

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 25-03

Z.C. Case No. 25-03
So Others Might Eat
(Voluntary Design Review @ Square 1110, Lot 86)
February 23, 2026

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on February 23, 2026, to consider the application (the “Application”) of So Others Might Eat (the “Applicant” or “SOME”) requesting the following:

- (a) Voluntary Design Review (“VDR”) approval to renovate and expand an existing residential building for the property located at Square 1110, Lot 86 (the “Property”), pursuant to Subtitle X § 601.2 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (the “2016 Zoning Regulations,” to which all section references are made unless otherwise specified);
- (b) Special exception relief from the minimum vehicle parking requirements of Subtitle C § 701.5; and special exception for the conversion of an existing residential building to an apartment house under Subtitle U § 320.2;¹
- (c) Area variance relief from the Transportation Demand Management (“TDM”) plan requirement of Subtitle C § 703.4; area variance relief from the minimum 900 sq. ft. of land area per dwelling unit requirement of Subtitle U § 320.2(c); and area variance relief from the minimum area requirement for VDR of Subtitle X § 601.3(a);
- (d) Technical zoning flexibility from the building height requirements of Subtitle E § 203.2; and the rear yard requirements of Subtitle E § 207.1; and²
- (e) Such other design flexibility as are set forth in the Conditions hereof.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission **APPROVES** the Application.

¹ The Applicant had initially requested special exception relief from the penthouse setback requirements of Subtitle C § 1504.1(d). However, prior to the February 23, 2026 public hearing, the Applicant formally withdrew its request for such relief (Exhibit [“Ex.”] 20A). Ultimately, the Office of Planning (“OP”) did not believe penthouse setback relief was necessary because under Subtitle C § 1504.4, the open court setback requirements of Subtitle C § 1504.1(d) would not apply to a rooftop access stairwell or elevator (Ex. 21); and

² The Applicant had initially requested technical zoning flexibility from the requirements of Subtitle G §§ 403.1 and 405.2 (Ex. 3). In its Updated Statement in Support, the Applicant corrected the requested design review flexibility to match the appropriate development standards for the Property’s zone (Ex. 20, 20A).

FINDINGS OF FACT

I. THE APPLICATION

Notice

1. Pursuant to Subtitle Z § 301.6, the Applicant mailed a Notice of Intent to file a Design Review application on October 16, 2024, to:
 - ANC 7D; and
 - All property owners within 200 feet of the Property. (Ex. 3F, 3G).
2. On April 16, 2025, the Applicant filed the Application with required and supportive documentation and plans, in satisfaction of the requirements of Subtitle Z § 301 (Ex. 1-3G).
3. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) sent notice of the February 23, 2026 Public Hearing on December 30 and 31, 2025 to the following:
 - The Applicant;
 - Advisory Neighborhood Commission (“ANC”) 7D;
 - ANC Single Member Districts (“SMD”) 7D08 and 7D09;
 - The Ward 7 Councilmember;
 - Office of ANCs;
 - OP;
 - D.C. Department of Transportation (“DDOT”);
 - D.C. Department of Buildings (“DOB”);
 - Office of Zoning Legal Division (“OZLD”);
 - D.C. Department of Energy and Environment (“DOEE”);
 - At-Large Councilmembers and the Chairman of the Council; and
 - Property owners within 200 feet of the Property. (Ex. 15, 16).³
4. Pursuant to Subtitle Z § 402.1(a), OZ published notice of the public hearing in the January 9, 2026, *District of Columbia Register* (73 DCR 000396 *et seq.*) as well as on the calendar on OZ’s website (Ex. 14, 15).
5. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on January 9, 2026, and maintained such notice in accordance with Subtitle Z § 402.10 (Ex. 17, 24).

Parties

6. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant; and

³ A public hearing was initially scheduled for July 24, 2025 (Ex. 4-6). On June 25, 2025, the Applicant requested that the Commission postpone the hearing (Ex. 9). The Commission approved the Applicant’s request to postpone the hearing.

- ANC 7D, the ANC in which the Property is located and so the “affected ANC” per Subtitle Z § 101.8.

7. The Commission received no requests for party status.

The Property

8. The Property is located in the Southeast quadrant of the District of Columbia in the Lincoln Park/Hill East neighborhood of Ward 7 (Ex. 20A).
9. The Property is bounded by East Capitol Street to the north, a public alley to the east, single family row homes to the south, and 18th Street, S.E. to the west. Further, the Property is proximate to the Robert F. Kennedy Memorial Stadium Campus, across the street from the four-story Eastern High School, and one block east from a large-scale planned unit development (“PUD”) (Ex. 20A, 20B1-B2).
10. The Property contains approximately 6,864 square feet (sq. ft.) of land area and is currently improved with a three-story, 35 ft.-tall rooming house that contains 59 rooming units (the “Building”). The rooming house provides housing for individuals who previously experienced homelessness who earn zero-to-30% of the median family income (“MFI”) (Ex. 20A, 26; February 23, 2026 Public Hearing Transcript [“Tr.”] at 14).
11. The Building was constructed in 1925 and has operated as a rooming house since 1993. The last major renovation was over thirty years ago. The Building features shared kitchens, shared bathrooms, and aging building systems (Ex. 20A, 26).
12. In anticipation of a renovation, the Applicant relocated the Building’s tenants to other facilities in its portfolio and the Building is currently vacant. The Applicant plans to provide the tenants a relocation stipend and a right to return once the renovation is complete (Tr. at 11, 16, 34-35, 56).
13. As a rooming house with more than eight rooms, the Building is a legally nonconforming use in the RF-1 zone (Ex. 20A).

Current Zoning

14. The Property is located in the RF-1 Zone District (Ex. 20A). The RF-1 zone has a maximum building height of thirty-five feet (35 ft.) and three (3) stories (Subtitle E § 203.2). The minimum rear yard requirement is twenty feet (20 ft.) (Subtitle E § 207.1). The minimum parking requirement for a residential, multiple dwelling unit use is one (1) vehicle parking space per two (2) dwelling units (Subtitle C § 701.5). An existing residential building that existed on a lot prior to May 12, 1958, may only be converted to an apartment house if approved as a special exception pursuant to Subtitle X, Chapter 9, subject to the conditions contained in Subtitle U § 320.2.

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

15. The Property is located within an area designated on the Future Land Use Map (“FLUM”) of the CP as Moderate Density Residential (Ex. 20A). This designation is intended for

“areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings.” (10-A DCMR § 227.6). The “R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category.” (*Id.*).

16. The Generalized Policy Map (“GPM”) of the CP designates the Property as a Neighborhood Conservation Area (“NCA”) (Ex. 3, 20A). The “guiding philosophy” in NCAs is “to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs.” (10-A DCMR § 225.5). Further, the “diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area.” (*Id.*).
17. The Property is within the Capitol Hill Area Element (“CH Element”) (Ex. 3E).

The Project

18. The Applicant proposes to renovate and expand the Building to convert it from a three-story rooming house to a four-story apartment building with approximately 61 (within an approved range of 59–64) single-occupancy studio apartments, each with an individual kitchen and bathroom (the “Project”). With the Project, the Building will be one hundred percent (100%) affordable housing reserved for residents earning at or below 50% MFI (Ex. 20A, 26).
19. The proposed renovations are due to Building needs, including replacement of outdated mechanical, electrical, and plumbing systems as well as accessibility upgrades. Further, because shared kitchens and shared bathrooms can pose serious health risks during times of public health crises and do not adequately serve the needs of the residents, the proposed renovations to convert the rooming units to apartments will support residents’ health, safety, stability, and resilience (Ex. 26).
20. Converting the rooming units into apartments, each with their own kitchen and bathroom, will require that the units be larger than their current footprint, which is what necessitates an expansion of the Building to accommodate approximately the same number of residents. Without the proposed fourth story, the number of units in the Building would decrease from 59 to 47 (Tr. at 11-12, 18).
21. The Application proposes to construct the Project with:
 - Approximately 61 (within an approved range of 59–64) studio apartments with individual kitchens and bathrooms;
 - Approximately 26,075 sq. ft. of gross floor area;
 - At least five long-term bicycle parking spaces;
 - A maximum building height of 50 ft.; and
 - An elevator and stair penthouse with a maximum height of approximately eight-point-six feet.(Ex. 20A, 20B1-B2).

Zoning Relief Requested

22. The Application requested VDR approval of the Project pursuant to Subtitle X § 601.2. VDR allows for an increase in height that makes possible the addition of a fourth story, and it allows the Applicant to efficiently bundle multiple forms of relief necessary for the Project into the same application, thereby enabling the Commission to consider the Project in its entirety instead of piecemeal (Ex. 20A).
23. Pursuant to Subtitle X §§ 603.1 and 603.4, the Application for VDR included the following requests for flexibility and relief (Ex. 20A, 20B1-B2):
- **Development Standard Flexibility under VDR Pursuant to Subtitle X § 603.1**
 - i. Building Height (Subtitle E § 203.2) – Subtitle E § 203.2 provides that in the RF-1 zone, the maximum permitted height of a building (not including penthouse or rooftop structure) is 35 ft., and the maximum number of stories is three stories. The Project proposes a building height of approximately 47 ft. and four stories. Pursuant to Subtitle X § 603.3, the Commission may grant no greater height flexibility in a design review than that permitted if the application were a PUD. Here, if this were a PUD application in the RF-1 zone, the maximum height allowed would be 50 feet; therefore, the proposed building height is within such limit (see Subtitle X § 303.7); and
 - ii. Rear Yard (Subtitle E § 207.1) – Subtitle E § 207.1 requires a minimum rear yard of 20 ft. However, the Building’s existing design and rear yard predates the current Zoning Regulations and does not comply with the current requirements providing no rear yard. The Project proposes to leave the rear yard for the fourth-floor addition unchanged from its original design;
 - **Special Exception Relief under VDR Pursuant to Subtitle X § 603.4**
 - i. Minimum Vehicle Parking Requirements (Subtitle C § 703.2) – Pursuant to Subtitle C § 701.5, the parking requirement for the proposed Project of 61 apartment units is 31 spaces. However, the Property does not currently offer any parking, and none will be provided with the Project. Because the Project does not propose to provide any parking, relief from this 31-parking space requirement is necessary; and
 - ii. For Conversion of an Existing Residential Building to an Apartment House (Subtitle U § 320.2) – Special exception relief is necessary because the Applicant proposes to convert and expand an existing residential building (rooming house) existing on the lot prior to May 12, 1958, to an apartment house; and
 - **Area Variance Relief under VDR Pursuant to Subtitle X § 603.4**
 - i. From TDM Plan Requirement with Parking Relief (Subtitle C § 703.4) – Because the Applicant seeks relief to reduce the Project’s required number of parking spaces by more than four, a TDM plan is required under Subtitle C § 703.4. The Applicant requests variance relief from Subtitle C § 703.4 because there are already zero parking spaces offered at the Property, and although the number of residential units will marginally increase, the demand for parking will not notably change because the population being served will remain effectively the same. Furthermore, as individuals who previously experienced homelessness, the majority of residents do not have vehicles;
 - ii. From Minimum of 900 Sq. Ft. of Land Area per Dwelling Unit Requirement (Subtitle U § 320.2(c)) – Because the Project will not provide a minimum of 900

sq. ft. of land area per dwelling unit, the Applicant seeks an area variance from the minimum 900 sq. ft. of land area per dwelling unit requirement of Subtitle U § 320.2(c). As proposed, the amount of land area per proposed apartment is approximately 112.5 sq. ft.; and

- iii. From Minimum Area Requirement for VDR (Subtitle X § 601.3(a)) – The Applicant requests an area variance from the VDR minimum area requirement of two acres per Subtitle X § 601.3 because the Property is not two (2) acres.

Applicant's Submissions

24. The Applicant submitted its initial Application and supporting exhibits on April 16, 2025 (Ex. 1-3G), which included the following:
 - The Applicant's initial set of architectural plans (Ex. 3D); and
 - A CP consistency evaluation through a racial equity lens that was guided by the Commission's Racial Equity Tool. The Applicant's evaluation summarized its community outreach efforts, which included engagement with ANC 7D and SOME's constituents. The evaluation discussed how the Project would further CP policies of the Capitol Hill Area, Land Use, Transportation, Housing, Environmental Protection, and Urban Design Elements of the CP. The evaluation stated that the Project will provide affordable multi-family housing in a transit-accessible location in a high-cost area. The Applicant also stated that the project would increase equitable transportation access given the Property's proximity to Metrorail. And the Applicant stated that the Project will improve the quality of housing by converting the existing building from a rooming house to an apartment building where all newly renovated units will contain their own kitchen facilities (Ex. 3, 3E).
25. The Applicant submitted a Request for Indefinite Postponement dated June 25, 2025. The Applicant requested that the Commission postpone the then-scheduled July 24, 2025, public hearing so that the Applicant had more time to assess funding sources and to prepare additional drawings and plans (Ex. 9).
26. The Applicant submitted a Supplemental Pre-Hearing Statement dated January 23, 2026 (Ex. 18-19A2), which included the following:
 - A revised set of architectural drawings, which included "minor edits and additions." (Ex. 19A1-19A2);
 - A list of witnesses and an outline of the witnesses' proposed testimony (Ex. 18); and
 - The resume of Marc Feinstein, the witness the Applicant intended to proffer as an expert in architecture (Ex. 18).
27. On February 11, 2026, the Applicant requested a waiver from Subtitle Z § 401.5 to submit updated architectural plans and drawings and an Updated Statement in Support of the Application, less than 30 days before the February 23, 2026 public hearing⁴ (Ex. 20-20B2). The Applicant stated that the new materials included additional information responding to comments and requests made by OP.

⁴ The Commission granted the Applicant's waiver request at the beginning of the February 23, 2026 public hearing.

28. On February 20, 2026, the Applicant submitted presentation materials for the February 23, 2026 Public Hearing, (Ex. 26).
29. On March 9, 2026, the Applicant submitted a draft summary⁵ order containing findings of fact and conclusions of law (Ex. 31). No other post-hearing submissions were submitted into the record of this case.

Applicant's Justification for Design Review Approval and for Relief

30. The Application asserted that the Project met the general design review standards for VDR pursuant to Subtitle X §§ 603 and 604 as follows (Ex. 3E, 20A):
- Pursuant to Subtitle X §§ 603.1 and 603.3, the Commission may grant relief from the development standards for height, setbacks, yards, lot occupancy, courts, building transitions, and any design standards of a specific zone; except for height, the amount of flexibility is at the Commission's discretion. The Commission may grant no greater height than that permitted if the application were for a PUD.
 - i. Height – A PUD in the RF-1 zone is permitted a maximum building height of 50 ft. The proposed height of the Project is approximately 47 ft.; and
 - ii. Rear Yard – The required rear yard in the RF-1 zone is 20 ft. The existing rear yard is zero feet. Rear yard flexibility is necessary for the fourth-floor addition to have the same floor plate as the rest of the Building, making for a better and more seamless building design;
 - Pursuant to Subtitle X § 604.5, the Application asserted that the Project is not inconsistent with the CP based on the following:
 - i. FLUM – The FLUM designates the Property as Moderate Density Residential. The Property is currently zoned RF-1, which is consistent with the Moderate Density Residential FLUM designation. The Applicant proposes changing the existing rooming house use to an apartment house use, which is a permitted use in the RF-1 zone. The proposed height is within the height that is permitted in the RF-1 zone under the VDR process. The proposed height is also compatible with the height and scale of the surrounding area; thus it will not disrupt the general development pattern of the existing neighborhood, nor be inconsistent with the general pattern of development expected in Moderate Density Residential areas;
 - ii. GPM – The GPM depicts the Property within an NCA. The Project is not inconsistent with the GPM's NCA designation because it is (1) generally consistent with the uses and density contemplated by the FLUM; (2) consistent with CP policy guidance related to infill development for housing in historic areas and with policy guidance regarding compatibility with surrounding lower-scale residential areas; and (3) compatible with the diversity of land uses and building types found in the surrounding area. The proposed height increase is appropriate given the Building's proximity to East Capitol Street, the height of Eastern High School to the north, and a nearby multi-family building to the west. The Project also increases housing

⁵ The Commission authorized a summary order in this case, pursuant to Subtitle Z§ 604.7; however, the draft order provided by the Applicant is a full order inclusive of findings of fact and conclusions of law. Accordingly, this Order is a full order.

near Metrorail while achieving neighborhood compatibility and maintaining residential character on the site;

- iii. CH Element – The Project is not inconsistent with the policies set forth in the CH Element. The Project will redevelop the Building while maintaining the integrity and quality of Capitol Hill’s established residential character by maintaining a compatible residential use on the Property that is not inconsistent with the FLUM and is consistent with the scale and pattern of surrounding development (CH-1.1.1). The Project will renovate the existing rooming house Building and convert it to an apartment house with generally the same number of units which will enhance the Property, respect Capitol Hill and East Capitol Street’s unique character, and provide higher quality affordable housing (CH-1.1.2, CH-1.2.3);
- iv. Citywide Elements – The Project is not inconsistent with and furthers various Citywide Element policies and actions. Specifically: Land Use (LU-1.4.2: Development Around Metrorail Station, LU-1.4.3: Housing Around Metrorail Stations, LU-2.1.1: Variety of Neighborhood Types, LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods, LU-2.1.8: Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods); Transportation (T-1.1.7: Equitable Transportation Access); Housing (H-1.1.8: Production of Housing in High-Cost Areas, H-1.2.1: Low- and Moderate-Income Housing Production as a Civil Priority, H-1.2.6: Build Nonprofit Sector Capacity, H-1.2.10: Redevelopment of Existing Subsidized and Naturally Occurring Affordable Housing, H-1.2.11: Inclusive Mixed-Income Neighborhoods, H-2.1.1: Redeveloping Existing Income-Restricted Housing, H-2.1.1: Preserving Affordable Rental Housing, H-2.1.4: Avoiding Displacement, H-2.1.9: Redevelopment of Affordable Housing, H-4.1.1: Integration of Vulnerable Populations and Residents with Disabilities, H-4.1.2: Emphasis on Permanent Housing, H-4.2.1: Ending Homelessness, H-4.2.2: Neighborhood-Based Services for Persons Living Without Homes, H-4.2.3: Increasing the Permanent Supportive Housing Supply); Environmental Protection (E-1.1.2: Urban Heat Island Mitigation, E-2.1.3: Sustainable Landscaping Practices, E-2.1.5: Tree Planting on Private Lands, E-3.2.7: Energy-Efficient Building and Site Planning, E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff, E-4.1.3: GI and Engineering); and Urban Design (UD-2.2.1: Neighborhood Character and Identity, UD-2.2.2: Areas of Strong Architectural Character. UD-2.2.4: Transitions in Building Integrity, UD-2.2.5: Infill Development);
- v. Racial Equity – The Applicant provided a Racial Equity Analysis in accordance with the requirements of the Commission’s Racial Equity Tool. As described immediately above, the Applicant provided an analysis of the Project’s consistency with the Citywide Elements and the CH Element of the CP. The Applicant also provided evidence of its community outreach and engagement efforts regarding the Project, which included engagement with ANC 7D and SOME’s constituents. The Applicant observed that during its outreach, the community supported the Applicant’s effort to provide housing to vulnerable populations in the District. The Applicant noted that while residents would be temporarily displaced during the renovation, the Applicant would temporarily relocate existing residents to another one of its residential facilities at no cost to the residents. The Applicant concluded

that the Project would have a positive overall impact on advancing the District's racial equity goals; and

- vi. Potential CP Inconsistencies – The Applicant did not identify any potential CP inconsistencies; and
 - Pursuant to Subtitle X § 604.8, the Application asserted that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site for the following reasons:
 - i. Street Frontages – Pursuant to Subtitle X § 604.7(a), the Application asserted that the Project is not a larger development and that the Building has only one primary entrance from 18th Street and emergency exits in the rear courtyard; that there are no proposed driveways or garage access; that no commercial use is proposed for the Property; that the proposed fourth floor would include architectural details on the façade; and that the Applicant does not propose modifying the sidewalks;
 - ii. Public Gathering and Open Spaces – Pursuant to Subtitle X § 604.7(b), the Application asserted that the Property is near a transit station, but the Project includes an enclosed outdoor area with seating for use by Project residents; and that there is nearby neighborhood open space at The Fields at RFK Campus;
 - iii. Respect for Historic Character – Pursuant to Subtitle X § 604.7(c), the Application asserted that even though the Project is not within a historic district, it is located on East Capitol Street, a major corridor. The Project proposes maintaining the existing façade, including building material and fenestration, so as not to conflict with the surrounding neighborhood;
 - iv. Attractive and Inspired Façade Design – Pursuant to Subtitle X § 604.7(d), the Application asserted that the Project does not propose to change the Building's exterior from the cellar to the third floor. The Project proposes utilizing cementitious paneling for the exterior that would include architectural detailing; the proposed fourth floor material should complement the existing building material;
 - v. Sustainable Landscaping – Pursuant to Subtitle X § 604.7(e), the Application asserted that the Property's landscaping will be designed to comply with applicable green building codes and stormwater management regulations; and
 - vi. Connectivity – Pursuant to Subtitle X § 604.7(f), the Application asserted that the Project will provide long- and short-term bicycle storage; that open space on the property will be enclosed with transparent fencing for clear views onto the public realm; and that the site is not a large development nor near the waterfront.
31. The Application asserted that it satisfied the requirement of Subtitle X § 603.4 to meet the specific special exception standards and the general special exception standards under Subtitle X § 604.6 set forth in Subtitle X, Chapter 9 for the following reasons (Ex. 20A, 26):
- From Minimum Parking Requirements (Subtitle C § 703.2 & Subtitle X § 901.2) – The Project is in harmony with the general purpose and intent of the Zoning Regulations because the renovation of the Building will improve existing affordable housing units even if the Project does not offer parking to its residents. The Project will not affect adversely the use of neighboring property because despite a renovation and modest expansion of the Building, the total number of units and intensity of use will only marginally increase and not result in new parking demand. Further, pursuant to Subtitle

C § 703.2, the Applicant demonstrated the following conditions: the site is physically constrained and does not have enough open space to accommodate any parking, let alone additional parking; the Property is well served by public transit via the Stadium-Armory Metrorail station, a Metrobus hub along 19th Street, S.E., and a Capital Bikeshare station; the residents served at the Property are unlikely to have a vehicle, so the renovation will generate demand for less parking than the minimum parking standards; and the Building will be all-affordable and reserved for individuals earning at or below 50% MFI (Subtitle X §§ 901.2(a)-(c)); and

- For Conversion of an Existing Residential Building to an Apartment House (Subtitle U § 320.2 & Subtitle X § 901.2) – The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring properties because the need for improvements to outdated affordable housing is high, and this Project aims to increase the quality of the Building’s affordable housing by offering efficiency apartments rather than rooming units. The addition of kitchens to each unit will increase independence for SOME’s residents. With this Application, the Applicant seeks to convert from one type of multifamily housing to another to better accommodate the modern affordable housing needs of the population that it serves. Further, the Building has been in existence since 1925 and has operated as an existing rooming house since 1993. The overall number of residents in the Building will be the same or only marginally increase, meaning that there will not be additional impacts due to number of residents. Finally, the Applicant seeks a variance from the condition that there shall be a minimum of 900 sq. ft. of land area per each existing and new dwelling unit (Subtitle X §§ 901.2(a)-(c)).

32. The Application asserted that it satisfied the requirement of Subtitle X § 603.4 to meet the burden of proof for area variance relief set forth in Subtitle X, Chapter 10 for the following reasons (Ex. 20A):

- Under the Zoning Regulations and relevant case law, an applicant for an area variance must demonstrate that (1) the property is affected by an exceptional or extraordinary situation or condition; (2) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant; and (3) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan (*See* D.C. Official Code § 6-641.07(g)(3)). Additionally, because the Applicant is a nonprofit entity that meets an essential public need by providing income-restricted affordable housing for the unhoused, SOME is also eligible for public good flexibility. Under the public good flexibility doctrine, SOME may demonstrate that its needs are an “exceptional condition” by showing: (1) that the specific design it wants to build is institutionally necessary; and (2) how the needed design features require the specific variance sought (*See McDonald v. D.C. Bd. of Zoning Adjustment*, 291 A.3d 1109, 1124 (D.C. 2023));
- From TDM Plan Requirement with Parking Relief (Subtitle C § 703.4) – The Property meets the “exceptional conditions” element of the variance test and qualifies for the public good flexibility doctrine. The Building is the only rooming house within a multiple block radius of the RF-1 zone. Absent a conversion to an apartment house, this legally nonconforming use significantly limits any changes to the Building, resulting in a unique condition that affects only the Property in a multi-block radius.

The conversion from rooming house to apartment house is an institutional necessity because SOME wants to offer its residents more independence and autonomy by providing them with efficiency apartments rather than rooming units, and the Property is still unable to accommodate any parking because, absent significant changes to the Building's design, there is no space available. Given the Building's footprint that occupies nearly all the Property, the Building must be converted from a rooming house to apartment building without providing any parking. The "practical difficulty" in complying with the parking and TDM plan requirements stems from the institutional necessity to (1) convert the Building from a rooming house to an apartment building to better serve the residents; (2) offer zero parking due to the constraints of the Building and Property; and (3) avoid costs associated with the TDM plan requirement to conserve financial resources. Finally, granting the requested relief will not cause substantial detriment to the public good and will not impair the intent, purpose, or integrity of the zone plan because the number of residents and intensity of use will only marginally increase, if at all. Even without the required TDM plan, the demand for on-street parking in the neighborhood will be largely unaffected. Thus, the intent of the zone plan to minimize adverse parking impacts by mandating a TDM plan will not be negatively affected by the proposed variance relief;

- From Minimum of 900 Sq. Ft. of Land Area per Dwelling Unit Requirement (Subtitle U § 320.2(c)) – Based on the Building's unique history as a rooming house since 1993 and its significant contribution of affordable housing near the desirable neighborhood of Capitol Hill, the Property meets the "exceptional conditions" element of the variance test. Strict application of the Zoning Regulations would result in a "practical difficulty" due to (1) the need to provide modern and fully self-sufficient all-affordable apartment units; (2) the harm to both SOME and the vulnerable population that it serves if the number of units were drastically reduced to meet the 900 sq. ft. requirement; and (3) SOME's programmatic and mission necessity to maintain the same number of units and serve the same number of residents that existed in the Building as it is now. Granting the requested relief will not cause substantial detriment to the public good and will not impair the intent, purpose, or integrity of the zone plan because the proposed expansion, modernization, and renovation will not impair the intent, purpose, or integrity of the zone plan or negatively impact neighbors' access to air or light; and
- From Minimum Area Requirement for VDR (Subtitle X § 601.3(a)) – The Property meets the variance test for relief from the minimum 2 acres requirement for a VDR in the RF-1 zone. Specifically, the Property meets the "exceptional conditions" element of the variance test because, given the Building's unique zoning history and requested relief, the VDR process is the most streamlined process to convert the rooming units into apartments units while maintaining the existing unit count. By consolidating all relief into one process, this Application is the most efficient approach and subjects the Project to heightened scrutiny from the community and Commission. Strict application of the Zoning Regulations would result in a "practical difficulty" for the same reasons as described in the two preceding paragraphs. Lastly, the third element of the area variance test also is met for the same reasons as described in the two preceding paragraphs.

II. Responses to the Application

OP

33. OP filed a report on February 12, 2026, recommending approval of the Application with the condition that there be no decrease in the number of units lower than 59, which is the existing number of rooming units (“OP Report”). The Applicant agreed to this condition. The OP Report also conditioned approval provided that there be no reduction to the number of shade trees provided on the site/landscape plan; and that modifications to the exterior details and materials with alternative material does not diminish the quality of material or character of the neighborhood (Ex. 21; Tr. at 54-56).
34. The OP Report found that the Application satisfied the Design Review criteria under Subtitle X, Chapter 6. The OP Report further found that, on balance, the Application would not be inconsistent with the CP or the CP maps, would further CP policies of the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Capitol Hill Area Elements, and would advance CP racial equity goals when evaluated through a racial equity lens (Ex. 21).
35. The OP Report recommended approval of the Applicant’s requests for special exception relief from the minimum vehicle parking requirements of Subtitle C § 701.5; from the penthouse setback requirements of Subtitle C § 1504.1(d);⁶ and for the conversion of an existing residential building to an apartment house under Subtitle U § 320.2 (Ex. 21).
36. The OP Report recommended approval of the Applicant’s requests for area variance relief from the TDM plan requirement of Subtitle C § 703.4; from the 900 sq. ft. of land area per dwelling unit requirement of Subtitle U § 320.2(c); and from the minimum area requirement for VDR of Subtitle X § 601.3(a) (Ex. 21).
37. The OP Report recommended approval of the Applicant’s requests for technical zoning flexibility from the building height requirements of Subtitle E § 203.2 and the rear yard requirements of Subtitle E § 207.1 (Ex. 21).
38. The OP Report recommended approval of the Applicant’s requested design flexibility, subject to condition, including:
- Exterior Details – Location and Dimension;
 - Exterior Materials – Color;
 - Interior Components;
 - Number of Units – 59 to 64;
 - Streetscape/Site Design;
 - Sustainable Features; and
 - Landscape Materials.
- (Ex. 21).

⁶ The Applicant withdrew its request for special exception relief from the penthouse setback requirements of Subtitle C § 1504.1(d) (*See* footnote 1).

39. The OP Report provided disaggregated race and ethnicity data for the District as a whole and for the Capitol Hill Planning Area, where the Property is located, in response to the Commission's Racial Equity Tool. The data showed that the District and Planning Area's populations increased between the 2012-2016 and 2019-2023 time periods. Both Black and White populations for the District and Planning Area experienced a decrease; however, the Black population saw a larger decrease. The data showed also that in the 2019-2023 period, the median income of the District increased by almost \$30,000 while the median income of the Planning Area increased by nearly \$50,000. White alone and Hispanic or Latino had the highest median income in the Planning Area and Black alone had the lowest income at \$83,654, which is over \$75,000 lower than the median household income in the Planning Area (Ex. 21).
40. The OP Report did not identify any potential CP inconsistencies (Ex. 21).
41. At the February 23, 2026, public hearing, OP reiterated its support for the Application (Tr. at 54-56).

DDOT

42. DDOT filed a report dated February 13, 2026 (the "DDOT Report"), stating that a full Comprehensive Transportation Review ("CTR") is not required, and that the finalized scoping form dated December 19, 2025, agreed to by the Applicant and DDOT serves as sufficient documentation (Ex. 23).⁷
43. The DDOT Report stated its support was conditioned on the inclusion of at least 20 long-term bicycle spaces for all residents that met all DDOT design standards, including horizontal placement for 50% of spaces and electrical outlets for e-bikes and scooters (Ex. 23).
44. The DDOT Report noted that elements of streetscape and public realm improvements would be reviewed during the public space permitting process to ensure consistency with DDOT standards (Ex. 23).
45. At the February 23, 2026 public hearing, DDOT testified that it had no objection to the approval of the Application and stated that DDOT's support of the Application would not diminish if the Applicant failed to provide the 20 long-term bicycle parking space mentioned in DDOT's report, and, instead, provided the required five long-term bicycle parking spaces (Tr. at 50-51).
46. The Applicant testified that providing the DDOT-conditioned 20 long-term bicycle spaces would result in the loss of programmatic space and at least one apartment on the first floor of the Building (Tr. at 18).

⁷ DDOT inadvertently failed to attach the finalized scoping form to the DDOT Report. Nonetheless, the Commission concludes that the record is sufficient for its review.

Office of the Attorney General (“OAG”)

47. OAG filed comments in support dated February 13, 2026, recommending that the Commission approve the Application (Ex. 22).
48. At the February 23, 2026 public hearing, OAG testified in support of the Application. In particular, OAG testified that the Application is not inconsistent with the CP and it highlighted CP policies encouraging affordable housing production (Tr. at 42-48).

ANC

49. ANC 7D submitted a report on February 20, 2026 (the “ANC 7D Report”), stating that at its regularly scheduled and duly noticed July 8, 2025 public meeting, with a quorum present, ANC 7D voted 7-0-0 to support the Application. The ANC 7D Report states that the ANC acknowledges that filings have been accepted into the record since the ANC took its vote in July 2025, and that the ANC has not undertaken a formal review or votes on those new materials. The ANC 7D Report did not state any issues and concerns nor did ANC 7D appear or provide testimony at the February 23, 2026 Public Hearing (Ex. 27).

Public Hearing

50. After proper notice, the Commission held a public hearing on the Application on February 23, 2026. Cary Kadlecsek and Cindy Vong of Goulston & Storrs testified on behalf of the Applicant. Amoni Woodby of SOME also testified on behalf of the Applicant. Marc Feinstein of Miner Feinstein Architects, LLC testified as the Applicant’s project architect. The Commission qualified Mr. Feinstein as an expert in his field.
51. At the February 23, 2026 public hearing, the Applicant presented the Project and responded to questions from the Commission.
52. Three agencies testified in support of the Application: Noelle Wurst of OAG; Erkin Ozberk of DDOT; and Shepard Beamon of OP.
53. No public individuals or organizations in support of, or opposition to, the Project appeared or testified at the public hearing.
54. No letters of support or opposition from public individuals or organizations were submitted to the case record.
55. One letter expressing a desire that the Building’s exterior be preserved to the maximum extent possible was submitted to the case record (Ex. 11).

CONCLUSIONS OF LAW

Design Review Approval; Authority

1. Pursuant to the authority granted by Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.01 (2019 Repl.)), the Commission may approve a VDR application consistent with the requirements of Subtitle X, Chapter 6 and Subtitle Z § 301.

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, provided that FAR is measured as the aggregate of all buildings within a Voluntary Design Review boundary;*
 - (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 FAR beyond that allowed within the overall Voluntary Design Review application boundary or a map amendment.*
3. Pursuant to Subtitle X §§ 601.3 and 601.4, a proposed VDR application shall include no more than one zone; shall have a minimum area of two acres for a development to be located in any R, RF, or RA zone, including the area of public streets or alleys proposed to be closed; and all of the property included in the design review, whether voluntary or mandatory, shall be contiguous, except that the property may be separated only by a public alley or public right-of-way other than a public street.
4. Pursuant to Subtitle X §§ 603.1 and 603.3, as part of the Design Review process, the Commission is authorized to grant relief from the development standards for height, setbacks, yards, lot occupancy, courts, building transitions, and any design standards of a specific zone; except for height, the amount of relief granted is discretionary, provided that the relief is required to enable the application to meet all of the standards of Subtitle X § 604. The Commission may grant no greater height than that permitted if the application were for a PUD.
5. Pursuant to Subtitle X § 603.4, the Commission is authorized to hear a special exception or variance that would otherwise require approval of the Board of Zoning Adjustment simultaneously with a Design Review application, subject to all applicable criteria and standards.
6. To grant special exceptions, as provided in Subtitle X § 901.2, in the judgment of the Board of Zoning Adjustment, the special exception:
 - 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. Will meet such special conditions as may be specified in the Zoning Regulations.
7. To grant area variances, as provided in Subtitle X § 1002.1(a), an applicant must prove that, as a result of the attributes of a specific piece of property described in Subtitle X

§ 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of the property; provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

8. The Commission makes the following conclusions of law based on the information provided in the record, including testimony provided at the hearing, the Applicant's statements, the OP Report, the DDOT Report, the OAG Report, and the ANC 7D Report.

Design Review and Zoning Relief

9. For the reasons stated herein, the Commission concludes that the Application satisfies the design review standards set forth in Subtitle X § 603, 604 and the general special exception standards set forth in Subtitle X, Chapter 9 (Finding of Fact ("FF") 15-24, 26, 30-39, 42). The Commission notes that the Applicant and OP provided racial equity analyses compliant with the Commission's Racial Equity Tool, inclusive of community outreach and engagement information and disaggregated race and ethnicity data for the Capitol Hill Planning Area, respectively (FF 24, 39). Based on the analyses provided, the Commission concludes that the Application will advance CP racial equity goals primarily through the provision of updating and expanding an all-affordable building (FF 24, 30, 33, 34, 39).
10. For the reasons stated herein, the Commission concludes that the Application satisfies the standards of Subtitle X §§ 603.1 and 603.3 for flexibility relief from the minimum height requirements of Subtitle E § 203.2 to provide a maximum height of 46'8" when a 35 ft. maximum height is allowed; and from the requirements of E § 207.1 to provide no rear yard for the new fourth floor when a 20 ft. rear yard is required (FF 23, 30, 33, 37).
11. For the reasons stated herein, the Commission concludes that, pursuant to Subtitle X § 603.4, the Application satisfies the specific special exception standards under Subtitle C § 703.2 for relief from minimum parking requirements to provide no parking when 31 spaces are required; and Subtitle U § 320.2 to convert a building existing as of May 12, 1958 to an apartment house; and the general special exception standards set forth in Subtitle X § 901.2 (FF 23, 31, 33, 35).
12. For the reasons stated herein, the Commission concludes that, pursuant to Subtitle X § 603.4, the Application satisfies the standards set forth in Subtitle X, Chapter 10 for area variances from the TDM plan requirements of Subtitle C § 703.4; the 900 square foot land area per dwelling unit requirements of Subtitle U § 320.2(c); and the minimum area requirement for a VDR in the RF-1 zone of Subtitle X § 601.3(a) (FF 23, 32, 33, 36).

"Great Weight" to the Recommendations of OP

13. The Commission must give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

14. The OP Report recommended approval of the Application. OP noted that if the Application were approved, the number of existing units should not decrease, there should be no reduction to the number of shade trees provided on the site/landscape plan, and modifications to the exterior details and materials with alternative material should not diminish the quality of material or character of the neighborhood (FF 33). The OP Report further stated OP's agreement with the Applicant's requested design flexibility, subject to OP's conditions (FF 38). The Commission concurs with OP's recommendation and testimony that the Project should be approved with the conditions suggested by OP. The Commission notes that no specific condition language was proposed by OP regarding alternative materials, but this Order includes conditions to prevent reducing the number of existing units and the number of shade trees provided on the site/landscape plan. The Commission has given the requisite great weight to OP's Report and recommendation.

"Great Weight" to the Written Report of the ANC

15. The Commission must give "great weight" to the issues and concerns of the affected ANC expressed in its written report (§ 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the 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. 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)).
16. The ANC 7D Report recommended approval of the Application. No issues or concerns were expressed. The Commission concurs with ANC 7D's recommendation that the Application should be approved (FF 49). The Commission has given the requisite great weight to ANC 7D's Report and recommendation.
17. The Commission notes that DDOT requested that the Applicant provide 20 long-term bicycle parking spaces as a condition of approval; however, after the Applicant stated it could not meet this condition during the public hearing, DDOT stated it would still support the Application if only the required five spaces were ultimately provided (FF 43, 45, 46). The Commission encourages the Applicant to provide more long-term bicycle parking spaces if possible.

DECISION

In consideration of 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:

- VDR approval to renovate and expand the Building at the Property, pursuant to Subtitle X § 601.2;
- Special exception relief from the minimum vehicle parking requirements of Subtitle C § 701.5; and special exception for the conversion of an existing residential building to an apartment house under Subtitle U § 320.2;

- Area variance relief from the TDM plan requirement of Subtitle C § 703.4; area variance relief from the minimum 900 sq. ft. of land area per dwelling unit requirement of Subtitle U § 320.2(c); and area variance relief from the minimum area requirement for VDR of Subtitle X § 601.3(a);
- Technical zoning flexibility from the building height requirements of Subtitle E § 203.2; and the rear yard requirements of Subtitle E § 207.1; and
- Such other design flexibility as are set forth in the Conditions hereof.

This approval is subject to the following conditions, standards, and flexibility:

Project Development

1. The Project shall be built in accordance with the plans and elevations dated February 23, 2026 (Ex. 20B1-20B2) (the “Final Plans”), and with flexibility to accommodate the location of long-term bicycle parking spaces, subject to the following areas of design flexibility:
 - 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 final plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - 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 final plans;
 - 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 final plans;
 - Number of Units: To provide a range in the approved number of apartment units between 59-64;
 - Streetscape / Site Design: To vary the location, attributes, and general design of the approved streetscape and site design elements to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee;
 - Sustainable Features: To vary the approved sustainable features of the Project, provided the Project maintains compliance with all applicable D.C. Green Building Act and Green Building Code requirements; and
 - Landscape Materials: To vary the final selection of landscaping materials utilized based on availability at the time of construction; provided that there is no reduction in proposed number of shade trees as provided on the site/landscape plan.

General

2. This Application approval shall be valid for a period of two years from the effective date of this Order. Within such time, an application for a building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order, per Subtitle Z § 702.3.

FINAL ACTION

Vote (February 23, 2026): 5-0-0

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 25-03 shall become final and effective upon publication in the *District of Columbia Register*; that is, on September 4, 2026.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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