



October 20, 2025

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VIA IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

**RE: ZC Case No. 24-24
Applicant's Proposed Findings of Fact and Conclusions of Law**

Chairperson Hood and Honorable Members of the Commission:

On behalf of the Applicant, D.C. Department of General Services (the "**Applicant**"), please find enclosed draft findings of fact and conclusions of law for the subject application. This filing is made pursuant to the Commission's request during the September 29, 2025 hearing and the requirements of Subtitle Z § 601.1.

Sincerely,
COZEN O'CONNOR

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Meridith Moldenhauer

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Eric J. DeBear

Certificate of Service

I HEREBY CERTIFY that on this 20th day of October, 2025, a copy of this Cover Letter with attachments was served, via email, on the following:

District of Columbia Office of Planning
c/o Michael Jurkovic
1100 4th Street SW, Suite E650
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D.C. Department of Transportation
c/o Erkin Ozberk and Noah Hagan
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c/o Salvador Saucedá Guzmán, Chair;
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Eric J. DeBear

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF
COLUMBIA ZONING COMMISSION ORDER NO. 24-24
Z.C. Case No. 24-24
D.C. Department of General Services
(Consolidated Planned Unit Development and
Related Zoning Map Amendment @ Parcel 0129/0115)
September 29, 2025**

Pursuant to notice, the Zoning Commission for the District of Columbia (“**Commission**”) held a virtual public hearing on September 29, 2025, to consider the application (the “**Application**”) of D.C. Department of General Services (“**Applicant**”) to construct of a new emergency shelter building (the “**Project**”). The Applicant requested the following relief under the Zoning Regulations for 2016, Title 11 of the District of Columbia Municipal Regulations (the “**Zoning Regulations**”):

- A consolidated planned unit development (“**PUD**”), pursuant to Subtitle X, Chapter 3, and Subtitle Z, Chapter 3;
- A related amendment to the Zoning Map (“**Map Amendment**”) from the RF-1 zone to the MU-9 zone, pursuant to Subtitle X, Chapter 3 and Subtitle Z, Chapter 3;
- Flexibility from the dimensional requirements for vehicular parking pursuant to Subtitle X § 303.1 and Subtitle C § 712.3(a);
- Flexibility from the dimensional requirements for a loading berth pursuant to Subtitle X § 303.1 and Subtitle C § 905.2;
- Flexibility from penthouse setback requirements pursuant to Subtitle X § 301.3 and Subtitle C §§ 1504.1(b), (c)(1);

for the property located at 1201 New York Avenue NE (Parcel 0129/0115) (the “**Property**”). The public hearing was conducted in accordance with Subtitle Z, Chapter 4. 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 5D (“ANC”), the ANC in which the Property is located 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 October 1, 2024, the Applicant mailed a Notice of Intent to file a Zoning Application to all property owners within 200 feet of the Property and the ANC. (Exhibit (“**Ex.**”) 3C).
4. Pursuant to Subtitle Z § 402, the Office of Zoning (“**OZ**”) provided notice of the public hearing on September 29, 2025 by:
- A letter dated July 21, 2025 with the Notice of Public Hearing sent to: (Ex. 15-16)
 - The Applicant;
 - The ANC;
 - ANC Single Member Districts (“**SMD**”) 5D01 and 5D02;
 - Councilmember Zachary Parker;
 - 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.
 - Publication of the Notice of Public Hearing in the July 25, 2025 edition of the *D.C. Register*. (Ex. 14).
5. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on August 18, 2025 and maintained such notice. (Ex. 18, 24).

The Property

6. The Property has approximately 203,868 sq. ft. of land area with frontage on New York Avenue NE, 9th Street NE, Mount Olivet Road NE, and Fairview Avenue NE. The portion of Mount Olivet Road NE that bisects the Property is a private connector road. To the east of the connector road, the Property is improved with a one-story building used as an animal shelter (the “**Animal Shelter Building**”) and a parking pad. To the west of the connector road, the Property is unimproved, forested space. (Ex. 3).
7. The Property is owned by the federal government but subject to a Transfer of Jurisdiction

to the District of Columbia government. There is a forest conservation easement (the “**Conservation Easement**”) encumbering part of the Property for the benefit of the National Park Service (“NPS”).

8. The Property is located in the Ivy City neighborhood. Much of the surrounding area is zoned PDR and improved with industrial-type uses, including warehouses and municipal vehicle storage. To the southeast of the Property is a row of 16 single-family homes. Additionally, further to the east on New York Avenue NE is a mixed-use area with apartments, commercial uses and eating and drinking uses. (Ex. 3).
9. An existing emergency men's shelter is located at 1355 New York Avenue NE (the “**Existing Shelter**”), approximately two blocks to the east of the Property.
10. The Property is approximately one mile from the NoMa/Gallaudet U Metrorail Station. Union Station is one metro stop to the south of NoMa/Gallaudet U and provides expedient connections to interstate rail lines such as Amtrak, MARC, and VRE. There are stops for Metrobus routes D36 and C71 within ¼ mile of the Property. There are three Capitol Bikeshare stations within one mile of the Property at Union Market; Montello Avenue and Holbrook Terrace NE; and Capitol Avenue and Kendall Street NE, which is less than 0.5 miles from the Property. (Ex. 3, 29).

Current Zoning

11. The Property is currently located in the RF-1 zone, which is intended for “areas developed primarily with residential row buildings,” “to recognize and reinforce the importance of neighborhood character,” and “allow for limited compatible non-residential uses.” Subtitle E §§ 101.1, 101.2. The RF-1 zone does not regulate floor-area-ratio (“FAR”), has a maximum building height of 35 feet, and a maximum lot occupancy of 40%. *See* Subtitle E §§ 201.8, 203.2, and 210.1. Emergency shelter uses for more than four persons are not permitted in the RF-1 zone. *See* Subtitle U § 202.1(i).

Comprehensive Plan

12. The Comprehensive Plan's (Title 10A of the D.C. Municipal Regulations) Future Land Use Map (“**FLUM**”) identifies the Property as mixed-use “High-Density Residential,” “High-Density Commercial,” “Moderate Density Residential,” “Production, Distribution and Repair,” and “Federal” uses. The “High-Density Residential” designation includes “neighborhoods and corridors, generally, but exclusively, suited for high-rise apartment buildings” where “density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.” 10A DCMR § 227.8. The “High-Density Commercial” designated is defined to include “commercial areas with the greatest scale and intensity of use in the District...with densities greater than a FAR of 6.0...” 10A DCMR § 227.13. The “Moderate Density Residential” designation is for “neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes.” 10A DCMR § 227.6. The “Production, Distribution and Repair” designation is for “areas

characterized by manufacturing, warehousing, wholesale and distribution centers...and commercial, municipal and utility activities.” 10A DCMR § 227.14. The “Federal” designation is intended for “land and facilities owned, occupied and use by the federal government.” 10A DCMR § 227.16.

13. The Comprehensive Plan’s Generalized Policy Map (“**GPM**”) identifies the Property as “Federal Lands,” a “Neighborhood Conservation Area” and within a “Future Planning Analysis Area.” “Federal Lands” are not expressly defined in the Comprehensive Plan but are identified to acknowledge the District’s limited jurisdiction over them. 10A DCMR § 225.22. “Neighborhood Conservation Areas” are “generally residential in character” where “some new development and reuse opportunities are anticipated.” 10A DCMR § 225.5. “Future Planning Analysis Areas” require a completed Small Area Plan, development framework, technical study, design guidelines, PUD or master plan prior to any rezoning. 10A DCMR § 2503.2.

Small Area Plan and Other Policy Guidance

14. The Property is subject to the Ivy City Small Area Plan (“**Ivy City SAP**”), which was enacted in 2024. The Ivy City SAP outlines recommendations for housing affordability and opportunity, community resilience, public space and urban design, and general design principles. (Ex. 3I).
15. The Property is subject to the New York Avenue NE Vision Framework (“**Vision Framework**”) due to its location on New York Avenue NE. The Vision Framework provides guidance and a shared vision for the New York Avenue NE corridor to assist with its transition from an industrial area to a mixed-use community. The Vision Framework identifies “Focus Areas” as well as overall action items for the corridor. (Ex. 3I).

II. The Application

The Project

16. The Project proposes to move the animal shelter off-site, demolish the Animal Shelter Building, and construct a new emergency shelter building for men experiencing homelessness that will include five distinct programs for low barrier shelter housing, work program housing, senior housing, respite and hypothermia housing. Once constructed, the Project will be operated by the D.C. Department of Human Services (“**DHS**”).
17. Overall, the Project will have 407 permanent beds with space for approximately 80-100 cots for hypothermia shelter needs. The Project will also provide a medical clinic, administrative space, central dining, private meeting space, and both interior and exterior recreational space for residents. (Ex. 3).
18. The Project does not propose to improve the portion of the Property to the west of the Mount Olivet connector road. (Ex. 3).

19. The Project will replace the Existing Shelter, which will be discontinued once the Project is operational. The Existing Shelter has failing systems and insufficient space to provide a safe and comfortable environment for residents. (Ex. 3).
20. Overall, the Applicant proposes the Project to have:
- Approximately 99,529 sq. ft. of gross floor area ("GFA") for a total FAR of .49.
 - A maximum building height of 83 ft. plus a mechanical penthouse of 9'6".
 - A lot occupancy of 15%.
 - 41 parking spaces, a loading berth and a service-delivery space.
 - 11 long-term bicycle parking spaces and 10 short-term bicycle parking spaces.
 - Sustainable features to meet net-zero energy standards and LEED-Gold certification.
 - Extensive new plantings and landscaping, including preservation of a large heritage tree and new tree plantings along New York Avenue.
- (Ex. 3, 3H1-3H7).

Applicant's Submissions, Revisions and Testimony

21. On December 18, 2024, the Applicant filed the initial Application and related materials. (Ex. 1-3I).
22. On May 12, 2025, the Applicant filed a prehearing statement (Ex. 13-13C), which responds to the issues and comments raised by the Commission during the April 24, 2025 set-down meeting as well as OP's comments in its April 14, 2025 report (Ex. 11). In sum, the prehearing statement included the following:
- Analysis of FLUM and GPM: The Applicant provided an updated analysis of the Application's consistency with the FLUM and GPM. The initial analysis in the Application mistakenly omitted the "Moderate Density Residential" designation in the FLUM and the "Neighborhood Conservation Area" designation in the GPM;
 - DHS: The Applicant addressed Commission comments regarding the involvement of DHS, confirming that the Applicant is the implement agency for DHS, which will operate the Project. The Applicant confirm it is working closely with DHS to design the Project;
 - Transfer of Jurisdiction: The Applicant provided an update on the amendment to the Transfer of Jurisdiction and Conservation Easement with the NPS. The Applicant attached a letter stated NPS' support for the amendment to allow for the Project to be constructed;

- Street Trees: The Applicant addressed OP's request for new street trees in public space along New York Avenue. The Applicant proposed trees on the Property adjacent to public space, but stated it could not provide new trees in public space due to budgetary considerations and existing underground utilities;
- Clarification of Development Data: The Applicant clarified minor inconsistencies in development data between the Statement in Support and the architectural plans;
- Additional Entitlements: The Applicant provided updates on submission of the Project to the U.S. Commission of Fine Arts ("CFA") and National Capital Planning Commission ("NCPC"). The Applicant confirmed CFA had approved concept review of the Project; and
- Community Outreach: The Applicant provided an update on community outreach, including meetings attended by the Applicant.

23. On September 2, 2025, the Applicant filed a supplemental statement (Ex. 19-19H), as permitted under Subtitle Z § 401.5, which included the following:

- Additional Entitlements: The Applicant confirmed NCPC approved the preliminary site and plan submission for the Project;
- Architectural Plans: The Applicant provided an updated architectural plan set that addresses comments from CFA and during the interagency meeting. The plan set included updates to public space design, a revised Welcome Center with an expanded entry plaza, and additional minor architectural refinements;
- Penthouse Setback Flexibility: The Applicant added a request for flexibility from the penthouse setback requirements. The flexibility is associated with an elevator/stair overrun on the southwest corner of the Project's east wing, which is not setback from the side and rear roof wall as required by Subtitle C §§ 1504.1(b) and (c)(1). The location of the elevator/stair is driven by the Project's programming and floorplan layout and the relatively narrow width of the Property on its eastern side. The Applicant stated the flexibility will not adversely impact neighboring properties as the penthouse abuts a portion of the Property used for parking and loading and is otherwise buffered from any nearby properties;
- Interagency Meeting Comments: The Applicant addressed comments received during the interagency meeting on July 9, 2025, including from DDOT and DC Public Library;
- Transit Reduction Clarification: The Applicant outlined its basis for applying the transit reduction permitted under Subtitle C § 701.2(c) that allows for a 50% reduction in required vehicle parking. The Applicant noted the Property was within ¼ mile of the Priority Corridor Network Metrobus Routes X3 and 90 set forth in the Zoning Regulations; however, WMATA had recently overhauled its bus system and removed

the X3 and 90 lines. Since the Zoning Regulations had not yet been updated to reflect the new Metrobus Routes, it is the Applicant's position that the Project can apply the existing text of Subtitle C § 701.2(c) that allows for the transit reduction.

- Comprehensive Transportation Review: The Applicant filed a Comprehensive Transportation Review of the Project prepared by the Applicant's traffic expert from Wells + Associates; and
- Witness Testimony: The Applicant included a summary of witness testimony with expert witness resumes.

24. On September 23, 2025, the Applicant filed a letter (Ex. 22-22B) outlining updates to the Project's parking area to incorporate a required end island and remove one parking space. The letter also identified additional witnesses to testify at the public witness.¹

25. Testimony at the public hearing on September 29, 2025, including a powerpoint presentation. (Ex. 23A1-A2). Four witnesses testified during the Applicant's presentation: Acting Director of DHS Rachel Pierre, Renee Holmes, Senior Project Manager from the Applicant, Suman Sorg, Project architect, Bruno Carvalho, landscape architect, Jami Milanovich, transportation expert, and Anthony Newman, Deputy Administrator with DHS. Ms. Sorg and Ms. Milanovich were accepted as expert witnesses by the Commission.

26. On October 13, 2025, the Applicant filed a post-hearing submission responding to the issues raised in two letters of opposition filed by individuals living nearby to the Property. (Ex. 29-29A). The submission included a letter from DGS Director Delano Hunter regarding DGS' maintenance of existing properties and the future Project.

27. On _____, the Applicant filed proposed findings of fact and conclusions of law pursuant to Subtitle Z § 601.1. (Ex. ____).

Relief Requested

28. The Applicant requested the Commission approve a consolidated PUD with a related Map Amendment to the MU-9 zone district. As a result of the PUD and Map Amendment, the Project can achieve the additional height and density in the chart below:

Development Standards	PDR-1	MU-9	Proposed Project
Height	35 ft.	90 ft. (130 ft. with PUD)	83 ft.

¹ The Applicant included a Motion to late file because the filing was made less than 20 days before the hearing, as required under Subtitle Z § 401.8. On September 29, 2025, the Commission granted the Motion and accepted the filing into the case record.

FAR	N/A	7.8 (9.36 with PUD)	0.5
Penthouse Height	12 ft.	20 ft.	9'6"
Lot Occupancy	40%	100%	15%

29. The Applicant requested additional PUD-related zoning flexibility pursuant to Subtitle X § 303.1, as follows:

- To provide all vehicular parking spaces with compact dimensions where 50% of parking spaces must be full-sized spaces pursuant to Subtitle C § 712.3(a);
- To provide a loading berth with a dimension of 8 ft. in width by 26 ft. in length where 12 ft. in width by 30 ft. in length is required pursuant to Subtitle C § 905.2; and
- To provide no side or rear penthouse setback where a full setback equal to a distance of the penthouse height is required pursuant to Subtitle C § 1504.1(b), (c)(1).

30. The Applicant also requested certain design flexibility to vary elements of the final plan set approved by the Commission and still comply with the requirements of Subtitle X § 311.2 and Subtitle Z § 702.8 to construct the Project in complete accordance with the final approved plans.

III. Applicant's Justification for Relief

31. **Consistency with Comprehensive Plan and Other Public Policies (Subtitle X § 304.4(a)).** The Applicant provided evidence that the Application complies with Subtitle X § 304.4(a) because it is not inconsistent with the Comprehensive Plan and other public policies related to the Property, which includes the Vision Framework and the Ivy City SAP, as follows:

- *GPM*: The Project is not inconsistent with the GPM's designation for the Property "Federal Lands," "Neighborhood Conservation Area," and within a "Future Planning Analysis Area" because the Property will continue to be federally-owned with the District of Columbia authorized to use the Property through a Transfer of Jurisdiction. Additionally, the "Neighborhood Conservation Area" designation does not preclude development and the portion of the Property within this designation will not be improved by the Project. As envisioned by the "Future Planning Analysis Area," the Application proposes a map amendment through the PUD process and the Project is otherwise consistent with the Ivy City SAP and Vision Framework. (Ex. 3I, 13).

- *FLUM*: The Project is not inconsistent with the FLUM's designation for the Property, which is a mix of uses to include "High Density Residential," "High Density Commercial," "Moderate Density Residential," "Production, Distribution and Repair," and "Federal" uses. The "High Density Commercial" designation expressly states it is consistent with the MU-9 zone, as proposed in the Application. The Project's proposed density and use are also consistent with the "High Density Commercial" and "High Density Residential" designations. The Property will continue to be federally-owned as envisioned by the "Federal" designation. Only a small portion of the Property is designated for "Moderate Density Residential" use, and this part of the Property will remain landscaped as part of the Conservation Easement area. Nonetheless, the FLUM must be interpreted broadly and in conjunction with other parts of the Comprehensive Plan, including the additional FLUM designations for the Property. Similarly, while the Project does not provide any PDR uses as envisioned in the "Production, Distribution and Repair" designation, these goals must be balanced against competing policies such as those encouraging humane housing for individuals experiencing homelessness. Finally, the Property is not currently in the PDR zone and does not have any existing PDR uses. (Ex. 3I, 13).

- *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 utilizes federal land that is under the Jurisdiction of the District of Columbia to provide a much needed emergency shelter for men experiencing homelessness. The Project's architectural design and proposed landscaping will enhance the visual appeal and aesthetic of the surrounding area and will positively contribute to the New York Avenue corridor. (Ex. 3, 3I).
- Transportation Element: The Project will widen the public sidewalk and add a landscape buffer along New York Avenue to improve pedestrian safety. The Project will also close an existing curb cut on New York Avenue and provide safer vehicular access off Fairview Street. The Project will incorporate substantial landscape elements on site, including highlighting the Heritage Tree by the Property's frontage and enlarging the Conservation Easement. (Ex. 3, 3I).
- Housing Element: The Project will provide a new homeless shelter facility with wrap-around services and programming that is intended to reduce the incidence of homelessness in the District of Columbia. The Project incorporates critical services for the homeless population, including medical care and educational/administrative services to help obtain and maintain employment, long-term housing, and financial independence. The Project also provides new housing for homeless seniors as well as work program housing. The Project represents a substantial improvement over the existing men's shelter on New York Avenue, which is in poor condition and does not contain the requisite space for needed services. (Ex. 3, 3I).
- Environmental Element: The Project incorporates substantial new landscaping and trees while preserving existing trees on site, including the

Heritage Tree and the Conservation Easement. The Project is designed to meet Net-Zero Energy standards, and achieve LEED Gold v4 certification. There will be a large solar array on the Project's roof. (Ex. 3, 3I).

- Urban Design Element: The Project contributes memorable architect to improve the aesthetics along New York Avenue, a major boulevard and gateway corridor. The Project has been designed to create a presence on New York Avenue, while also setting back a portion of the building to avoid monotony. The stepped terrace feature on both sides of the Project contributes to an engaging façade. (Ex. 3, 3I).
- Community Services and Facilities Element: The Project will replace the existing men's shelter on New York Avenue with a new shelter facility that allows the District to better meet the needs of the population that is experiencing homelessness. A new facility will significantly benefit its residents by offering improved intake procedures, better living conditions, and access to life skills, medical and mental health services. The Project is also sited to provide convenient access to public transportation as well as vehicular access for staff. (Ex. 3, 3I).

• *Area Element*: The Project implements the goals of the Upper Northeast Area Element by improving the streetscape, including widening the sidewalk and closing a curb cut along the New York Avenue corridor. The Project contributes to the image and appearance of the Northeast Gateway area with inspired architectural design. The Project also preserves and improves the Property's green space with new landscaping and tree plantings. (Ex. 3, 3I).

• *Ivy City SAP*: The Project furthers the goals set forth in the Ivy City SAP by incorporating sustainability and heat island mitigating measures, including a net-zero building, green roof, solar array and extensive landscaping. The Project implements design principles of the Ivy City SAP by proposing a building design with two "wings" that lessens the perceived length of the building while also increasing visual interest. The Project's materiality and stepped terraces also contribute to a unique architectural identity while invoking industrial-style design. Finally, the Project will improve the public space along New York Avenue by widening the sidewalk and adding a landscape buffer. (Ex. 3, 3I).

• *Vision Framework*: The Project is consistent with the four primary action items set forth in the Vision Framework. Although the Project does not provide "housing," it does provide shelter for men experiencing homelessness, which is a symptom of the current housing crisis. The Project will increase resilience by providing a building that meets net-zero energy goals and incorporates sustainability and bioretention measures such as a green roof and solar array. The Project will contribute to better mobility along New York Avenue by increasing the width of the sidewalk by the Project's frontage and providing short and long-term bicycle parking within the Project. Finally, the Project's architecture incorporates the industrial legacy of the corridor through the use of stepped façade, punched openings and glass and masonry exterior. (Ex. 3, 3I).

- *Racial Equity Lens*: The Project furthers the Comprehensive Plan's "racial equity" goals by providing an emergency shelter for men experiencing homelessness. Data demonstrates that racial disparities in housing, health and wealth are the strongest correlating factor for an individual to experience homelessness. Without the security and stability provided by a home, individuals who experience homelessness also struggle to maintain access to healthcare, employment, education, healthy relationships, and other basic necessities in life. The Project seeks to address these racial disparities by proposing a purpose-built shelter building that provides dignified housing with support services and programming. The Project's goal is also to give residents the tools to find employment and permanent housing. Likewise, the Project also seeks to address historic injustices in the Ivy City neighborhood by proposing a building with exemplary architecture, improved landscaping and site design, and new public space design. (Ex. 3, 3I).

32. **No Unacceptable Impacts on the Surrounding Area or to City Services (Subtitle X § 304.4(b)).** The Application asserted that the Project satisfies the requirements of Subtitle X § 304.4(b) because the Project will not result in any unacceptable impacts to the surrounding area or to city services and facilities, as the impacts are either favorable, capable of being mitigated or acceptable given the quality of public benefits, as follows:

- The Project will have a favorable impact on land use and zoning because the proposed MU-9 zone is consistent with the Property's FLUM designation. The Project will improve an underdeveloped site located on a major arterial street that can support greater density. (Ex. 3).
- The Project will have favorable impact on housing as it will alleviate the strain on the city's capacity to house and provide appropriate services for the population experiencing homelessness. (Ex. 3).
- The Project will have a favorable impact on the environment as it will meet net-zero energy standards, be designed to achieve LEED Gold certification, and provide new bioretention and landscaping features throughout the Property. (Ex. 3).
- The Project will have a favorable impact or an impact that is capable of being mitigated with respect to transportation and mobility. The Project exceeds the zoning requirement for vehicular parking and residents are not expected to have personal vehicles. The Project also proposes improvements to public space to make the Property and neighborhood more pedestrian friendly. (Ex. 3).
- The Project will have a favorable impact or an impact that is capable of being mitigated with respect to city services. The Project provides ample outdoor recreation space for residents and is not expected to have school-age children that would use public schools. Increased on-site programming and services will better meet residents' daily needs and reduce any impact on external institutions. (Ex. 3, 19).

33. **The Project Provides Specific Public Benefits and Amenities (Subtitle X § 304.4(c)).** In accordance with Subtitle X § 304.4(c), the Project will provide specific public benefits and amenities that are not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the Property. The Applicant's benefits and

amenities exceed what could result from a matter-of-right development, are tangible, measurable, and able to be arranged prior to issuance of the certificate of occupancy, and benefit either the immediate neighborhood or address District-wide priorities. *See* Subtitle X §§ 305.2, 305.3. The Application proposes the following public benefits and project amenities:

- **Superior Urban Design and Architecture (Subtitle X § 305.5(a))**: The Project's architecture provides a modern aesthetic and energy-efficient design that incorporates industrial-style design as a nod to the prevailing architectural theme in Ivy City. The stepped terraces will distinguish the Project while achieving the goal of additional recreation space for residents. The Project will use high-quality materials with a majority of the façade consisting of brick installed in a stack bond pattern. (Ex. 3).
- **Superior Landscaping, or creation or preservation of open spaces (Subtitle X § 305.5(b))**: The Project will repurpose the green space located on the southwestern portion of the Property into an outdoor recreation space for residents. The outdoor space will include an amenity deck and walking path. Extensive new plantings and landscaping will be provided at the front and rear of the Project. The Conservation Easement will be reconfigured and enlarged to ensure perpetual green space at the Property. (Ex. 3).
- **Site planning and efficient and economical land utilization (Subtitle X § 305.5(c))**: The Project makes use of the uniquely-shaped Property that has a private connector road bifurcating the site and the Conservation Easement. The Project is able to provide extensive programming in a purpose-built shelter despite these challenging site elements. (Ex. 3).
- **Housing (Subtitle X § 305.5(f))**: The Project provides temporary housing for men experiencing homelessness. Under the current RF-1 zone district, a matter-of-right emergency shelter use is limited to four individuals. In comparison, the proposed MU-9 zone district does not limit the number of individuals the Project can serve. (Ex. 3).
- **Environmental and Sustainable Benefits (Subtitle X § 305.5(k))**: The Project will be designed to meet Net-Zero Energy standards and is anticipated to achieve LEED Gold v4 certification. The Project incorporates sustainable features including solar energy, green roofs, and high efficiency building systems among other measures. (Ex. 3).
- **Other Public Benefits Advancing Policy Objectives (Subtitle X § 305.5(r))**: The Project meets a critical need for the District of Columbia. Washington, DC faces challenges with providing temporary housing for individuals experiencing homelessness. However, the existing shelter at 1355 New York Avenue is inadequate. The Project will provide new and appropriate facilities for men

experiencing homelessness and service more types of programming, including the work program, support for seniors and others with medical needs, hypothermia services, and respite. (Ex. 3).

IV. Responses to the Application

Office of Planning

34. OP submitted a report dated April 14, 2025 (the “**OP Setdown Report**”, Ex. 11) recommending that the Commission set the Application down for a hearing based on OP’s conclusion that the Project is not inconsistent with the Comprehensive Plan, the Ivy City SAP or the Vision Framework and meets the requirements of Subtitle X, Chapter 3. The OP Setdown Report requested additional information from the Applicant regarding the Transfer of Jurisdiction, number of long-term bicycle parking spaces, and enhancement of the public realm.
35. OP submitted a report dated September 19, 2025 (the “OP Hearing Report”, Ex. 20) recommending that the Commission approve the Application. The OP Hearing Report concluded that:
- The Project, on balance, is not inconsistent with the Comprehensive Plan and would further policy statements under the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Community Services and Facilities Citywide Elements, and the Upper Northeast Area Element. OP also found the Project is not inconsistent with the Property’s FLUM and GPM designations. ;
 - The Project is consistent with the Ivy City SAP and Vision Framework;
 - The Applicant responded to the issues and concerns identified in the OP Setdown Report and raised by the Commission at the April 24, 2025 public meeting;
 - OP is supportive of the requested zoning flexibility from the standards for vehicular parking dimensions, loading dimensions and penthouse setbacks; and
 - The Project provided benefits and amenities that are commensurate with the related Map Amendment and other requested zoning flexibility through the PUD.
36. At the September 29, 2025 public hearing, OP testified in support of the Application. (Hearing Transcript (“Tr.”) 71-72).

DDOT Report

37. DDOT filed a report dated September 19, 2025 (the “DDOT Report,” Ex. 21) stating that it has no objection to the Application and supports the requested zoning relief from the

parking and loading dimensional requirements. DDOT conditioned its support on the Applicant implementing the proposed Transportation Demand Management ("TDM") Plan for the life of the project as reflected in the Applicant's Comprehensive Transportation Review (Ex. 19F).

38. At the public hearing on September 29, 2025, DDOT testified in support of the Application. (Tr. 69).

ANC Report

39. The ANC did not submit a written resolution into the case record. ANC Chair Salvador Saucedo-Guzman and SMD Commissioner Sebrena Rhodes testified at the public hearing that the ANC voted to support the Project. (Tr. 67, 73-76).

Letters in Support or Opposition

40. There were two letters of opposition filed in the case record. The letters were filed by individuals living on Corcoran Street NE, approximately 800 feet from the Property. The letters asserted several arguments, including that Ivy City is a "dumping ground" for unwanted uses, the Existing Shelter creates negative impacts to the neighborhood, the Applicant does not adequately manage existing District-owned properties in Ivy City, and that the Property is not appropriate for the Project due to lack of public transit access, proximity to residential uses and nearby cannabis dispensaries. (Ex. 25-26).

National Capitol Planning Commission ("NCPC")

41. NCPC submitted letter dated _____ stating that the Application was not inconsistent with the Comprehensive Plan for the National Capital and would not adversely impact any other identified federal interests. (Ex. ____).

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 Commission may approve a Consolidated PUD consistent with the requirements of Subtitle X, Chapter 3, and Subtitle Z § 300 and a PUD-related map amendment pursuant to Subtitle X, § 303.12.

Standard of Review for Approval of PUD and PUD-related Map Amendment

2. Pursuant to Subtitle X § 300.1, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:

(a) Results in a Building superior to what would result from the matter-of-right

- standards;
 - (b) Offers a commendable number or quality of meaningful public benefits; and
 - (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.
3. Pursuant to Subtitle X §303.11: “The amount of flexibility from all other development standards not addressed by this section shall be at the discretion of the Zoning Commission.”
 4. Pursuant to Subtitle X § 303.12: “A PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD.”
 5. Pursuant to Subtitle X §§ 303.1 and 303.13: “As part of any PUD, the applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standards applicable to that relief, unless the applicant requests flexibility from those standards. Any such flexibility shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.”
 6. Pursuant to Subtitle X §§ 304.3 and 304.4, in reviewing a PUD application, the Commission must: “Judge, balance, and reconcile the relative value of the public benefits and Building amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case;” and must find that the proposed development:
 - (a) Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;
 - (b) Does not result in unacceptable Building impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the Building; and
 - (c) Includes specific public benefits and Building amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.
 7. A PUD’s proposed public benefits must comply with Subtitle X § 305.12: “A Building may qualify for approval by being particularly strong in only one or a few categories of public benefits but must be acceptable in all proffered categories and superior in many.
 8. The Comprehensive Plan Act of 1984 (D.C. Law 5-75; D.C. Official Code § 1-306.01(b)) established the CP’s purposes as: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens;

(3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District.

9. In determining whether a PUD is not inconsistent with the Comprehensive Plan, the Commission shall balance the various elements of the Comprehensive Plan. The D.C. Court of Appeals discussed this balancing test in its review of the PUD and related zoning map amendment for the redevelopment of the McMillan Reservoir Slow Sand Filtration Site (Z.C. Order No. 13-14(6)) (the "McMillan PUD"). In its decision affirming the Commission's approval of the McMillan PUD, the Court stated the following:

"The Comprehensive Plan is a 'broad framework intended to guide the future land use planning decisions for the District. *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm'n*, 33 A.3d 382, 394 (D.C. 2011) (internal quotation marks omitted). '[E]ven if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.' *Durant v. District of Columbia Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comprehensive Plan reflects numerous 'occasionally competing policies and goals,' and, '[e]xcept where specifically provided, the Plan is not binding.' *Id.* at 1167, 1168 (internal quotation marks omitted). Thus 'the Commission may balance competing priorities' in determining whether a PUD is consistent with the Comprehensive Plan as a whole.' (*D.C. Library Renaissance Building/West End Library Advisory Grp. v. District of Columbia Zoning Comm'n*, 73 A.3d 107, 126 (D.C. 2013).) '[I]f the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain why they are outweighed by other, competing considerations.'" (*Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016).)

Compliance with PUD Eligibility Standards

10. For a PUD in the MU-9 zone, the Zoning Regulations require a minimum land area of 15,000 sq. ft. pursuant to Subtitle X § 301.1. The Property has 203,868 sq. ft. of land area and meets this requirement. (Findings of Fact ("FF") 6).

Consistency with the Comprehensive Plan and Public Policies (Subtitle X § 303.4(a))

11. Based on the case record and the Findings of Fact above, the Commission concludes that the Application satisfies the burden of proof that the Project, including the PUD and related Map Amendment, is not inconsistent with the Comprehensive Plan, considered in its entirety, and other public policies and active programs related to the Property.
12. The Commission concludes that the Application is not inconsistent with the GPM's "Federal Lands," "Neighborhood Conservation Area" and "Future Planning Analysis Area" designations for the Property. The Property is owned by the federal government but

will be used by the District of Columbia for the Project pursuant to a Transfer of Jurisdiction. The portion of the Property in the "Neighborhood Conservation Area" will not be improved as part of the Application. The Application is pursuing a Map Amendment via the PUD process as envisioned in the "Future Planning Analysis Area." (FF 18, 31).

13. The Commission concludes the Application is not inconsistent with the FLUM's mixed-use designation of the Property for "'High Density Residential," "High Density Commercial," "Moderate Density Residential," "Production, Distribution and Repair," and "Federal" uses because:

- The High Density Commercial designation is expressly consistent with the proposed MU-9 zone district;
- The Project's density and mix of uses are consistent with that envisioned by the High Density Residential and High Density Commercial designations;
- The Comprehensive Plan directs the Commission to interpret the FLUM "broadly" and in conjunction with other policies in the Comprehensive Plan. The Commission finds the small portion of the Property that is designated for "Moderate Density Residential" use is outweighed by the majority of the Property designated for other uses that are consistent with the Application as well as the several Citywide policies that support the provision of new housing for individuals experiencing homelessness;
- Likewise, the FLUM's designation of "Production, Distribution and Repair" uses must be balanced against these same competing policies that encourage housing for individuals experiencing homelessness. The Commission also finds that the Property is not currently zoned PDR and does not have any existing PDR uses;
- The Property will remain federally owned and is, therefore, not inconsistent with the "Federal" designation. (FF 31).

14. The Commission concludes that the Project is not inconsistent with the Upper Northeast Area Element. The Commission finds that the Area Element incorporates policies that encourage improvements to public space and improving the aesthetics of the New York Avenue corridor, which functions as a gateway for the city. The Area Element also promotes preservation of green space. The Project achieves these goals. (FF 31).

15. The Commission concludes that the Project furthers the goals of the Comprehensive Plan's Citywide Elements, including the Land Use, Transportation, Housing, Environmental, Urban Design, and Community Services and Facilities Elements. In particular, the Commission emphasizes that the Project is a purpose-built shelter that will provide humane housing with extensive supportive services and recreation opportunities for men experiencing homelessness in the District of Columbia. The Project will greatly improve the Property with exemplary architecture, new landscaping and widened public sidewalks. The Project achieves sustainability goals as it will meet net-zero energy standards and

achieve LEED-Gold certification. (FF 31).

16. The Commission concludes that the Application is not inconsistent with the Comprehensive Plan as viewed through a racial equity lens. The driving goal of the Project is to provide new and humane housing for men experiencing homelessness, which disproportionately impacts racial minorities. The Project thoughtfully incorporates design and programming to allow men experiencing homelessness to receive access to services that can help them achieve long-term housing solutions. The Commission also concludes that the Project offers exemplary architecture with improvements to landscaping and public space that will contribute positively to the Ivy City neighborhood, which has long experienced inequities due to its history as an industrial neighborhood populated primarily by minorities. (FF 31).
17. The Commission finds the Project is not inconsistent with the Ivy City SAP, which incorporates policy goals encouraging housing opportunity, sustainability and heat island mitigation, and public space design improvements. (FF 31).
18. The Commission finds the Project is not inconsistent with the Vision Framework, which has similar policy goals as the Ivy City SAP to encourage housing, sustainability, improved mobility, and architectural design. (FF 31).

Potential Adverse Impacts – How Mitigated or Outweighed (Subtitle C § 304.4(b))

19. Based on the case record and the Findings of Fact above, the Commission concludes that the Project will not result in any unacceptable impacts that are not capable of being mitigated or outweighed by the Project's proffered public benefits and amenities as detailed below:
 - Zoning and Land Use Impacts: The Project will have a favorable impact on zoning and land use because the proposed Map Amendment to the MU-9 zone is consistent with the Property's designation on the FLUM. The Project will repurpose a large, underutilized site for a new emergency shelter use that is needed in the District of Columbia. New York Avenue is a major arterial street that can support the proposed density in the Project (FF 16-20, 31);
 - Housing Impacts: The Project will have a favorable impact on housing as it will alleviate the strain on the city's ability to provide shelter for men experiencing homelessness (FF 16-20, 31);
 - Economic Development and Urban Design Impacts: The Project will have a favorable impact on economic development and urban design as the Project represents an investment in the Ivy City neighborhood that will provide critical services for the District while also contributing an architectural sense of place. From an architectural perspective, the Project is a significant improvement over the Existing Shelter as well as the aesthetics of the Animal Shelter (FF 16-20, 31);

- Parks, Recreation and Open Space: The Project has a favorable impact on parks, recreation and open space because the Project places an emphasis on preserving and beautifying open space for residents. In addition to many new plantings, the Project will maintain a large outdoor recreation space to the rear of the building. The Project does not propose to improve the part of the Property to the west of the connector road (FF 16-20, 31);
- Transportation and Mobility Impacts: The Project's impacts on transportation and mobility are capable of being mitigated. The Project exceeds the zoning requirements for vehicular parking and will meet the requirements for loading and bicycle parking. The Commission finds that residents are very unlikely to have personal vehicles and will otherwise access the site via public transportation and by foot. The Commission also notes the Property's access to public transportation, with Metrorail and Metrobus stops within walking distance. The Project will improve adjacent public space by expanding the sidewalk and incorporating a curb bump out on Fairview Avenue (FF 10, 16-20, 31);
- Environmental Impacts: The Project has a favorable impact on the environment because the Project is designed to achieve net-zero energy standards and LEED-Gold certification. The Project is centered around an existing heritage tree that will be preserved. The Project incorporates extensive landscaping and new plantings as well (FF 16-20, 31);
- Public Health and Safety Impacts: The Project's impacts on public health and safety are favorable or capable of being mitigated. The Project promotes public health by providing a wide range of programs for men experiencing homelessness. The Project is also designed for safety and security. The Project will be staffed by security guards and there will be fencing around the entirety of the Project's perimeter and lighting throughout the site (FF 16-20, 31); and
- Public Facilities and District Services Impacts: The Project's impacts to public facilities and District services are acceptable given the quality of public benefits. The Property is improved with the Animal Shelter and served by all major utilities. While there will be an increase in utility usage, the increase is acceptable given that the Project meets a critical civic need. With respect to public facilities, the Project is unlikely to have school-aged children and the ample outdoor space on-site will limit residents' usage of public parks. The Project also provides extensive interior and exterior recreation space, including a computer lab, that will limit usage of public libraries (FF 16-20, 31).

PUD Flexibility Balanced Against Public Benefits (Subtitle X § 304.4(c))

20. Based on the case record and the Findings of Fact above, the Commission concludes the Application satisfies the balancing test under Subtitle X §§ 304.3 and 304.4(c) because the requested zoning flexibility is outweighed by the Application's public benefits and

amenities outweigh

21. The Commission concludes the Application's proposed amendment to the Zoning Map from the current RF-1 zone to the MU-9 zone is appropriate because the MU-9 zone is consistent with the Comprehensive Plan and allows for a density that is consistent with the surrounding area. The Map Amendment is directly correlated with the primary public benefit of providing a new shelter building for men experiencing homelessness, as an emergency shelter use of this capacity is not permitted in the RF-1 zone. (FF 33).
22. The Commission concludes that the Application's request for development flexibility from the standards for vehicular parking dimensions, loading dimensions and penthouse setbacks are appropriate because:
 - DDOT and the Applicant's transportation expert found that compact vehicular parking spaces are sufficient to meet the needs of Project staff;
 - The provision of compact spaces allows the Project to provide more parking on an otherwise challenging site;
 - DDOT and the Applicant's transportation expert found the proposed loading berth is sufficient to serve the Project's loading needs, which are primarily food deliveries, mail and trash pickup. A trash truck is the largest truck that would service the Project, and the loading berth's dimensions can accommodate a trash truck. Shelter residents are unlikely to have personal belongings, and, therefore, there is no need for move-in/move-outs with larger trucks;
 - The provision of a smaller loading berth allows the Project to provide loading on an otherwise challenging site;
 - The penthouse setback flexibility only impacts a stair/elevator over-run on the Project's East Wing, with other penthouse structures being compliant;
 - The stair/elevator must be pushed to the corner of the building on lower floors to achieve a singular hallway with dormitories on one side and support spaces on the other side. These floor plans are designed to enhance visibility and monitoring to ensure resident and staff safety; and
 - The penthouse setback is unlikely to adversely impact neighboring properties as the penthouse is under the maximum permitted penthouse height, the penthouse abuts the Project's parking and loading area, and there is a minimum 30-foot buffer with neighboring properties. (FF 29).
23. Whereas, the Commission concludes the Application provides superior public benefits that benefit the surrounding neighborhood or general public to a significantly greater degree than what would result from a matter-of-right development at the Property. (FF 33).

24. The Commission concludes that the Project will provide superior urban design and architecture (Subtitle X § 305.5(a)) due to its modern aesthetic, energy-efficiency, and industrial-style design. The stepped terraces will distinguish the Project while achieving the goal of additional recreation space for residents. The Project will use simple but high-quality materials with a majority of the façade consisting of brick installed in a stack bond pattern. (FF 33).
25. The Commission concludes that the Project will provide superior landscaping or creation or preservation of open space (Subtitle X § 305.5(b)) because the Project will have extensive outdoor recreation space for residents, including an amenity deck and walking path. The Project proposes new landscaping and plantings throughout the site as well as preservation of the heritage tree. The Applicant will preserve and enlarge the Conservation Easement. (FF 33).
26. The Commission concludes that the Project will provide superior site planning and efficient and economical land utilization (Subtitle X § 305.5(c)) because the Project is a purpose-built shelter building with support services on an otherwise challenging site. In addition to narrowing significantly along its eastern side, the Property is encumbered by the Conservation Easement and a private connector road. (FF 33).
27. The Commission concludes that the Project will provide superior housing benefits (Subtitle X § 305.5(f)) with 407 permanent beds for men experiencing homelessness. The proposed emergency shelter use for more than four individuals is not permitted as a matter-of-right in the current RF-1 zone. (FF 33).
28. The Commission concludes that the Project will provide superior environmental and sustainable benefits (Subtitle X § 305.5(k)) by achieving net-zero energy standards and LEED-Gold certification. In doing so, the Project incorporates a solar array, green roof and high-efficiency building systems. (FF 33).
29. The Commission concludes that the Project provides other superior public benefits that advance policy objectives (Subtitle X § 305.5(r)) because the Project addresses a critical need for emergency shelter in the District of Columbia. The Existing Shelter is inadequate and lacks many of the services and programming space needed to serve individuals experiencing homelessness. The Project helps to achieve the District's policy goal of making homelessness rare, brief and non-recurring established in the Homeward DC program. (FF 33).

Opposition Letters

30. The Commission acknowledges the issues raised in the two opposition letters, but finds these issues were adequately addressed by the Applicant. In particular, the Commission notes the Project does not propose a new emergency shelter use in Ivy City but replaces the Existing Shelter, which is only two blocks away from the Property. To that end, the Commission finds the Project is designed to avoid potential impacts to the surrounding

neighborhood through the provision of more on-site recreation space and wrap-around services to engage residents throughout the day. While the Commission agrees with the Applicant that upkeep and maintenance of other properties is not germane to the Application, the Commission notes the Applicant's commitment to identifying a site facility manager for the community to contact. Finally, for many of the reasons set forth herein, the Commission finds the Property is appropriate for the Project. The Commission finds the public transit options to be adequate for residents and staff to access the Project, and that the Project is buffered from any nearby residential uses. The Zoning Regulations do not regulate or restrict the proximity between an emergency shelter use and a cannabis dispensary. (FF 26).

"Great Weight" to the Recommendations of OP

31. The Commission must give "great weight" to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).
32. The Commission finds persuasive OP's evaluation of the Application as having satisfied the applicable PUD standards, including that the Application is not inconsistent with the Comprehensive Plan as a whole and other applicable public policies; the requested zoning flexibility for the Map Amendment as well as from the standards for parking, loading, minimum lot area is appropriate; and that the Application's public benefits and amenities are commensurate with the zoning flexibility requested. (FF 34-35).

"Great Weight" to the Written Report of the ANC

33. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
34. The ANC did not submit a written report to the case record. Nonetheless, the ANC Chair and SMD Commissioner for the Property testified as to the ANC's vote of support for the Project and Application. (FF 39).
35. The Commission acknowledges SMD Commissioner Rhodes' comments during the public hearing on September 29, 2025. While not entitled to "great weight," the Commission finds that the Comments were adequately addressed by OP and the Applicant during the

public hearing.

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:

- A Consolidated PUD;
- An amendment of the Zoning Map to rezone the Property from the RF-1 zone to the MU-9 zone;
- Flexibility from the dimensional requirements for vehicular parking spaces (Subtitle C § 712.3(a));
- Flexibility from the dimensional requirements for loading berths (Subtitle C § 905.2); and
- Flexibility from the side and rear penthouse setback requirements (Subtitle C §§ 1504.1(b), (c)(1)).

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 on September 2, 2025 at Exhibits 19C1-19C9, as modified by the Applicant's filing on September 23, 2025 at Exhibit 22A in the case record (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, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order;
 - b. Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order;
 - c. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights;

- d. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee or other permitting process;
- e. Signage: To vary the number, font, message, logo, and color of the project signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the D.C. signage regulations;
- f. Shelter Beds: To modify the number of shelter beds by plus or minus 10%, provided that the total square footage of the Project shall be not be reduced; and
- g. Sustainable Features: To vary the approved sustainable features of the Project and the features, means, and methods of achieving the required GAR and LEED-Gold certifications.

B. Certificate of Occupancy Requirements

- 2. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall furnish a copy of its preliminary LEED certification application to the Zoning Administrator demonstrating that the building has been designed to meet the LEED-Gold v4 standard.

C. Requirements for the Life of the Building

- 3. **For the Life of the Project**, the Applicant shall implement the following Transportation Demand Management ("TDM") measures:
 - a. Identify a Transportation Coordinator once the building has opened. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinator will act as a point of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
 - b. The Transportation Coordinator will conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
 - c. The Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) via any internal building newsletters or communications or on an employee web portal, if one exists;

- d. The Transportation Coordinator will receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
- e. Provide links to CommuterConnections.com and goDCgo.com on the employee web portal (if one exists) or via internal newsletters or communications;
- f. The Transportation Coordinator will distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
- g. The Transportation Coordinator will demonstrate to goDCgo that the shelter is in compliance with the DC Commuter Benefits Law to participate in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- h. The Transportation Coordinator will demonstrate to goDCgo that the shelter is in compliance with the DC Parking Cash-Out Law, which requires employers who provide parking benefits to also offer a clean air transportation fringe benefit in exchange for parking or to pay a clean air compliance fee;
- i. The Transportation Coordinator will provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;
- j. Eleven long-term bicycle parking spaces (one more than required by ZR16) will be provided on the ground floor of the building. Ten short-term bicycle parking spaces also will be provided, as required by ZR16;
- k. Four showers and seven lockers will be provided for use by employees;
- l. At least one long-term bicycle space will be designed with electrical outlets for the charging of electric bikes and scooters. Six spaces will be located horizontally on the floor. There will be no fee for employees to use the bicycle storage room;
- m. Three spaces will be equipped with electric vehicle (EV) charging stations;
- n. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and

- o. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.

D. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of Zoning Legal Division and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD 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. Construction must begin within three years of the effective date of this Order.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq. (the "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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

Proposed Action

Vote (September 29, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Tammy Stidham, Dr. Joseph S. Imamura, and Gwendolyn Wright to APPROVE)

Final Action

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

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

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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