop-off to occur on site. There is an existing walkway that will provide direct pedestrian access to both the existing entrance and the proposed entrance in the rear addition. The Revised Project also provides short-term bicycle parking adjacent to the existing entrance, thereby limiting potential conflict between bicycles and vehicles in the drive aisle and parking area;
- Subtitle K § 1005.2(e) – Minimize unarticulated blank walls adjacent to public spaces through façade articulation:
 - The proposed rear addition will incorporate façade articulation through the use of materiality, such as corrugated perforated metal, a varied color palette and architectural flourishes, including the covered egress stair at the rear of the building. The Revised Project also incorporates some of these architectural elements at the frontage of the Existing Building in order to modernize and eliminate the building's otherwise unarticulated walls facing Howard Road;
- Subtitle K § 1005.2(f) – Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards:
 - By reusing the Existing Building, the Revised Project presents a more sustainable option as compared to the proposed demolition and new build in the Approved Project. The Revised Project will achieve LEED certification, albeit not at the Gold level. The Revised Project incorporates solar panels on the Existing Building to achieve the on-site renewable energy goals for the addition as set forth in Subtitle

K § 1008.2. The Revised Project will also preserve a majority of the on-site trees, provide new landscaping, and provide new bioretention areas to meet stormwater management requirements;

- Subtitle K § 1005.2(g) – Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses:
 - The proposed public school use will inherently promote safe and active streetscapes in the neighborhood. The proposed modifications to the Existing Building are intended to better identify the pedestrian entrance to the school building. The Revised Project also proposes new landscaping and replacement fencing along the Property’s frontage. With the potential expansion of the Applicant’s school capacity, the Property will be naturally activated with more students;
- Subtitle K § 1005.3(a) – Coordination by the applicant with the Department of Employment Services (DOES) regarding apprenticeship and training opportunities during construction and operation at the subject site, and the provision of any internship or training opportunities during construction and operation at the subject site, either with the applicant or with contractors working on the project independent of DOES:
 - During the Approved Case, the Applicant engaged a local organization in Ward 8 and a citywide organization that both individually operate a DOES-approved paid apprenticeship and training program for local high school and college students in construction as well as operations and will also refer interns to the Applicant. Accordingly, the Applicant, its general contractor, and Community College Preparatory Academy (“CC Prep”) in Ward 8 are creating an apprenticeship and internship program partnership for individuals in the HVAC industry. CC Prep currently offers HVAC certificate courses;
- Subtitle K § 1005.3(b) – Efforts by the applicant to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the proposed project:
 - During the Approved Case, the Applicant hosted a Certified Business Entity (“CBE”) outreach meeting to introduce the project and gauge initial interest from local contractors. Thereafter, local businesses submitted proposals to the Applicant’s general contractor for construction subcontracts. The Applicant expects to have construction subcontracts with the local businesses in Wards 7 and 8. As noted in the Approved Case, local businesses will only be included in construction, as the Applicant must operate the public charter school;
- Subtitle K § 1005.3(c) – Efforts by the applicant to provide retail or commercial leasing opportunities to small and local businesses, especially Ward 8 businesses, and efforts to otherwise encourage local entrepreneurship and innovation:
 - While the Applicant strongly supports Ward 8 and its businesses, this requirement is not applicable due to the public school use proposed by the Revised Project; and
- Subtitle K § 1005.3(d) - Coordination by the applicant with the State Archaeologist and any plans to study potential archeological resources at the subject site, and otherwise recognize local Anacostia history:
 - In connection with the Approved Project, the Applicant met with the State Archaeologist on November 21, 2024. At the direction of the State Archaeologist,

the Applicant contracted with Wetland Studies and Solutions, Inc., which prepared a Work Plan for the State Archaeologist's approval. The State Archaeologist later approved the Work Plan, which is applicable to the Revised Project. The Applicant expects to recognize local Anacostia history in an educational design feature for the Revised Project.

22. The Application provides evidence that the Revised Project meets the standards for a modification pursuant to Subtitle Z § 704 and is consistent with the general design review standards as set forth under Subtitle X § 604 as follows:
- The Revised Project is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs, as the Commission found in the Original Order⁵ (Ex. 3; see Z.C. Order No. 24-23 Conclusions of Law 22-24). The Applicant provided a racial equity analysis in accordance with the Commission's Racial Equity Tool, including evidence of its community outreach and engagement efforts regarding the Approved and Revised Project with ANC 8A as well as the existing students and students' families of the Applicant (Ex. 3C);
 - The Revised Project meets the general special exception criteria, as the Commission found in the Original Order (Ex. 3; see Z.C. Order No. 24-23 Conclusions of Law 25-27);
 - The Revised Project features street frontages that are designed to be safe, comfortable and to encourage pedestrian activity. The Revised Project provides two entrances with access from an internal walkway. The architecture is intended to create a playful and inviting atmosphere. The Revised Project uses the existing curb cuts to continue to provide for pick-up/drop-off on site (Ex. 3);
 - The Revised Project maintains a large open green space to provide a recreation and play area for students (Ex. 3);
 - The Revised Project will incorporate landscaping along Howard Road and maintain a majority of existing trees along the eastern side of the Property. The Revised Project will also have modern stormwater management features, including several bioretention areas, in accordance with current regulations (Ex. 3); and
 - Although the Revised Project will not include extensive public space improvements, the existing sidewalk has been used to provide safe access to the school. The Revised Project will also feature new bicycle parking and replacement of fencing around the Property (Ex. 3).
23. The Applicant requested special exception relief from the requirements of Subtitle K § 1001.3 for minimum residential FAR of 2.5. The relief was requested because the Revised Project does not provide any residential FAR. The Commission granted relief from this requirement under the Original Order and the Commission's previous conclusion that

⁵ The Commission finds that the revisions to the Project do not impact the Commission's prior conclusion that the Project was not inconsistent with the Comprehensive Plan and therefore the scope of the hearing did not include revisiting this conclusion.

the relief was justified is not impacted by the Revised Project (Ex. 3; see Z.C. Order No. 24-23 Conclusions of Law 35-36).

24. The Applicant requested special exception relief from the requirements of Subtitle K § 1001.9 for minimum rear yard of 2.5 inches per foot of building height. Based on the Revised Project's building height, the Revised Project must provide a minimum rear yard of 12 feet but is not providing any rear yard. The Application asserted the special exception standard was met, pursuant to Subtitle X Chapter 9 and Subtitle K § 1006.3, as follows:
- The relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps. The unique shape of the Property creates a condition where the Revised Project has a setback between 9 feet and 13 feet from the southeastern part of the rear lot line. Additionally, without relief, the rear addition would be considerably narrower, thereby reducing critical space for the Applicant's classrooms and other support functions;
 - The relief does not adversely affect the use of neighboring properties as there are no active uses to the rear of the Property. The Property abuts open green space owned by the federal government and the I-295 highway ramp;
 - The Revised Project meets the special conditions for rear yard relief under Subtitle K § 1006.3; and
 - The relief does not impact the Revised Project's compliance with the purposes of the NHR zone.
- (Ex. 3).
25. The Applicant requested special exception relief from the designated street design standards under Subtitle K § 1004.3. Under Subtitle K § 1004.3(a), the Revised Project's ground floor must have a minimum clear height of 14 feet for a depth of at least 36 feet from the building line on Howard Road, S.E. The Revised Project will have a ground floor that is 8'6" from floor-to-ceiling. Under Subtitle K § 1004.3(b), the Revised Project's ground story must have at least 50% surface area facing a designated street dedicated to display windows or pedestrian entrances with clear low-emissivity glass, and the view must not be blocked for 10 feet from the building face. The Revised Project will not have a ground story that is at least 50% display windows and pedestrian entrances. The Application asserted the special exception standard was met, pursuant to Subtitle X, Chapter 9, as follows:
- The relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Revised Project incorporates the Existing Building with only minor exterior façade upgrades. However, the Existing Building was constructed prior to the creation of the NHR zone and is not compliant with the designated street design requirements. Meeting these design requirements would require substantial changes to the Existing Building that would make the Revised Project infeasible;
 - The relief is from a design standard, which will not adversely affect the use of neighboring property; and

- The Revised Project is intended to meet the purposes of the NHR zone by updating the Existing Building's frontage in order to modernize the façade and create a stronger architectural connection to the surrounding neighborhood. The rear addition aims for a modern, playful architecture that will be consistent with the surrounding neighborhood. (Ex. 3).

26. The Applicant requested special exception relief from the vehicular parking requirements pursuant to Subtitle C § 703.2. The Revised Project will provide 34 parking spaces where 37 spaces are required. The Application asserted the special exception standard was met, as follows:

- The relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Revised Project was constructed pursuant to the Zoning Regulations of 1958 and, therefore, is required to maintain the same number of parking spaces that serves the Existing Building pursuant to Subtitle C §§ 701.10 and 701.14. However, under the Zoning Regulations of 2016, the Revised Project would well exceed the minimum requirement of 8 parking spaces. Additionally, as part of the Original Order approval, DDOT found that 33 parking spaces were more than practically needed to serve the school;
- The relief will not adversely affect the use of neighboring property as the Revised Project proposes only a modest reduction of three spaces. The Property is also in close proximity to Metrorail and Metrobus, providing several alternative forms of public transportation to the Revised Project; and
- The Revised Project meets the special conditions for vehicular parking relief pursuant to Subtitle C § 703.2, including that the Revised Project will largely maintain the existing drive aisle and parking area (Subtitle C § 703.2(a)), the Revised Project is particularly well-served by public transportation (Subtitle C § 703.2(b)), and the nature of the public school use is expected to generate less demand for parking than the minimum 34-space requirement (Subtitle C § 703.2(e)). Further, the reduction of three spaces is proportionate to the reduction in demand (Subtitle C § 703.3(a)), the Applicant cannot provide additional parking spaces on site (Subtitle C § 703.3(b)) and the Applicant is only seeking relief from the number of parking spaces (Subtitle C § 703.3(c)).

(Ex. 3).

27. The Applicant requested area variance relief from the requirements of Subtitle K § 1008.1 that all new or substantially improved buildings in the NHR zone achieve LEED v.4.1 Gold Certification for new construction. The Revised Project will not achieve LEED-Gold certification. The Application asserted the area variance standard was met, pursuant to Subtitle X § 1002.1(a), as follows:

- The Revised Project is affected by an exceptional or unique condition because it incorporates the Existing Building, which was constructed in 2002 before the creation of the NHR zone and is not LEED certified;
- Strict application of the requirements of Subtitle K § 1008.1 creates a practical difficulty because the Revised Project is incorporating the Existing Building with only

- minor changes to its interior features. To achieve LEED Gold certification for new construction, the Revised Project must meet certain conditions in a variety of disciplines, including location/transportation, water efficiency, energy usage, materials, and indoor environmental quality; however, several of the disciplines are reliant on conditions within the Existing Building, including water use reduction, energy performance and indoor air quality. This creates a practical difficulty in the Revised Project achieving LEED Gold certification; and
- The requested relief will not be of substantial detriment to the public good or the zone plan. The Revised Project will substantially improve the Property while providing a new facility for the Applicant's students and staff. The rear addition will achieve LEED Silver certification, including through the provision of a solar panel array.
- (Ex. 3; Hearing Transcript "Tr." 18).

IV. Responses to the Application

Office of Planning

28. OP submitted a report dated January 23, 2026 (the "OP Report") recommending that the Commission approve the Application (Ex. 16). The OP Report concluded that the Revised Project continues to satisfy the NHR design review criteria of Subtitle K § 1005 and the general design review criteria of Subtitle X § 604, including that the Revised Project would not be inconsistent with the Comprehensive Plan on the whole and racial equity. In accordance with the Commission's Racial Equity Tool, OP provided a racial equity analysis including disaggregated race and ethnicity data for the Lower Anacostia Waterfront and Near Southwest Planning Area, in which the property is located. The OP Report also recommended approval of all areas of zoning relief requested in the Application. The OP Report included comments from DOEE applauding the Applicant's use of the Existing Building.
29. The OP Report did not request any conditions of approval (Ex. 16).
30. At the February 5, 2026, public hearing, OP testified in support of the Application, including the requested relief (Tr. 35-36).

DDOT Report

31. DDOT filed a report dated January 23, 2026 (the "DDOT Report," Ex. 15) stating that it has no objections to the Revised Project subject to the implementation of the Transportation Demand Management Plan and Performance Management Plan proposed by the Applicant in the Revised Transportation Memorandum for the life of the Project unless otherwise noted.
32. At the public hearing on February 5, 2026, DDOT testified in support of the Application (Tr. 31-32).

ANC Report

33. ANC 8A submitted a resolution dated December 20, 2025 (the “ANC Report,” Ex. 17), which was adopted at a duly noticed and regularly scheduled monthly meeting on December 2, 2025, with a quorum present. The ANC voted unanimously to support the Application, including the requests for zoning relief, and did not cite any issues and concerns.
34. ANC 8A did not appear or provide testimony at the public hearing.
35. ANC 8C did not submit a report to the case record or appear or provide testimony at the public hearing.

Letters in Support or Opposition

36. There are five letters of support in the case record and no letters of opposition. No individuals or groups spoke in support or opposition at the public hearing (Ex. 4-5, 8-10).

IV. 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 NHR zone and a modification thereto that is consistent with the requirements of Subtitle X, Chapter 6, Subtitle K, Chapter 10, and Subtitle Z, Chapter 7.

Standard of Review for Approval of Design Review and Modification

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 NHR Zone District, the Applicant is required to comply with the design review criteria set forth under Subtitle K § 1005. Additionally, due to the Property’s frontage on Howard Road, the Applicant is required to comply with the designated streets criteria of Subtitle K § 1004. Subtitle X § 604.6 provides the Applicant must meet the general special exception standards of Subtitle X, Chapter 9; and Subtitle X § 604.7 provides the Applicant must meet general design review criteria.

4. Subtitle Z § 603.4 authorizes the Commission to hear an application for a special exception or variance that would otherwise require approval from the Board of Zoning Adjustment simultaneous with a design review application and subject to all applicable special exception criteria and variance standards.
5. The Commission may grant special exceptions, pursuant to Subtitle X, Chapter 9, where, in the judgment of the Commission, the special exceptions:
 - a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
 - b. Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
 - c. Complies with the special conditions specified in the Zoning Regulations.
6. The Commission may grant variances, pursuant to Subtitle X, Chapter 10, where, the Commission finds:
 - 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.
7. Pursuant to Subtitle Z § 704.4, the Commission's evaluation of a modification with hearing is limited to the impact of the modification on the subject of the original application.
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, and the ANC Report.

Satisfaction of the NHR Design Review Criteria (Subtitle K § 1005)

9. The Commission concludes that the Application meets the NHR Design Review criteria as detailed below. The Revised Project continues to propose a public education use that will complement the surrounding mixed-use neighborhood. The Revised Project features a new rear addition and front façade upgrades that will modernize the Existing Building and improve the overall aesthetic at the Property. The Revised Project will use the existing drive aisle and parking area to minimize vehicular, bicycle and pedestrian conflict, with new landscaping by the frontage to promote an active streetscape. The Revised Project minimizes impact on the environment by incorporating the Existing Building (as opposed to demolition) and designing the rear addition to achieve LEED-Silver certification (Finding of Fact ["FF"] 20, 27).

10. The Revised Project does not otherwise impact the Commission's conclusions in the Original Order with respect to satisfaction of NHR design review criteria (*See* Z.C. Order No. 24-23, Conclusions of Law 6-20).

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

11. The Commission concludes the Application meets the general design review standards, including that the Revised Project is not inconsistent with the Comprehensive Plan, as viewed through a racial equity lens and meets the general special exception criteria. The Commission finds that the Applicant and OP provided racial equity analyses in accordance with the Commission's Racial Equity Tool (FF 21, 27).
12. The Revised Project features street frontages that are designed to encourage pedestrian activity, including through the architectural improvements to the front façade. The Revised Project's overall aesthetic will be playing and inviting for students, families and the community. The large open green space will provide recreation and play space for students. The Revised Project incorporates new stormwater management and landscaping features as well (FF 21, 27).
13. The Revised Project does not otherwise impact the Commission's conclusions in the Original Order with respect to satisfaction of general design review criteria (*See* Z.C. Order No. 24-23 Conclusions of Law 21-34).

Special Exception Relief from Minimum Residential FAR Requirements

14. Under Subtitle K § 1006.1, the Zoning Commission is authorized to grant special exception relief from the development standards of § 1001 of Chapter 10. Pursuant to Subtitle K § 1001.3, all buildings in the NHR zone must provide a minimum residential FAR of 2.5. The Revised Project will not provide any residential FAR, and, therefore, the Applicant requests special exception relief. The Commission concludes that the Application meets the special exception criteria for the requested relief (FF 22, 27).
15. The Commission granted relief from this requirement under the Original Order and the Commission's previous conclusion that the relief was justified is not impacted by the Revised Project (FF 22; *see also* Z.C. Order No. 24-23, Conclusions of Law 35-36).

Special Exception Relief from Rear Yard Requirements

16. Pursuant to Subtitle K § 1001.9, the Revised Project must have a minimum rear yard of 2.5 inches per foot of building height. Based on the Revised Project's building height, the Revised Project must provide a minimum rear yard of 12 feet. However, the Revised Project will have no rear yard (FF 23).
17. The Commission finds the special exception standard for relief from the rear yard requirements of Subtitle K § 1001.9 has been met. The relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Property's unique shape allows for a partial rear yard setback along the southeastern side of the Property. The relief

does not adversely affect the use of neighboring properties as there are no active uses to the rear of the Property, but only open green space owned by the federal government and the I-295 highway ramp. The Revised Project meets the special conditions for rear yard relief under Subtitle K § 1006.3 and the relief otherwise does not impact the Revised Project's compliance with the purposes of the NHR zone (FF 23, 27).

Special Exception Relief from Designated Street Design Requirements

18. Pursuant to Subtitle K § 1004.3, buildings and structures with frontage on a designated street must comply with certain design requirements. The requirements of Subtitle K § 1004.3 apply to the Revised Project, which has frontage on Howard Road, a designated street (FF 24).
19. Pursuant to Subtitle K § 1004.3(a), the ground floor must have a minimum clear height of 14 feet for a depth of at least 36 feet from the building line on Howard Road, S.E. However, the Revised Project will have a ground floor that is 8'6" from floor-to-ceiling (FF 24).
20. Pursuant to Subtitle K § 1004.3(b), the ground story must have at least 50% surface area facing a designated street dedicated to display windows or pedestrian entrances with clear low-emissivity glass, and the view must not be blocked for 10 feet from the building face. The Revised Project will not have a ground story that is at least 50% display windows and pedestrian entrances (FF 24).
21. The Commission finds the special exception standard for relief from the designated street design requirements of Subtitle K §§ 1004.3(a-b) has been met. The relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps. The relief arises because the Revised Project incorporates the Existing Building with only minor exterior façade upgrades. Since the Existing Building was constructed prior to the creation of the NHR zone, it is not compliant with the requirements of Subtitle K §§ 1004.3(a-b) and meeting these design requirements would make the Revised Project infeasible. Further, the relief will not adversely affect the use of neighboring property as it is not a physical standard and, therefore, will not impact light, air and privacy. The Revised Project meets the purposes of the NHR zone by updating the Existing Building's frontage in order to modernize the façade and create a stronger architectural connection to the surrounding neighborhood. The rear addition aims for a modern, playful architecture that will be consistent with the surrounding neighborhood (FF 24, 27).

Special Exception Relief from Vehicular Parking Requirements

22. Pursuant to Subtitle C §§ 701.10 and 701.14, the Revised Project must maintain the same number of parking spaces that serve the Existing Building so long as the Existing Building and school use remain in existence. The Existing Building has 37 spaces, but the Revised Project proposes only 34 parking spaces. As such, the Applicant requested special exception relief from vehicular parking requirements pursuant to Subtitle C § 703.2 (FF 25).

23. The Commission finds the special exception standard for relief from vehicular parking requirements under Subtitle C § 703.2 has been met. The relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps. Under the Zoning Regulations of 2016, the Revised Project would well exceed the minimum requirement of 8 parking spaces. Additionally, as part of the Original Order approval, DDOT found that 33 parking spaces were more than practically needed to serve the school. The relief will not adversely affect the use of neighboring property as the Revised Project proposes a modest reduction of three spaces and the Property is also in close proximity to Metrorail and Metrobus (FF 25, 27, 30)
24. The Revised Project also meets the special conditions for vehicular parking relief pursuant to Subtitle C § 703.2, including that more parking spaces cannot be provided at the Property or within 600 feet because the Revised Project will largely maintain the existing drive aisle and parking area (Subtitle C § 703.2(a)), the Revised Project is particularly well-served by public transportation (Subtitle C § 703.2(b)), and the public school use is expected to generate less demand for parking than the minimum 34-space requirement (Subtitle C § 703.2(e)) (FF 25, 27)
25. The Revised Project meets the special conditions under Subtitle C § 703.3(a-c) as well. The proposed reduction of three spaces is proportionate to the reduction in demand (Subtitle C § 703.3(a)), the Applicant cannot provide additional parking spaces on site (Subtitle C § 703.3(b)) and the Applicant is only seeking relief from the number of parking spaces (Subtitle C § 703.3(c)) (FF 25, 27).

Area Variance Relief from Sustainability Requirements

26. Pursuant to Subtitle K § 1008.1, all new or substantially improved buildings in the NHR zone must achieve LEED v.4.1 Gold Certification for new construction. The Revised Project will not achieve LEED-Gold certification. As such, the Applicant requested area variance relief from the sustainability requirements (FF 26).
27. The Commission finds the area variance standard under Subtitle X § 1002.1(a) for relief from the sustainability requirements of Subtitle K § 1008.1 has been met. The Revised Project is affected by an exceptional or unique condition because it incorporates the Existing Building, which was constructed in 2002 before the creation of the NHR zone and is not LEED certified. By incorporating the Existing Building with only minor exterior changes, the Applicant faces a practical difficulty in achieving LEED-Gold Certification for the Revised Project. To achieve LEED Gold certification for new construction, the Revised Project must meet certain conditions in a variety of disciplines, including location/transportation, water efficiency, energy usage, materials, and indoor environmental quality; however, several of the disciplines are reliant on conditions within the Existing Building. Finally, the relief will not be of substantial detriment to the public good or the zone plan, as the Revised Project endeavors to incorporate sustainability measures, including that the proposed rear addition will achieve LEED Silver certification (FF 26, 27).

“Great Weight” to the Recommendations of OP

28. 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))).
29. The Commission finds persuasive OP’s evaluation of the Application as having satisfied the applicable design review standards, including that the Application meets the NHR and general design review requirements of the Zoning Regulations, would not be inconsistent with the Comprehensive Plan including when viewed through a racial equity lens, and meets the standards for the requested zoning relief. As such, the Commission gives OP’s evaluation great weight (FF 27-29).

“Great Weight” to the Written Report of the ANC

30. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (See *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)).
31. The ANC 8A Report recommends support for the Application. As such, the Commission gives ANC 8A’s recommendation great weight (FF 32). As noted, ANC 8C did not participate in this case (FF 34).

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a modification to Z.C. Order No. 24-23. The conditions of the Original Order are replaced in their entirety with the following conditions:

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 11, 2024 at Exhibits 3F1-3F6, as modified in the Applicant's Supplemental Statement dated January 27, 2025 at Exhibits 15A1-15A9, and as further modified in the Applicant's Post-Hearing Submission dated March 10, 2025 at Exhibits (Ex. 3; 15A-15A9) in the case record of Z.C. Case No. 24-23, and as further updated by the plans dated October 16, 2025, as modified by the Applicant's Supplemental Statement dated January 5, 2026 (Ex. 3G1-3G7, 7A) in the case record of Z.C. Case No. 24-23A (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, including curb cuts, incorporated in the project to comply with the requirements of and the approval by the D.C. Department of Transportation's Public Space Division;
 - e. Landscape Design: To vary the final landscaping dimensions and materials as shown on the Architectural Plans based on (i) availability and suitability at the time of construction; (ii) permitting requirements of the D.C. Department of Energy and Environment; or (iii) to account for the location and design of curb cuts; and
 - f. Sustainability Features: To vary the features, means and methods of achieving the required LEED-Silver Certification, including as to the amount and location of photovoltaic panels.

B. Transportation Demand Management Measures

1. **For the Life of the Project**, the Applicant shall implement the following Transportation Demand Management ("TDM") measures:
 - a. Prior to the issuance of a building permit, Transportation Coordinators will be identified for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;

- b. Transportation Coordinator will conduct an annual commuter survey of employees on-site and parents, and report TDM activities and data collection efforts to goDCgo once per year;
- c. Check in with goDCgo's School Services Team halfway through the year to track progress;
- d. Transportation Coordinator(s) will develop, distribute, and market various transportation alternatives and options to the employees and families, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
- e. Transportation Coordinator(s) will receive TDM training from goDCgo prior to the issuance of a building permit to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
- f. The school will comply with the Parking Cash-Out Law. Transportation Coordinator will report to goDCgo every two years detailing how the school is complying with the law or if an exemption applies;
- g. Transportation Coordinator will implement a carpooling system a least one month before the first day of school such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
- h. Facilitate car/vanpool formation meetings and ride matching;
- i. Sign up for and promote SchoolPool, a ride matching platform for students and families;
- j. Promote the Carpool Now App and Commuter Connections' ride matching platform annually;
- k. Designate a minimum of two preferential carpooling spaces in a convenient location within the parking lot for employee use prior to issuance of a certificate of occupancy;
- l. Provide links to CommuterConnections.com and goDCgo.com on school website prior to issuance of a certificate of occupancy;
- m. Comprehensive bicycle/walking program (showers, bike racks, lockers, financial incentives):
 - 1. Work with WABA's bicycle and pedestrian education program for charter schools to schedule bicycle safety course for staff and students annually;
 - 2. Promote WABA bicycling classes to staff annually;
 - 3. Participate in the annual Capital Bikeshare corporate membership by offering it to employees who bike to school at least once a week; and
 - 4. Provide one (1) complimentary Capital Bikeshare coupon good for a free ride to each new employee.
- n. Send out reminders for Commuter Benefits Open Enrollment;
- o. Promote commuter benefits and other sustainable transportation programs to new and existing hires annually;
- p. Host a tabling event with goDCgo to sign staff up for commuter benefits within the first month of each school year;
- q. Provide information on nearby transportation options on the school's website prior to certificate of occupancy;

- r. Work with DDOT and WMATA to distribute Kids Ride Free SmarTrip cards to students annually;
- s. Participate in at least one of the three transportation benefits outlined in the D.C. Commuter Benefits Law (employee-paid pre-tax benefit; employer-paid direct benefit; or shuttle service) as well as any other commuter benefits related laws that may be implemented in the future. The Transportation Coordinator will maintain records to establish compliance with the requirements;
- t. Offer a SmartTrip card with \$100 per month per employee to subsidize the use of transit;
- u. Provide at least 14 short-term bicycle parking spaces, 4 long-term bicycle parking spaces, and 3 bicycle showers with 3 lockers for use by employees; and
- v. Provide a long-term bicycle storage room to accommodate the 4 bicycle parking spaces with no fee for employee usage of the bicycle storage room.

C. Performance Monitoring Plan

1. **Beginning in Fall 2028, for a period of two (2) years**, the Applicant shall conduct counts and provide a monitoring report to DDOT's Policy, Planning, and Sustainability Administration twice per year during fall and spring semesters, but not to coincide within a week before or after any extended school breaks, as follows:
 - a. Trip generation counts and queuing shall be observed from 7:30AM – 9:00AM and 2:30PM – 4:30PM;
 - b. Vehicle trip generation shall include all vehicle trips to the site, including vehicles traveling to the site but not entering the driveway;
 - c. The number of trips in the AM peak hour must not exceed 464 total trips, and the number of trips in the PM peak hour must not exceed 314 total trips; and
 - d. If site trips exceeds the vehicle trip generation count, Cedar Tree Academy shall employ additional Transportation Demand Management measures and continue monitoring twice per year for two years for a total of four successful monitoring reports.
2. The Applicant shall comply with the above requirements under Section C(1) for an additional two (2) year period beginning in the semester the Applicant's school reaches a capacity of 680 students.

D. 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 (February 5, 2026): 5-0-0

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

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, Order 24-23A shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 24, 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.