

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 25-07  
Z.C. Case No. 25-07  
BD Parcel 5 LLC (NHR Design Review)  
September 8, 2025

Pursuant to notice, the Zoning Commission of the District of Columbia (the “Commission”) held a public hearing on September 8, 2025, to consider the application (“Application”) of BD Parcel 5, LLC (the “Applicant”) requesting:

- (i) Design Review approval for construction of a mixed-use building (the “Project”) located on Howard Road, SE at Square 5860, Lot 1070 (the “Property”) in the Northern Howard Road (“NHR”) Zone District pursuant to Subtitle K §§ 1004 and 1005 and Subtitle X § 604 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);
- (ii) Special exception relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4;<sup>1</sup>
- (iii) Technical zoning flexibility from the open court requirements of Subtitle K § 1001.11; the side yard requirements of Subtitle K § 1001.8; the ground floor minimum clear height requirement of Subtitle K § 1004.3(a); the stormwater retention capacity requirement of Subtitle K § 1010.1(d); and the rooftop solar panel requirement of Subtitle K § 1010.1(a);<sup>2</sup> and
- (iv) 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 Procedures, which are codified in Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

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<sup>1</sup> The Applicant had initially requested special exception relief from the penthouse setback requirements of Subtitle C § 1504.1(c)(2) to allow certain rooftop guardrails located along walls facing a public park to not be setback 1:1 from the edge of the roof upon which they are located. However, prior to the public hearing, the Applicant submitted a revised roof plan that showed guardrails compliant with the 1:1 roof structure setback requirement, and thus the Applicant formally withdrew its request for roof structure setback relief.

<sup>2</sup> The Applicant had initially requested special exception relief from the open court, side yard, and ground level clear height requirements, and area variance relief from the stormwater retention and rooftop solar requirements. In its report to the Commission, the Office of Planning stated that it believed the Commission could grant these areas of relief as design flexibility under Subtitle X § 603. The Commission agrees with the Office of Planning and thus considered the Applicant’s request regarding these development standards as flexibility. As such, pursuant to Subtitle X § 603.4, the applicable special exception criteria and variance standards that would otherwise need to be satisfied in a request for relief need not be applied in this case.

## **The Application**

### **Notice**

1. Pursuant to Subtitle Z § 301.6, on December 5, 2024, the Applicant mailed a Notice of Intent to file a Design Review application (the “NOI”) to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 8A, the ANC within which the Property is located and the “affected ANC” per Subtitle Z § 101.8. While not considered part of the affected ANC, the Applicant also mailed the NOI to ANC 8C due to its proximity to the Property. The Applicant engaged with both ANC 8A and ANC 8C prior to filing the Application. (Exhibit [“Ex.”] 3D.)
2. On May 16, 2025, the Applicant filed the Application with required and supportive documentation and plans. (Ex. 1-4.)
3. By letter dated June 10, 2025, the Office of Zoning (“OZ”) referred the Application for review and comment and gave notice of the September 8, 2025, virtual public hearing to:
  - D.C. Department of Energy and Environment (“DOEE”);
  - D.C. Metropolitan Police Department (“MPD”);
  - D.C. Fire & Emergency Medical Services (“FEMS”); and
  - D.C. Homeland Security & Emergency Management Agency (“HSEMA”).(Ex. 7.)
4. Pursuant to Subtitle Z § 402.1(a), OZ published the Notice of Public Hearing in the July 11, 2025, issue of the *D.C. Register* (72 DCR 007814-007817). (Ex. 7,8.)
5. The Applicant posted notice of the hearing on the Property on July 14, 2025, and maintained such notice in accordance with Subtitle Z §§ 402.3 and 402.10. (Ex. 9, 19.)

### **Parties**

6. Apart from the Applicant and ANC 8A, there were no parties to the proceedings and no requests for party status.

### **The Property**

7. The Property comprises approximately 33,326 square feet of land area on the north side of Howard Road, SE. The Property is currently an unimproved lot and was most recently used for construction staging during construction of the first phase of the Bridge District (approved pursuant to Z.C. Order No. 21-13), which was recently completed. (Ex. 3A.)
8. The Property is part of the area referred to by the Applicant as the “Bridge District,” a collection of several adjacent parcels that are owned by affiliates of the Applicant on both sides of Howard Road in between South Capitol Street, SE on the west and the Anacostia Freeway on the east. The Project is the next phase in the build out of the Bridge District, a new multi-building mixed-use neighborhood that will contain residential, office, neighborhood-serving amenities, and public and publicly accessible open space. (Ex. 3.)

9. The Property is located west of the Anacostia Metrorail Station. To the north is Poplar Point and Anacostia Park; to the east and southeast are Bridge District – Parcel 6 (currently unimproved), and a charter school and D.C. Department of Health facility, respectively; to the south are Bridge District – Parcels 1 and 2 (approved pursuant to Z.C. Order No. 22-39) and Suitland Parkway; and to the west is the recently completed “Bridge District Phase 1” (Parcels 3 and 4). (Ex. 3.)
10. The Property is an Assessment & Taxation (A&T) lot within a larger record lot, Record Lot 99 (“Record Lot”), that also contains A&T Lot 1071 (“Lot 1071”). The Record Lot fronts on Howard Road, SE on the south and the public right-of-way of the Anacostia Freeway on the east. Lot 1071, which is known as Parcel 6 of the Bridge District, is also owned by affiliates of the Applicant and will be redeveloped in a future phase of the Bridge District.

#### Zoning

11. The Property is in the NHR Zone District. Subtitle K § 1000.2 states that the purposes of the NHR zone are to:
  - Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan;
  - Encourage a variety of visitor-related uses, such as retail, service, and entertainment;
  - Provide for increased height and density associated with increased affordable housing;
  - Encourage superior architecture and design in all buildings and publicly accessible outdoor spaces;
  - Require preferred ground-level retail and service uses along Howard Road, SE;
  - Provide for the development of Howard Road, SE as a pedestrian- and bicycle-friendly street, with street-activating uses, and connections to Metrorail and the broader neighborhood; and
  - Encourage the inclusion of a bicycle track along Howard Road, SE.
12. The NHR Zone is intended to permit high-density mixed-use development in the vicinity of the Anacostia Metrorail Station along Howard Road. (Subtitle K § 1001.1.) The NHR Zone permits a maximum floor area ratio (“FAR”) of 9.0 and requires a minimum residential FAR of 2.5<sup>3</sup>. (Subtitle K §§ 1001.2, 1001.3.) The NHR Zone permits a maximum building height of 130 feet. (Subtitle K § 1001.4.) The NHR Zone requires development fronting on Howard Road, SE, such as the Property, to adhere to the preferred use and design requirements of Subtitle K § 1004. The NHR Zone also requires development on this Property to comply with the requirements of Subtitle K § 1010.1 regarding rooftop solar panels, Inclusionary Zoning (“IZ”) units set-aside, and stormwater capacity, and not to be constructed within the 500-year flood plain. Further, with respect

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<sup>3</sup> With respect to both, except as allowed/modified based on the provisions in Subtitle K § 1009.

to IZ, the NHR Zone requires residential development to comply with the set-aside, Median Family Income (“MFI”), and three-bedroom requirements as set forth in Subtitle K § 1002.

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

13. The Property is located within an area designated on the Future Land Use Map (“FLUM”) of the CP as Mixed Use (High Density Commercial / High Density Residential / Institutional). The CP describes the Mixed Use FLUM designation as “areas where the mixing of two or more land uses is especially encouraged.” CP § 227.20. The general density and intensity of development in Mixed Use areas is determined by the specific mix of uses shown on the FLUM. *Id.* § 227.21. In this case, the Mixed Use area on the FLUM within which the Property is located is planned for high density mixed-use development containing commercial, residential, and institutional uses. The CP Framework Element describes the High Density Commercial, High Density Residential, and Institutional FLUM categories as follows:
  - The High Density Residential designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. 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. The RA-4 and RA-5 Zone Districts are consistent with the High-Density Residential category, and other zones may also apply. *Id.* § 227.8.
  - The High Density Commercial designation is used to define the central employment district, other major office centers, and other commercial areas with the greatest scale and intensity of use in the District. Office and mixed office/retail buildings with densities greater than a FAR of 6.0 are the predominant use, although high-rise residential and many lower scale buildings (including historic buildings) are interspersed. The MU-9, D-3, and D-6 Zone Districts are consistent with the High-Density Commercial category, and other zones may also apply. *Id.* § 227.13.
  - The Institutional Use designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories. *Id.* § 227.18.
14. The Generalized Policy Map (“GPM”) of the CP designates the Property as a Land Use Change Area. The purpose of Land Use Change Areas is to “encourage and facilitate new development and promote the adaptive reuse of existing structures.” *Id.* § 225.11. The GPM also shows that the Property is located within a Future Planning Analysis Area and a Resilience Focus Area. Future Planning Analysis Areas are described in the CP Implementation Element as “large tracts or corridors where future analysis is anticipated to ensure adequate planning for equitable development...” *Id.* § 2503.2. It is intended that the planning analysis “shall precede any zoning changes in the area.” *Id.* Resilience Focus

Areas are described in the CP Land Use Element as areas where future planning efforts are anticipated to ensure resilience to flooding for new development and infrastructure projects, including capital projects, especially in areas within the 100- and 500- floodplains. *Id.* § 304.8. In Resilience Focus Areas, the implementation of neighborhood-scale and site-specific solutions, design guidelines, and policies for a climate-adaptive and resilient city are encouraged and expected. *Id.*

15. The Property is located within the Lower Anacostia Waterfront/Near Southwest Area Element of the CP. (Ex. 3.)

### The Project

16. In accordance with Subtitle C § 302.4, the Project will be constructed on the Record Lot together with a future building located to the east on Parcel 6 of the Bridge District. Within the single Record Lot, the Building and future building on Parcel 6 will be located on separate theoretical building sites that will be used for purposes of measuring zoning compliance. Specifically, the Project will be constructed on Lot 1070 and the building on Parcel 6 of the Bridge District will be constructed on Lot 1071. (Ex. 3B1-3B4, 11-11A5, 24.)
17. The Project entails construction of a mixed-use building (“Building”) that will contain approximately 239,328 square feet of gross floor area (“GFA”), of which approximately 230,679 square feet of GFA is devoted to residential use, and approximately 8,649 square feet of GFA is devoted to ground floor commercial use. (Ex. 3B1-3B4, 11-11A5, 24.)
18. The Building will be constructed to a maximum height of 130 feet, as measured from the midpoint of the frontage on the east side of the Record Lot, and will have a maximum overall density of approximately 7.16 FAR. The Building will have a penthouse containing habitable and mechanical space and screened mechanical equipment that has a maximum height of 20 feet. (Ex. 3B1-3B4, 11-11A5, 24.)
19. The Building will contain approximately 272 dwelling units, which will include a mix of studios, one-bedroom, two-bedroom, and three-bedroom apartment units. In accordance with the requirements of the NHR zone (*see* Subtitle K §§ 1002, 1010.1), the Project will set aside 12% of the residential GFA and 8% of the penthouse habitable space for IZ units, affordable at the 60% and 50% MFI levels. Approximately 50% of the IZ square footage will be three-bedroom units. Overall, the Project is expected to provide approximately 27,900 square feet of GFA of affordable housing. This is anticipated to equate to approximately 29 affordable units, of which approximately 11 will be three-bedroom units. (Ex. 3B1-3B4, 11-11A5, 24.)
20. The Building will contain two-levels of below grade parking with approximately 160 vehicle parking spaces, 2 loading berths and 1 delivery space, approximately 92 long-term bicycle parking spaces, and 17 short-term bicycle parking spaces. (Ex. 3B1-3B4, 11-11A5, 24.)
21. The Building will contain 11 stories of above-grade residential use constructed of mass timber over a 1-story concrete podium that will contain residential lobby and amenity

spaces; retail; a bike storage room; and loading and other back of house/mechanical spaces. The residential lobby and retail uses define the Howard Road street frontage at the ground level. Amenity space, loading facilities, long-term bicycle parking, and mechanical areas are located towards the rear portion of the ground-level. Above the ground-level, upper floors contain residential units configured in a “U” shape that defines a large landscaped open court that faces Poplar Point to the north and provides light and air to interior dwelling units. Corner units around the exterior perimeter of the Building are outfitted with balconies that face Howard Road or Poplar Point. The penthouse level will contain dwelling units, a large resident amenity space, mechanical equipment, a significant amenity deck with pool, and green roof area. (Ex. 3B1-3B4, 11-11A5, 24.)

22. The exterior of the Building is composed of a mix of masonry, metal panel, and glass that is intended to give the Building a modern residential character. Overall, the Building has a simple massing and varied material palette that gives the massing texture. At the street level, the ground floor is clad in wood-toned material, which frames expansive storefront glazing along Howard Road that will create a vibrant and transparent pedestrian experience. Above the first floor, the east, south, and west facades feature a strong gridded pattern defined by alternating bands of light-toned masonry or metal and dark metal panels. The vertical grid is emphasized through continuous light-colored vertical pilasters that rise from the second floor to the parapet. Horizontal elements are articulated with an alternating material pattern that adds texture and depth across the façade. The north facade contrasts with the more structured masonry façades elsewhere on the Building through use of a glass curtain wall on levels 2 through 12 that maximizes views toward Poplar Point and the Anacostia River. (Ex. 3B1-3B4, 11-11A5, 24.)
23. The Project’s landscape design includes the ground level green courtyard between the Building and Bridge District Phase 1. On the second floor, a large, planted court will provide bioretention that will contribute to the Applicant’s compliance with stormwater management requirements, as applicable. The courtyard is defined by a landscaped area surrounded by private terraces belonging to the adjacent dwelling units. At the penthouse level, a variety of outdoor amenity spaces will be provided outside an indoor amenity space. Along the south side of the amenity space, a paved amenity deck will overlook Howard Road and the Bridge District. The northwest side of the roof will contain additional outdoor seating areas and a pool. The seating areas will be improved with a mix of seating that provide opportunities for small and large gatherings, dining, and passive recreation. (Ex. 3B1-3B4, 11-11A5, 24.)
24. Howard Road serves as the Project’s primary pedestrian frontage with multiple retail and residential access points along the streetscape. In accordance with the designated streets requirements of the NHR zone (*see* Subtitle K § 1004), the ground floor of the Project has a significant component with a minimum clear height of 14 feet and highly transparent storefront. Additional open space is provided on the west side of the Building with a green courtyard that will be activated by the Building’s ground floor residential amenity space and associated garden patio areas, and the retail and associated retail outdoor dining areas of Bridge District Phase 1 to the north. A publicly accessible pedestrian walkway will run north-south through the center of the green courtyard that connects Howard Road with the

pedestrian/bicycle promenade that runs along the northern edge of the Bridge District (and along adjacent Poplar Point park land). (Ex. 3B1-3B4, 11-11A5, 24.)

25. Vehicular access to the Project's below-grade parking garage will be provided via a connection from the existing below-grade garage and access point in the recently completed Bridge District Phase 1. (Ex. 3B1-3B4, 11-11A5, 24.)
26. Loading access to the Project will be provided via a single curb cut at the east end of the Property that leads to the Building's loading facilities. The curb cut leading to the loading facilities will also be utilized for parking and loading access by the future development of Parcel 6 of the Bridge District. (Ex. 3B1-3B4, 11-11A5, 24.)
27. In accordance with NHR zone requirements, the Project is designed to achieve a minimum LEED v4.0 Gold certification standards for New Construction.<sup>4</sup> The Project also includes rooftop solar panel arrays for onsite energy generation. (Ex. 3B1-3B4, 11-11A5, 24.)
28. As part of the Project, the adjacent public space along Howard Road will be reconstructed. The design of the streetscape will be consistent with DDOT standards and will match the design that has been constructed at the recently completed Bridge District Phase 1. The sidewalk along Howard Road will provide a minimum eight-foot clear pedestrian pathway. Along the curb, regularly spaced tree boxes will be constructed that are separated by permeable paved areas. Bike racks, lighting, and other streetscape furnishing will be provided in accordance with DDOT standards. (Ex. 3B1-3B4, 11-11A5, 24.)

#### Zoning Relief Requested

29. The Application requests Design Review approval as required by Subtitle K § 1005 of the Zoning Regulations for a proposed building in the NHR zone. As part of the Application, the Applicant requested special exception relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4. (Ex. 3, 11.)

#### Design Flexibility Requested

30. The Applicant also requested areas of minor design flexibility in its prehearing submissions to the Commission, which are set forth in the Conditions hereof. (Ex. 3, 11.)

#### Applicant's Submissions

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<sup>4</sup> In June 2023, during the LEED certification process for the Bridge District Phase 1 development, the U.S. Green Building Council ("USGBC") informed an affiliate of the Applicant that LEED v4.1 for New Construction – Multifamily currently can only be used for projects outside of the United States. Instead of LEED v4.1, the USGBC advised an affiliate of the Applicant that it would need to utilize LEED v4.0 and may pursue v4.1 prerequisites and credits using credit substitution. This is exactly what an affiliate of the Applicant did for the recently completed Bridge District Phase 1 development. While the Bridge District Phase 1 LEED baseline is LEED v4.0, such affiliate of the Applicant utilized credit substitution to achieve LEED v4.1 prerequisites and credits in nearly every category that is available. This approach was confirmed to be satisfactory by the Zoning Administrator for purposes of meeting the NHR zone LEED requirement.

31. The Applicant submitted the initial Application and supporting exhibits on May 16, 2025 (Ex. 2-4), which included the following:

- The Applicant's initial set of architectural plans (Ex. 3B1-3B4).
- A CP consistency evaluation through a racial equity lens that was guided by the Commission's Racial Equity Tool. (Ex. 3.) The Applicant's evaluation summarized its community outreach efforts, which included engagement with ANC 8A, ANC 8C, neighbors, and the broader community. The evaluation stated that the Project will provide market-rate and affordable housing, neighborhood-serving retail and service amenities, and would not lead to the physical displacement of any existing residents. The Applicant also stated that the Project would result in positive outcomes to the physical environment, including the public space along Howard Road and the next segment of the pedestrian/bicycle promenade that the Applicant is constructing along the northern edge of the Bridge District. The Applicant concluded that the Project would have a positive overall impact on advancing the District's racial equity goals.
- The following requests for special exception relief:
  - i. Open court requirements: The Applicant explained that Subtitle K § 1001.11 requires an open court width of 44'-8" feet for a court height of 133'-11", but the Project only provides an open court width of approximately 22'-11" along the east side of the Building, adjacent to Parcel 6 of the Bridge District, where the drive aisle access to loading is provided.
  - ii. Side yard requirements: The Applicant explained that per Subtitle K § 1001.8, a side yard width of 21'-8" is required for the side yard that is provided along the north side of the Building, but that a side yard width of only 15'-8" is provided along the vast majority of the north side of the Building. At the locations of the balconies on the north side of the Building, technically the side yard is reduced to 10'-0" since the Zoning Regulations do not expressly permit a balcony to extend into a required yard.
  - iii. Ground floor minimum clear height: The Applicant explained that 11-K DCMR § 1004.3(a) requires the ground floor of the Building to have a minimum clear height of 14-feet for a continuous depth of at least 36 feet from the building line along Howard Road. As proposed, a portion of the Building's ground floor will not satisfy the 14-foot clear height requirement for the full 36-foot required depth.
  - iv. Penthouse enclosing walls uniform height: The Applicant explained that Subtitle C § 1503.4(a) requires walls enclosing penthouse habitable space to have a single uniform height. While much of the penthouse habitable space proposed on the rooftop of the Project will have a single height of approximately 12 feet, a portion of the amenity space at the western end of the penthouse will have a height of 20 feet and have an angled wall.

v. Penthouse/Roof structure (guardrails) 1:1 setback: The Applicant explained that Subtitle C § 1504.1(c)(2) requires penthouses and roof structures to be set back 1:1 from any side building wall that faces a public or private street or alley right-of-way, or a public park. As originally proposed, the Applicant requested relief to allow the rooftop guardrails along the east and west ends of the building that face Poplar Point, including the pool deck guardrail that also faces Poplar Point, to be set back less than the 1:1.

32. The Applicant submitted a Prehearing Statement dated August 8, 2025 (Ex. 11-11D) (the “Prehearing Statement”), which included the following information and materials:

- A revised set of architectural plans (Ex. 11A1-11A5) reflecting various refinements to the Project, including a decrease in dwelling units from approximately 299 to approximately 272, an increase in total number of balconies, an increase in the number of IZ units with balconies, the removal of a pergola and the addition of gate access at a ground-level amenity deck, the addition of rooftop mechanical equipment for all-electric building program and to achieve energy reduction targets, and the potential replacement of a ramp leading to the elevated pool deck with an elevator vestibule to directly access the pool deck.
- A revised list of requested design flexibility.
- The Applicant modified its request for special exception relief from the penthouse enclosing walls uniform height requirement. In its initial application, the Applicant proposed a long ramp to access the raised pool deck. The Applicant subsequently modified the Project to provide direct access to the pool deck via elevator which required addition of a modest-sized elevator vestibule. The vestibule has a height of approximately 13'-0" above the roof, which is lower than the other penthouse mechanical and habitable space on the roof.
- The Applicant made an additional request for variance relief from the NHR zone rooftop solar panel requirement of Subtitle K § 1010.1(a) and the stormwater retention capacity requirement of Subtitle K § 1010.1(d). The Applicant explained that a unique combination of site constraints and overlapping regulatory and policy driven requirements make it practically difficult to provide enough rooftop solar panels to satisfy the 178 kWh per 1,000 square feet of GFA energy generation requirement set forth under Subtitle K § 1010.1(a). However, the Applicant noted that it would continue to satisfy the 1% on-site renewable energy generation requirement under Subtitle K § 1008.2. Regarding stormwater retention capacity, the Applicant stated that while it is unable to provide enough onsite retention capacity to withstand a 1.7" stormwater event, it will continue to comply with DOEE’s stringent stormwater retention requirements that are applicable to the Project.
- A Comprehensive Transportation Review Report dated August 6, 2025 (the “CTR”), which concluded that the Project would not have a detrimental impact to the surrounding transportation network assuming the proposed site design elements and Transportation Demand Management (“TDM”) plan measures included in the CTR are implemented. (Ex. 11B.)

33. On August 26, 2025, the Applicant requested a waiver from Subtitle Z § 401.5 to submit a revised CTR less than 30 days before the September 8, 2025, public hearing. (Ex. 12-13A). The Applicant stated that the revised CTR included responses to comments received from DDOT on August 14, 2025, and that it was requesting to submit the revised CTR for completeness of the Commission's record in this case. The Commission granted the waiver at the start of the public hearing.
34. On September 5, 2025, the Applicant submitted presentation materials for the September 8, 2025, virtual public hearing. (Ex. 22.)
35. On September 8, 2025, the Applicant requested a waiver from Subtitle Z § 401.5 to submit a revised roof plan that modified the rooftop guardrails located along the Project's north side building walls that face Poplar Point such that they satisfied the 1:1 setback requirement under Subtitle C § 1504.1(c)(2). (Ex. 23-25). As part of its waiver request, the Applicant withdrew its original request for roof structure setback relief. The Commission granted the waiver at the start of the public hearing.

#### Applicant's Justification for Design Review Approval

##### *NHR Zone Design Review Standards (Subtitle K, Chapter 10)*

36. The Application stated that the Project met the provisions of Subtitle K § 1005.2 as follows:
  - Pursuant to Subtitle K § 1005.2(a), the Application asserted that the Project would achieve the objectives of the NHR zone because it would provide residential use with a significant amount of affordable housing as well as supporting ground floor retail uses which will encourage visitors to the Bridge District. In addition, the Project is not inconsistent with the CP's FLUM designation for the Property and utilizes superior architecture and design that incorporates balconies, a varied material palette, and a green courtyard that will facilitate pedestrian connectivity between Howard Road and the pedestrian/bicycle promenade being constructed by the Applicant along the northern edge of the Bridge District. The Project is another example of the Applicant's commitment to high-quality, sustainable, superior architecture, and will include substantial improvements to publicly accessible spaces on and adjacent to the Property will further increase pedestrian comfort and safety, and strengthen connections to nearby Metrorail, Anacostia Park, the broader Anacostia neighborhood, and Downtown DC. (Ex. 3.)
  - Pursuant to Subtitle K § 1005.2(b), the Application asserted that the Project will help achieve the desired use mix of residential and retail and service uses that will help activate a long-underdeveloped area, assist in achieving District housing goals, and bring new retail and service uses to an area of the city where such uses have long been lacking. (Ex. 3.)
  - Pursuant to Subtitle K § 1005.2(c), the Application asserted that the Project's streetscape complements the streetscape of the adjacent Bridge District Phase 1 development and the Bridge District as a whole. The streetscape surrounding the Project will be coordinated with DDOT to ensure seamless connectivity with

existing and future planned pedestrian and bicycle connections to the east toward Parcel 6 and the historic Anacostia neighborhood. (Ex. 3.)

- Pursuant to Subtitle K § 1005.2(d), the Application asserted that the Project will minimize conflict between vehicles, bicycles, and pedestrians by having vehicular access to the Project be provided via a connection from the existing below-grade garage and access point in the recently completed Bridge District Phase 1, and having the Project and future building on Parcel 6 of the Bridge District share a single access point for loading. This configuration allows the entire sidewalk along Howard Road in front of the Project to remain unbroken without curb cuts, which will ensure a safe and pleasing pedestrian environment. Additionally, bike parking, both long- and short-term, will be located at grade for easy access. (Ex. 3.)
- Pursuant to Subtitle K § 1005.2(e), the Application asserted that the Project would minimize unarticulated blank walls adjacent to public space through façade articulation. The proposed facades have been designed with the care and articulation typically reserved for primary frontages. The east, south, and west façades feature a rigorously gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The north façade utilizes a more modern, glass curtain wall system the maximizes views toward Poplar Point and the Anacostia River. Corner balconies oriented towards Howard Road and Poplar Point introduce additional articulation. (Ex. 3.)
- Pursuant to Subtitle K § 1005.2(f), the Application asserted that the Project has been designed to achieve a minimum LEED v4.0 Gold certification standards for New Construction. Some of the key “green” features include complete electrification for the residential program of the building, rooftop solar panels that will meet or exceed the NHR zone’s annual energy generation requirement, energy efficient building enclosures and mechanical systems, and onsite stormwater collection. (Ex. 3.)
- Pursuant to Subtitle K § 1005.2(g), the Application asserted that the Project would promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses. The ground floor of the proposed Project is designed with a minimum clear height of 14-feet and high-visibility glass storefront along the entire Howard Road street frontage. Further, 100% of the Howard Road frontage will be devoted to the preferred uses enumerated in the NHR designated street standards. Finally, the single curb cut at the eastern end of the Property for loading, and provision of vehicle parking access through the Bridge District Phase 1 garage will enhance safety and prioritize safe pedestrian circulation. (Ex. 3.)

37. The Application stated that the Applicant provided a report on the items in Subtitle K § 1005.3 as follows:

- Pursuant to Subtitle K § 1005.3(a), the Applicant will coordinate with the Department of Employment Services (DOES) regarding apprenticeship and

training opportunities during construction and operation at the site. The Applicant stated that it has been operating an internal apprenticeship and training program for local high school and college students for over eight years. The Applicant has thus far employed 12 students in paid internships to learn about real estate development. The Applicant stated that it previously partnered with a local CBE subcontractor to train local electrical apprentices who acquired on-job skills and experience at the Bridge District Phase 1 project site. The Applicant stated that it will endeavor to continue this partnership for the Project. Additionally, once construction on the Project begins the Applicant is aiming to partner with the general contractor to explore ways to create and host a variety of workforce development and training opportunities and events for community members and job seekers, including students. (Ex. 3.)

- Pursuant to Subtitle K § 1005.3(b), the Applicant will make efforts to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the Project. The Applicant stated that it has undertaken efforts to attract local businesses to the Project and the wider Bridge District. Additionally, the Applicant has been working with local Ward 8 businesses within the Bridge District thus far and intends to continue to do so on the Project. The Applicant has also been working with the Anacostia BID to pursue contracts with local cleaning, landscaping, and trash removal organizations for site cleanup. (Ex. 3.)
- Pursuant to Subtitle K § 1005.3(c), the Applicant will make efforts to provide commercial leasing opportunities to small and local businesses, especially Ward 8 businesses. The Applicant's placemaking strategy emphasizes small and local businesses as part of the overall retail mix for the Bridge District. Additionally, the Applicant has encouraged Ward 8 residents and other community stakeholders to refer qualified small and local businesses, and the Applicant has had several meetings with interested local entrepreneurs. (Ex. 3.)
- Pursuant to Subtitle K § 1005.3(d), the Applicant has coordinated with the D.C. State Historic Preservation Officer and has studied the potential for archeological resources at the Property and other locations within the Bridge District. To date, the Applicant has completed Phase I and Phase II studies and found no historical resources on the site. The research potential of the site was exhausted during the Phase I and Phase II investigations; and therefore, no further archaeological investigations were recommended at the end of these investigations. The Applicant will continue to coordinate with the D.C. State Historic Preservation Officer (Ex. 3.)

*General Design Review Standards (Subtitle X, Chapter 6)*

38. The Application stated that the Project met the general design review standards of Subtitle X § 604 as follows:

- Pursuant to Subtitle X § 604.5, the Application asserted that the Project is not inconsistent with the CP based on the following:

- i. GPM – The Project is not inconsistent with the GPM Land Use Change Area designation. The Property is currently vacant and underutilized, and the Project will redevelop the site with a mix of residential and retail and service uses. Together with Bridge District Phase 1, and the approved mixed-use development on Parcels 1 and 2 across Howard Road (Z.C. Order No. 22-39), the Project will further advance the build-out of the Bridge District, a major new, mixed-use community east of the Anacostia River that will bring substantial new housing, affordable housing, neighborhood amenities, improved access to open space, and access to employment opportunities and other community improvements. The Project is also not inconsistent with the GPM’s recommendations for developments within Resilience Focus Areas. The Project employs a site-specific resilient design and actively anticipates future flood risk by raising the elevation of the residential program of the Project above the 500-year floodplain. Finally, the Project design also incorporates several resilient design strategies including stormwater infiltration, keeping occupied spaces above the sea level rise adjusted flood elevation, green roofs, full-building electrification, rooftop solar panels, and use of drought tolerant landscaping.
- ii. FLUM – The Project is not inconsistent with the FLUM. The Framework Element does not provide specific guidance on density within areas that are designated for Mixed Use development. Rather, it is simply stated that the general density and intensity of development within a given Mixed-Use area is determined by the specific mix of uses shown, and that the Area Elements may provide detail on the specific mix of uses envisioned. The proposed density of the Project is not inconsistent with the FLUM, and the scale of development envisioned near Poplar Point in the Lower Anacostia Waterfront / Near Southwest Element. The Framework Element states that sites with a High Density Commercial FLUM designation have typical densities that are greater than 6.0 FAR, and sites with a High-Density Residential designation have typical densities that are greater than 4.0 FAR. The Project has a proposed density of approximately 7.16 FAR and thus is not inconsistent with the FLUM.
- iii. Lower Anacostia Waterfront/ Near Southwest Area Element – The Project is not inconsistent with the policies set forth in the Lower Anacostia Waterfront/ Near Southwest Area Element. The Project will redevelop a vacant site near transit, the waterfront, and historic Anacostia with a new mixed-use development containing approximately 272 new (market rate and affordable) dwelling units and approximately 8,649 GFA of new retail use. Consistent with the GPM, FLUM, and AW Element policies, the Project will bring greater residential and retail development to Poplar Point and the underserved neighborhoods east of the Anacostia River at a scale that is envisioned by AW Element policies and the AWI Framework Plan, and appropriate given the site’s proximity to Metrorail and other major surface roads and separation from the lower-scale pattern found in nearby

Historic Anacostia (AW-1.1.2, AW-1.1.7, AW-1.1.8, AW-1.1.9, AW-2.4.3, AW-2.4.5, AW-2.4.7).

iv. Citywide Elements – The Project is not inconsistent with and furthers various Citywide Element policies and actions that promote the creation of new multi-family market-rate and affordable housing, and retail uses with equitable access to transit and access to employment opportunities. Specifically: Land Use (LU-1.1.2: Resilience and Land Use, LU-1.4.2: Development Around Metrorail Stations, LU-1.4.3: Housing Around Metrorail Stations; LU-1.4.5: Design to Encourage Transit Use, LU-2.1.1: Variety of Neighborhood Types, LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods); Transportation (T-1.1.4: Transit-Oriented Development, T-1.1.7: Equitable Transportation Access, T-2.3.2: Bicycle Network, T-2.4.1: Pedestrian Network, T-3.1.1: TDM Programs, T-5.2.2: Charging Infrastructure); Housing (H-1.1.1: Private Sector Support, H-1.1.3: Balanced Growth, H-1.1.4: Mixed-Use Development, H-1.1.5: Housing Quality, H-1.1.9: Housing for Families, H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority, H-1.2.2: Production Incentives, H-1.2.3: Affordable and Mixed-Income Housing, H-1.2.9: Advancing Diversity and Equity of Planning Areas, H-1.2.11: Inclusive Mixed-Income Neighborhoods, H-1.3.1: Housing for Larger Households, H-1.6.1: Resilient and Climate-Adaptive Housing, H-1.6.5: Net-Zero, Energy Efficient Housing); Environmental Protection (E-1.1.1: Resilience to Climate Change as a Civic Priority, E-1.1.2: Urban Heat Island Mitigation, E-2.1.2: Tree Requirements in New Developments, E-2.1.3: Sustainable Landscaping Practices, E-3.2.3: Renewable Energy, E-3.2.6: Alternative Sustainable and Innovative Energy Sources, 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, E-4.2.1: Support for Green Building); Economic Development (ED-1.1.4: Promote Local Entrepreneurship, ED-1.1.5: Build Capacity and Opportunity, ED-2.2.1: Expanding the Retail Sector, ED-2.2.3: Neighborhood Shopping, ED-2.2.4: Support Local Entrepreneurs, ED-2.2.9: Clustered Retail at Transit, ED-3.1.1: Neighborhood Commercial Vitality, ED-3.2.2: Small Business Enterprise Programs Incubators, ED-3.2.8: Certified Business Enterprise Programs); and Urban Design (UD-1.1.1: National Image, UD-1.4.1: Thoroughfares and Urban Form, UD-2.1.1: Streetscapes That Prioritize the Human Experience, UD-2.1.4: Connections Between Public Spaces and Streets, UD-2.1.6: Minimize Mid-Block Vehicular Curb Cuts, UD-2.2.1: Neighborhood Character and Identity, UD-2.4.1: Inclusive and Diverse Neighborhood Spaces, UD-3.1.3: Public Spaces for Cultural Expression, UD-3.1.5: Sidewalk Culture, UD-3.2.5: Safe and Active Public Spaces and Streets, UD-3.3.1: Neighborhood Meeting Places, UD-4.2.1: Scale and Massing of Large Buildings, UD-4.2.2: Engaging Ground Floors, UD-4.2.3: Continuity and Consistency of Building Frontages, UD-4.2.4: Creating Engaging Facades, UD-4.2.6: Active Facades).

v. Potential Inconsistencies – The Applicant identified potential inconsistencies with specific CP policies relating to the Property's location within the 500-year floodplain (E-1.1.6) and the amount of proposed parking (T-1.1.8) exceeding Zoning Regulation requirements. With respect to the floodplain, the Applicant noted that the Project will be elevated above the 500-year floodplain and will incorporate various sustainability measures. With respect to vehicle parking, in deriving the amount of proposed parking the Applicant sought to balance transit accessibility, expected residential parking demand, and retail parking demand by visitors to the Bridge District. The Applicant believes the amount of proposed parking strikes the right balance given these factors and does not believe the additional parking will have an adverse impact given the Property's proximity to major aerial roads and its substantial distance from nearby neighborhoods in historic Anacostia. In addition, the amount of parking only slightly exceeds the amount permitted under the Zoning Regulations before triggering the excess parking mitigation requirement. As a result, the Applicant will fund the acquisition and installation of a Capital Bikeshare station which will serve to mitigate the additional vehicle parking provided, as set forth in the Conditions hereof. The Applicant concluded that any such inconsistencies with the CP are outweighed by the Project's consistency with other competing CP policies, particularly those pertaining to land use, housing, affordable housing, economic development, and environmental protection.

(Ex. 3.)

- Pursuant to Subtitle X § 604.7(a), the Application asserted that the Project's street frontages are designed to be safe, comfortable, and encourage pedestrian activity. The Howard Road frontage is entirely devoted to active retail use that allows for multiple entrances to satisfy the NHR zone designated street standards. The active ground floor uses within the Project will be accessible via a well-designed, reconstructed public streetscape. Collectively, the active ground floor uses, and well-designed streetscape will create a safe and inviting pedestrian environment. (Ex. 3.)
- Pursuant to Subtitle X § 604.7(b), the Application asserted that the Project would encourage public gathering spaces and open spaces. The green courtyard between the Building and Bridge District Phase 1 will be activated by the Building's ground floor residential amenity space and associated garden patio areas, and the retail and associated retail outdoor dining areas of Bridge District Phase 1 to the north. (Ex. 3.)
- Pursuant to Subtitle X § 604.7(c), the Application asserted that the Project respects the historic character of Washington's neighborhoods and will not affect it. The Project is being developed in a largely undeveloped area. In addition, the area is surrounded by transportation infrastructure and parkland and thus lacks any strong

urban form to which the Project might relate to and is severed from the Anacostia neighborhood to the east and south. To that end, the Project is approximately 0.40 miles from the historic Anacostia neighborhood, between which runs the I-295 freeway. As such, the Project's height and scale is not expected to have any adverse impact on historic Anacostia. In addition, the South Capitol Street ovals on the east and west sides of the Bridge have potential to become truly active public spaces that connect both sides of the Anacostia River. Furthermore, the eastern oval can serve as a gateway into Poplar Point and Anacostia Park. To that end, the Project, and the overall Bridge District can help activate and provide a backdrop to the eastern oval of the Bridge. (Ex. 3.)

- Pursuant to Subtitle X § 604.7(d), the Application asserted that the Project strives for attractive and inspired façade design. The Project will provide pedestrian-oriented street-frontage designs, including high ceiling clearance and glass windows at the ground floor creating pedestrian interactivity. The east, south, and west façades feature a rigorously gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The north façade utilizes a more modern, glass curtain wall system the maximizes views toward Poplar Point and the Anacostia River. Corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation.
- Pursuant to Subtitle X § 604.7(e), the Application asserted that the Project is designed with sustainable landscaping. The Project seeks to integrate landscape into spaces throughout the Property and Building. Landscaping has been integrated into spaces at the ground-level, second floor terrace, roof level, and within adjacent public space. Plantings, soil and drainage systems, and irrigation will be designed using current best practices to maximize successful plant growth and longevity to yield an attractive, mature landscape. The planting design seeks to provide year-round appeal while minimizing the need for excessive water usage or high-intensity maintenance activities like frequent fertilization, spraying, or seasonal re-planting. Native species will be incorporated in the planting designs to the maximum extent feasible. In addition, the Project will meet or exceed all Green Area Ratio (“GAR”) and DOEE Stormwater Management requirements. (Ex. 3.)
- Pursuant to Subtitle X § 604.7(f), the Application asserted that the Project is designed to complement the Bridge District Phase 1 development and the larger Bridge District neighborhood. The series of public parks and publicly accessible open spaces throughout the Bridge District will support gatherings and social interaction. Further, the Bridge District's complete pedestrian and bicycle network will promote connectivity to Anacostia Park, the Anacostia Metrorail station, the historic Anacostia neighborhood, and Downtown DC. (Ex. 3.)

#### *General Special Exception Standards (Subtitle X § 901.2)*

39. The Application asserted that the Project satisfies the special exception criteria of Subtitle X § 901.2(a) and (b), as required by Subtitle X § 604.6. Specifically, the Project will be in

harmony with the general purpose and intent of the Zoning Regulations and CP Maps and will not tend to affect adversely the use of neighboring property because:

- The Project is in harmony with the purpose and intent of the Zoning Regulations as it will promote the public health, safety, and general welfare of District residents. Given its distance from the lower-scale development pattern of historic Anacostia, and the separation provided by the Anacostia Freeway, the Project will not have any impact on the light and air of surrounding neighborhoods. Further, given the Property's proximity to Metrorail, and bicycle and vehicular infrastructure, the additional residential density will not result in an undue concentration of population or overcrowding of land. Indeed, the Property is an ideal location for additional height and density to help address the Washington, D.C.'s housing needs, and the critical need for improved neighborhood amenities east of the Anacostia River.
- Broadly, the NHR zone permits and encourages a broad mix of residential, commercial, and other uses, and the Project provides an appropriate mix of these uses, focusing on residential, including significant affordable units, many of which are larger-sized affordable units, with supporting retail and service uses. Except for the areas where the Commission has granted flexibility, the Project will meet all applicable NHR development standards. Most notably, the Project is within the maximum permitted height and density of 130 feet and 9.0 FAR, respectively.
- The Property is surrounded by parkland, the Anacostia Metrorail station, and transportation infrastructure. Most of the property immediately adjacent to the Project is owned by affiliates of the Applicant and will be part of the overall Bridge District development. The Project will not adversely affect the use of neighboring property but rather will support the community by offering housing and retail and service uses where it is needed. (Ex. 3.)

### **Responses to the Application**

#### **OP**

40. OP filed a report on August 29, 2025, recommending approval of the Project ("OP Report"). The OP Report found that the Application satisfied the Design Review criteria under Subtitle K § 1005 and 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, Urban Design, and Environmental Protection Elements and the Lower Anacostia Waterfront / Near Southwest Area Element, and would advance CP racial equity goals when evaluated through a racial equity lens. (Ex. 18.)
41. The OP Report recommended approval of the Applicant's requests for flexibility from the open court, side yard, ground floor minimum clear height, stormwater retention capacity, and rooftop solar panel requirements. (Ex. 18.)
42. The OP Report recommended approval of the Applicant's request for special exception relief for penthouse enclosing walls of unequal height. (Ex. 18.)

43. The OP Report stated no objection to the Applicant's requested design flexibility. (Ex. 18.)
44. The OP Report provided disaggregated race and ethnicity data for the District as a whole and the Lower Anacostia Waterfront / Near Southwest Planning Area, where the Property is located, in response to the Commission's revised Racial Equity Analysis Tool. The data showed that homeownership rates among all racial groups in the Planning Area went down, potentially due to the large influx of apartment buildings in the Planning Area, especially around the ballpark, soccer stadium, and the Navy Yard. District-wide, Black homeownership went down, but by only one percentage point, and White homeownership went up marginally. There is a starker contrast within the Planning Area between Black and White households with regards to the cost burdened households, median household income, and unemployment. OP stated that the Project can help to make progress toward alleviating these discrepancies by providing affordable units, including family-sized units, near several transportation modes, which can help populations of any skill or educational level reach employment opportunities. (Ex. 18.)
45. The OP Report also includes several comments on the Application that were provided by DOEE and the OP Neighborhood Planning Division. (Ex. 18.)
46. At the September 8, 2025, public hearing, OP reiterated its support for the Project. OP also testified that it supported the Applicant's revised roof plan and withdrawal of its request for penthouse / roof structure setback relief.

#### DDOT

47. DDOT filed a report dated August 29, 2025, stating that it had no objection to the Project ("DDOT Report") (Ex. 17.), subject to the following condition:
  - Implement the TDM Plan as proposed in the Applicant's August 21, 2025, revised CTR (Ex. 13A.), for the life of the project, unless otherwise noted.
48. At the September 8, 2025, public hearing, DDOT reiterated its support for the Project.

#### ANC

49. ANC 8A submitted a report dated June 23, 2025 ("ANC 8A Report"), stating that at its regularly scheduled and duly noticed public meeting on March 11, 2025, with a quorum present, ANC 8A voted 5-1 to support the Application. (Ex. 6.) The ANC 8A Report states that ANC 8A supports the design of the Project, as well as its affordable housing program and environmental features. ANC 8A also stated that the proposed Project will advance the build-out of the Bridge District, which has brought and will continue to bring new housing (including affordable housing), long-needed neighborhood-serving amenities, and public green space to Anacostia and other neighborhoods east of the Anacostia River. The ANC 8A Report did not state any issues and concerns and ANC 8A did not appear or provide testimony at the public hearing.
50. ANC 8C did not submit a report to the case record, nor did ANC 8C appear or provide testimony at the public hearing.

## **Public Hearing**

51. After proper notice, the Commission held a virtual hearing on the Application on September 8, 2025. Sohael Chowfla and Lindsay Morton testified on behalf of the Applicant. John Mitchell of HPA Architecture testified as the Project architect. Rob Schiesel of Gorove Slade testified as the Applicant's transportation consultant. Shane Dettman of Goulston & Storrs testified as the Applicant's land use planner. William Lattanzio of Wiles Mensch appeared at the hearing as the Applicant's civil engineer. The Commission qualified Mr. Mitchell, Mr. Schiesel, and Mr. Dettman as experts in their respective fields at the public hearing.
52. At the September 8, 2025, public hearing, the Applicant presented the Project and responded to questions from the Commission.
53. One witness testified in support of the Application: Kristina Noell of the Anacostia BID.
54. No individuals or organizations in opposition to the Project appeared or testified at the public hearing.
55. Five (5) letters or testimony in support were submitted to the case record. (Ex. 14, 15, 16, 20, 21.)
56. No letters in opposition to the Project were submitted to the case record.

## **CONCLUSIONS OF LAW**

### **Design Review Approval; Authority**

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.01 (2019 Repl.)) authorizes the Commission to undertake review and approval of a NHR zone design review application consistent with the requirements of Subtitle K, Chapter 10, and Subtitle X, Chapter 6.
2. Pursuant to Subtitle X § 600.1, the purpose of the Design Review process is to:
  - a. Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;
  - b. Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;
  - c. Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;
  - d. Promote high-quality, contextual design; and
  - e. Provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.
3. Since the Project is in the NHR zone and has frontage on Howard Road, the Applicant is required to comply with the designated streets criteria of Subtitle K § 1004 and the NHR zone-specific criteria of Subtitle K § 1005. In addition, pursuant to Subtitle K § 1005.2, the

Project is required to meet the Design Review standards set forth under Subtitle X, Chapter 6. Subtitle X § 604.6 also provides that the Applicant must meet the special exception standards of Subtitle X, Chapter 9.

4. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); *see also* Subtitle X § 901.2) authorizes the Commission to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Commission, 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. Complies with the special conditions specified in the Zoning Regulations.
5. 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, and the ANC 8A Report.

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

6. The Commission concludes that the Application meets the NHR Design Review criteria as detailed below.

*Subtitle K § 1005.2(a) – The Project will help achieve the objectives of the NHR zone defined in Subtitle K § 1000.1.*

7. The Project helps achieve the NHR zoning objectives through providing preferred ground floor retail use and residential use with a variety of unit types in a high-density building constructed with high quality materials in a superior design and with significant pedestrian and bicycle infrastructure improvements. (FF No. 36.)

*Subtitle K § 1005.2(b) – The Project will help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses.*

8. The Project helps achieve the desired use mix with a focus on primarily residential use and neighborhood serving retail and service uses. (FF No. 36.)

*Subtitle K § 1005.2(c) – The Project will provide streetscape connections for future development on adjacent lots and parcels, and be in context with an urban street grid.*

9. The Project's streetscape complements the recently constructed streetscape of Bridge District Phase 1 (approved in Z.C. Order No. 21-13), which was developed by the Applicant immediately west from the Project. The streetscape surrounding the Project will provide connectivity with existing pedestrian and bicycle connections to the east toward historic Anacostia, and to the west toward the South Capitol Street oval and Frederick Douglass Bridge. (FF No. 36.)

*Subtitle K § 1005.2(d) – The Project will minimize conflict between vehicles, bicycles, and pedestrians.*

10. The Project promotes a safe and efficient pedestrian experience. Vehicular access to the Project will be provided via a connection from the existing below-grade garage from the recently completed Bridge District Phase 1 development to the west of the Property, and loading access will be provided via a single curb cut at the eastern end of the Property, which will be shared with the future development on Parcel 6 of the Bridge District. Loading circulation has been designed to occur entirely within the Property, with head-in and head-out access. As a result of the proposed vehicle and loading access for the Project, the entire sidewalk along Howard Road in front of the Building is unbroken, which will ensure a safe pedestrian environment. Additionally, bike parking, both long- and short-term, is located at grade for easy access. The at-grade bike parking has been located to provide easy access to the existing and planned bicycle lanes in and around the Bridge District. (FF No. 36.)

*Subtitle K § 1005.2(e) – The Project will minimize unarticulated blank walls adjacent to public spaces through façade articulation.*

11. The Project does not include any unarticulated blank walls. The Project has been designed on all sides with detailed articulation and high-quality materials. The east, south, and west façades are articulated through a rigorously gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The vertical grid is emphasized through continuous light-colored vertical pilasters, while horizontal elements are articulated with an alternating material pattern. In contrast, the north façade utilizes a modern glass curtain wall system that maximizes views toward Poplar Point and the Anacostia River, while contrasting with the more structured façades elsewhere on the Building. Throughout the building, corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation and capitalize on key view corridors. (FF No. 36.)

*Subtitle K § 1005.2(f) – The Project will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.*

12. The Project is designed to achieve a minimum LEED v4.0 Gold certification standards for New Construction. Some of the key “green” features include full building electrification, rooftop solar panels, energy efficient building enclosures and mechanical systems, and onsite stormwater collection. The Commission notes that while the NHR regulations prescribe LEED v4.1 to be used for certain developments in the NHR zone, an affiliate of the Applicant has explained that the USGBC, the entity that administers the LEED rating program, currently does not permit use of LEED v4.1 for New Construction – Multifamily for projects in the United States. Instead of LEED v4.1, the USGBC advised an affiliate of the Applicant that it would need to utilize LEED v4.0 and may pursue v4.1 prerequisites and credits using credit substitution. This is exactly what the affiliate of the Applicant did for the recently completed Bridge District Phase 1 development, which was confirmed to

be satisfactory by Zoning Administrator for purposes of meeting the NHR zone LEED requirement. Until USGBC allows the use of LEED v4.1 for large multifamily developments on the United States, the Commission agrees with the Zoning Administrator that the Applicant's approach is consistent with the intent of the NHR zone LEED requirement. (FF No. 36.)

*Subtitle K § 1005.2(g) – The Project will promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses.*

13. The Project is designed to activate Howard Road with consistent streetscape design and active ground floor uses that encourage pedestrian traffic. The ground floor along the entire Howard Road street frontage is designed with a minimum clear height of 14 feet and high-visibility glass storefront. In addition, the entire Howard Road frontage will be devoted to the preferred uses enumerated in the NHR designated street standards. Finally, the single curb cut at the eastern end of the Property for loading, and provision of vehicle parking access through the Bridge District Phase 1 garage will enhance safety and prioritize safe pedestrian circulation. (FF No. 36.)

*Subtitle K § 1005.3(a) – The Applicant provided a report on its coordination with the Department of Employment Services (DOES) regarding apprenticeship and training opportunities during construction and operation of the Project and the larger Bridge District, and the provision of any internship or training opportunities during construction and operation of the Project and the larger Bridge District, either with the Applicant or with contractors working on the project independent of DOES.*

14. The Applicant has been operating an internal apprenticeship and training program for local high school and college students for over eight years. The Applicant has thus far employed 12 students in paid internships to learn about real estate development. The Applicant stated that it previously partnered with a local CBE subcontractor to train local electrical apprentices who acquired on-the-job skills and experience at the Bridge District Phase 1 project site and will endeavor to continue this partnership for the Project. Additionally, once construction on the Project begins the Applicant is aiming to partner with the general contractor to explore ways to create and host a variety of workforce development and training opportunities and events for community members and job seekers, including students. (FF No. 37).

*Subtitle K § 1005.3(b) – The Applicant provided a report on its efforts to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the proposed project.*

15. The Applicant reported that it has and will continue to undertake efforts to attract local businesses to the Project, especially Wards 7 and 8 businesses, in contracts for the construction and operation of the Project. Additionally, the Applicant has been working with local Ward 8 businesses within the Bridge District thus far and intends to continue to do so on the Project. The Applicant has also been working with the Anacostia BID to

pursue contracts with local cleaning, landscaping, and trash removal organizations for site cleanup. (FF No. 37.)

*Subtitle K § 1005.3(c) – The Applicant provided a report on its efforts to provide retail or commercial leasing opportunities to small and local businesses, especially Ward 8 businesses, and efforts to otherwise encourage local entrepreneurship and innovation.*

16. The Applicant has committed to making efforts to provide commercial leasing opportunities to small and local business, especially Ward 8 businesses. The Applicant's placemaking strategy emphasizes small and local businesses as part of the overall retail mix for the Bridge District. Additionally, the Applicant has encouraged Ward 8 residents and other community stakeholders to refer qualified small and local businesses, and the Applicant has had several meetings with interested local entrepreneurs. (FF No. 37.)

*Subtitle K § 1005.3(d) – The Applicant provided a report on its coordination with the State Archaeologist and any plans to study potential archeological resources at the Property, and otherwise recognize local Anacostia history.*

17. The Applicant has coordinated with the D.C. State Historic Preservation Officer and has studied the potential for archeological resources at the Property and other locations within the Bridge District. The research potential of the site was exhausted during the Phase I and Phase II investigations; and therefore, no further archaeological investigations were recommended at the end of these investigations. The Applicant stated that it will continue to coordinate with the D.C. State Historic Preservation Officer. (FF No. 37.)

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

18. Pursuant to CP §§ 2501.4-2501.6 and 2501.8, the Commission is tasked with evaluating the Application's consistency with the CP through a racial equity lens. Consideration of equity is intended to be based on the policies of the CP and is a part of the Commission's consideration of whether the Application is "not inconsistent" with the CP, rather than a separate determination about the Project's equitable impact. The CP Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality. CP § 213.6. Further, "[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities." CP § 213.7. The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions. CP § 213.9. The CP Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states that "[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests

and needs of different areas in the District.” CP § 2501.6. In addition, the Implementation Element suggests preparing and implementing tools to use as a part of the Commission’s evaluation process. CP § 2501.8. The Commission released a revised Racial Equity Analysis Tool on February 3, 2023, with new components requiring applicants to include information about their community outreach and engagement efforts and OP to include disaggregated race and ethnicity data for the affected Planning Area in their respective CP consistency submissions regarding racial equity.

19. As part of the initial Application, the Applicant submitted a CP evaluation. (Ex. 3.) In accordance with the CP Implementation Element, the Applicant employed a racial equity lens as it prepared its CP evaluation, which was guided by the Commission’s Racial Equity Tool.
20. The Commission concludes that, when examined through a racial equity lens, the Project is consistent with CP goals around advancing racial equity in the District. The Project will help advance CP racial equity goals by providing substantial housing and affordable housing, not directly displacing any existing residents, spurring job training and long-term job opportunities, creating local business opportunities, furthering environmental justice goals through numerous sustainability measures, and improving access to neighborhood-serving amenities. The Applicant’s evaluation indicates it conducted outreach with several community groups in addition to ANC 8A. Through this outreach, the Applicant was informed by the affected community of its concerns regarding potential increases in traffic (vehicles, bicycle, and pedestrian) in and around the Property. In response to the affected community’s concern, the Applicant consolidated parking access to the Building with the parking access to the Bridge District Phase 1 development to reduce pedestrian/vehicular conflict points along Howard Road and reduce traffic directly outside of the neighboring Cedar Tree Academy. The Commission believes that the Applicant’s coordinated approach to vehicular and loading access to the Project and throughout the Bridge District, and significant public realm and open space improvements that will increase pedestrian connectivity around the Property, the Bridge District, and the surrounding community, will effectively address the concerns expressed by the affected community. The Commission also notes that the disaggregated race and ethnicity data provided by OP reveals disparities in poverty, employment, rental, and housing cost burden between Black and White populations in the Planning Area, and that OP believes the Project has the potential to make progress toward alleviating these discrepancies by providing housing, affordable housing, and neighborhood-serving retail uses in close proximity to transit. Thus, the Commission finds that the Application responds to the District’s racial equity goals as the Applicant utilized community outreach and engagement guidance, considered the Project’s potential impact on existing racial disparities as informed by OP’s disaggregated race and ethnicity data for the Planning Area, and developed the Project so that it will advance many desired CP policies/themes identified in the Commission’s revised Racial Equity Analysis Tool. (FF Nos. 31, 40, 44.)
21. Based upon the Applicant’s CP evaluation, including the information provided in response to the Commission’s Racial Equity Analysis Tool, the Commission concludes that, when read as a whole, the Project is not inconsistent with the CP. The Commission’s overall

conclusion that the Project is not inconsistent with the CP is based upon the following set of conclusions:

- a. FLUM: The Property is located within an area designated on the FLUM as being appropriate for mixed-use development containing high-density commercial, high-density residential, and institutional uses. The NHR zone is intended to provide for high-density, mixed-use development, and the Project itself is a high-density development containing residential and commercial uses. Accordingly, the Commission finds that the Project is not inconsistent with the Property's FLUM designation. (FF Nos. 13, 38.)
- b. GPM: The GPM designates the Property as within a Land Use Change Area. These areas represent vacant or underutilized land where the District envisions a change from the land use currently in existence. The Project will replace currently unimproved land with substantial new housing, lodging, and retail uses, and high-quality architectural design near the new Frederick Douglass Memorial Bridge and the Anacostia River. The Commission also believes that the Project is not inconsistent with the Property's location within a Resilience Focus Area, since the Project will incorporate several sustainable features, will be designed to achieve a LEED Gold certification, and will be raised above the 500-year floodplain. Additionally, the Commission notes that, while the Property is in a Future Planning Analysis Area, the Application is not requesting any rezoning, and OP has indicated in its Future Planning Analysis Area analysis that the Project would be in conformance with already-adopted CP policies and maps. Accordingly, the Commission finds that the Project is not inconsistent with the GPM. (FF Nos. 14, 38.)
- c. Citywide and Area Element Policies: The Project provides a new mixed-use development on a site that is vacant and located in an area envisioned for high-density development under the CP. The Project furthers numerous policies of the CP's Citywide Elements, including Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Urban Design as well as the Lower Anacostia Waterfront/Near Southwest Area Element. (FF No. 38, 40.) The Project provides approximately 272 new residential units of market rate and affordable housing, including three-bedroom affordable units, and approximately 8,649 square feet of ground-floor retail use adjacent to Metrorail which will promote equitable access to transit and access to employment and opportunities as well as help catalyze new economic activity and opportunity to east of the Anacostia River neighborhoods. The Project's proximity to transit and sustainable design strategies, including rooftop solar, full building electrification, and mass timber construction, will also promote general climate resilience and environmental sustainability. The patterning, articulation, and varied material palettes of the Building's façades provide significant articulation and avoid repetitiveness. The Project's design emphasizes social interaction through active ground floor uses and the green courtyard; and the streetscape along Howard Road is designed to encourage safe pedestrian and bicycle travel. Balconies at the corners of the Building along Howard Road and facing Poplar Point will connect building

residents with ground-level activity. Finally, the Project's height, density, and use of numerous resilient design strategies are consistent with CP policy guidance and the vision for development within the Poplar Point policy focus area. (FF No. 38, 40.)

d. **Potential CP Inconsistencies:** As stated above, the Commission has determined that the Project is not inconsistent with the CP when read as a whole. In assessing the Project's CP consistency, the Commission must acknowledge instances where the Project may be inconsistent with CP policies and explain why such inconsistencies are outweighed by other competing CP policies and considerations. *See D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm'n*, 73 A.3d 107, 126 (D.C. 2013); *Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016); and CP § 2504.6 “[r]ecognize the overlapping nature of the [CP] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” According to the Applicant's CP evaluation, there is potential that the Project is inconsistent with the Transportation Element policy related to minimization of off-street parking (T-1.1.8) and the Environmental Protection Element policy regarding development within floodplains (E-1.1.6). (Ex. 12B.) The Commission concludes that these two potential inconsistencies are outweighed by the Project's consistency with numerous other CP policies, particularly those within the Land Use, Transportation, Housing, Environmental Protection, and Economic Development Elements. These potential inconsistencies are further outweighed by the Project's advancement of the District's overall and affordable housing goals set forth in the 2019 Housing Equity Report, the Project's proposed amount of affordable housing and levels of affordability, the environmental improvements that will be made to the Property, and the Project's overall consistency with the Property's FLUM designation. (FF No. 38.)

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

*Subtitle X § 604.6 – The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.*

22. The Commission concludes that the Project satisfies the general special exception criteria of Subtitle X, Chapter 9:

- a. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*
- b. *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
- c. *Will meet such special conditions as may be specified in this title.*

23. The Project is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map applicable to the Property. Broadly, the NHR zone permits and encourages a broad mix of residential, commercial, and other uses, and the Project provides

an appropriate mix of these uses, focusing on residential, including affordable units and larger-sized units, with supporting retail and service uses. The Project is within the maximum height and density permitted in the NHR zone. (FF No. 43.)

24. The Project will not tend to adversely affect the use of neighboring property but will support the community by offering housing and retail and service uses where it is needed. Other than the nearby charter school, Cedar Tree Academy, which submitted a letter in support of the Project, the properties immediately adjacent to the Project are owned by affiliates of the Applicant and will be part of the overall Bridge District development. Rather than adversely impacting neighboring properties, the Project will enhance its surroundings and the Anacostia community. (FF No. 39.)

Consistency with the Urban Design Criteria (Subtitle X § 604.7)

25. The Commission concludes that the Project is consistent with the urban design criteria pursuant to Subtitle X § 604.7 in such a way that the Project is superior to a matter-of-right development in accordance with Subtitle X § 604.8. (FF No. 36)

*Subtitle X § 604.7(a) – Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*

- (1) *Multiple pedestrian entrances for large developments;*
- (2) *Direct driveway or garage access to the street is discouraged;*
- (3) *Commercial ground floors contain active uses with clear, inviting windows;*
- (4) *Blank facades are prevented or minimized; and*
- (5) *Wide sidewalks are provided.*

26. The Project's primary pedestrian frontage is along Howard Road, where the Building's ground floor will have active retail uses with display windows. The active ground floor uses within the Project will be accessible via a well-designed, reconstructed public streetscape. Collectively, the active ground floor uses, and well-designed streetscape will create a safe and inviting pedestrian environment. The Project also provides no direct access off of Howard Road to parking or loading, instead only providing a single point of access for loading at the east end of the Property, and utilizing the existing parking entrance at the Bridge District Phase 1 development to access the Project's below-grade garage. (FF No. 38.)

*Subtitle X § 604.7(b) – Public gathering spaces and open spaces are encouraged especially in the following situations:*

- (1) *Where neighborhood open space is lacking;*
- (2) *Near transit stations or hubs; and*
- (3) *When they can enhance existing parks and the waterfront.*

27. The Project includes a publicly accessible green courtyard between the Building and Bridge District Phase 1 that will be activated by the Building's ground floor residential amenity space and associated garden patio areas, and the retail and associated retail outdoor dining areas of Bridge District Phase 1 to the north. (FF No. 38.)

*Subtitle X § 604.7(c) – New development respects the historic character of Washington’s neighborhoods, including:*

- (1) Developments near the District’s major boulevards and public spaces should reinforce the existing urban form;*
- (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.*

28. The Project will not affect the historic character of Washington’s neighborhoods as it is being developed in a largely undeveloped area that is separated from the established historic Anacostia neighborhood and other nearby neighborhoods. The Property is surrounded by transportation infrastructure and parkland and thus lacks any strong urban form to which the Project might relate. Indeed, the Project, and the overall Bridge District, will help activate and provide a backdrop to the South Capitol Street oval on the east side of the Frederick Douglass Memorial Bridge, which will become an active public space that connects both sides of the Anacostia River and can serve as a gateway into Poplar Point and Anacostia Park. (FF No. 38.)

*Subtitle X § 604.7(d) – Buildings strive for attractive and inspired façade design, including:*

- (1) Reinforce the pedestrian realm with elevated detailing and design of first (1<sup>st</sup>) and second (2<sup>nd</sup>) stories; and*
- (2) Incorporate contextual and quality building materials and fenestration.*

29. The Project provides pedestrian-oriented street-frontage designs, including high ceiling clearance and glass windows at the ground floor creating pedestrian interactivity. The east, south, and west façades feature a rigorously gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The north façade utilizes a more modern, glass curtain wall system the maximizes views toward Poplar Point and the Anacostia River. Corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation (FF No. 38.)

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

30. The Project integrates landscape into spaces throughout the Property and the two proposed buildings at the ground-level, second floor terrace, at the roof level, and within adjacent public space. The planting design utilizes native species that provide year-round appeal while minimizing excessive water usage or high-intensity maintenance. The Project will comply with all Green Area Ratio and DOEE Stormwater Management requirements. (FF No. 38.)

*Subtitle X § 604.7(f) - Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*

- (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
- (2) The development incorporates transit and bicycle facilities and amenities;*

- (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*
- (5) *Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

31. The Project's green courtyard and streetscape improvements will complement the Bridge District Phase 1 development, and the series of public parks and publicly accessible open spaces envisioned throughout the Bridge District. The courtyard and reconstruction of the streetscape adjacent to the Property will also promote connectivity between the Bridge District and Anacostia Park, the Anacostia Metrorail station, the historic Anacostia neighborhood, and Downtown DC. (FF No. 38.)

#### Special Exception from Penthouse Enclosing Wall Uniform Height Requirements

32. Pursuant to Subtitle C § 1503.4(a) and (b), walls enclosing penthouse habitable space shall be of a single, uniform height, and walls enclosing penthouse mechanical space shall be of a single, uniform height, except that walls enclosing an elevator override may be of a different single, uniform height.

33. The Commission concludes that the Applicant has satisfied the burden of proof for special exception relief from the penthouse enclosing walls uniform height requirements. The requested relief to allow a portion of the amenity space at the western end of the habitable penthouse to have a height of approximately 20 feet, and to allow the elevator vestibule that accesses the raised pool deck to have a height of approximately 13 feet is in harmony with the intent and purpose of the Zoning Regulations. The purpose and intent of the penthouse regulations is to ensure a reasonable degree of architectural harmony of penthouses and roof structures with the building upon which they sit and with the surrounding context. The Project's proposed penthouse design, including the slightly taller portion of the habitable penthouse and slightly lower height of the elevator vestibule, will still meet the purpose and intent of the penthouse regulations as the design will still harmonize with the overall architectural design of the Building, and the penthouse and all roof structures will meet all applicable setback requirements. (FF No. 38.)

#### “Great Weight” to the Written Report of the ANC

34. The Commission is required to 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 this great weight requirement, District agencies 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. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).

35. The ANC 8A Report recommended approval of the Application. The Commission concurs with ANC 8A that the Project should be approved and has given the requisite great weight to the ANC 8A Report and their recommendation. The Commission notes ANC 8A's support for the design of the Project, as well as its affordable housing program, provision of long-needed neighborhood-serving amenities, publicly accessible green courtyard, and environmental features. (FF Nos. 49.)

**“Great Weight” to the Recommendation of OP**

36. The Commission is required to give great weight to the recommendations 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, 1087 (D.C. 2016).)

37. The OP Report recommended approval of the Application. The Commission concurs with OP's recommendation and testimony that the Project should be approved, including the Applicant's requests for flexibility from side yard, open court, ground floor clear height, rooftop solar, and stormwater retention capacity requirements, and request for special exception relief for penthouse enclosing walls of unequal height. The Commission has given the requisite great weight to OP's report and recommendation. (FF No. 40 - 46.)

**DECISION**

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- Design review approval pursuant to the applicable standards and criteria of the NHR zone of Subtitle K §§ 1004, 1005, the general design review criteria of Subtitle X § 604, and the special exception standards of Subtitle X § 901.2;
- Special exception relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4;
- Technical zoning flexibility from the open court requirements of Subtitle K § 1001.11; the side yard requirements of Subtitle K § 1001.8; the ground floor minimum clear height requirement of Subtitle K § 1004.3(a); the stormwater retention capacity requirement of Subtitle K § 1010.1(d); and the rooftop solar panel requirement of Subtitle K § 101.1(a); 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 August 8, 2025, and marked as Exhibits 11A1-11A5 of the record, as modified by Exhibit 24 dated

September 8, 2025 (the “Final Plans”), and with the following design flexibility relating to the Final Plans:

- 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 would include, but are not limited to, doorways, canopies, railings, and skylights;
- Exterior Material Type and Color: To vary the final selection of the exterior materials within the color ranges and material types, as shown on Sheets A6.03 and A6.04 of the Final Plans (titled, “Materials Flex”). In the event the Applicant must deviate from the exterior material types or colors beyond the parameters of the Exterior Materials Palette and Materials Flex, the Applicant shall file an application for a Modification without Hearing for the Commission’s approval.
- Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical and fire control-related rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the Order;
- Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);
- Affordable Units: To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility granted, provided that the Project complies with all applicable Inclusionary Zoning requirements under Subtitle C, Chapter 10, as modified by Subtitle K §§ 1001 and 1010, as applicable;
- Roof Elements: To vary the roof plan as it relates to the green roof areas, solar panels, planters, terraces, pool, equipment, and outdoor amenity areas, provided that no relief is required beyond that which is expressly granted by the Order. The Applicant shall have flexibility to provide accessible access to the rooftop pool deck via ramp as shown in Exhibit 3B of the case record if the proposed elevator access to the pool deck is deemed infeasible;
- Retail Frontages: To vary the final design of retail frontages of the building, including the location and design of entrances, show windows, signage, and size of retail units, in accordance with the needs of the retail tenants and/or as the result of Code or agency requirements;
- Signage: To vary the font, message, logo, and color of 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 DC signage regulations;

- Retail/Commercial Use Types: To vary the types of uses designated as “retail” or “commercial” on the Final Plans to any use that is permitted as a matter-of-right in the following use categories, and to allow any such use to also satisfy the NHR zone designated streets requirement of Subtitle K § 1004.2: Retail (11-B DCMR § 200.2(bb)); Services, General (11-B DCMR § 200.2(cc)); (Services, Financial (11-B DCMR § 200.2(dd)); Eating and Drinking Establishments (11-B DCMR § 200.2(i)); Animal Sales, Care, and Boarding (11-B DCMR § 200.2(c)); Daytime Care (11-B DCMR § 200.2(h)); Entertainment, Assembly, and Performing Arts (11-B DCMR § 200.2(m)); Medical Care (11-B DCMR § 200.2(o)); Education, Private (11-B DCMR § 200.2(k)); Education, Public (11-B DCMR § 200.2(l)); and Arts, Design, and Creation (11-B DCMR § 200.2(e));
- Parking Layout: To make refinements to the approved bicycle and vehicle parking configuration, including layout, location, and number of bicycle and vehicle parking space plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations and no relief is required;
- 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 utilities;
- Sustainable Features: To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below the LEED Gold standard as shown on Sheet A9.01 of the Final Plans; and
- Landscape Materials: To vary the final selection of landscaping materials utilized based on availability at the time of construction.

### **Transportation Demand Management Measures**

2. **For the life of the Project**, the Applicant shall adhere to the following TDM Plan:
  - a. The following TDM strategies are proposed for the Project site as a whole:
    - i. Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo.
    - ii. Transportation Coordinator will conduct an annual commuter survey of employees and residents on-site, and report TDM activities and data collection efforts to goDCgo once per year.

- iii. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the residents and customers, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications.
- iv. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
- v. Will post “getting here” information in a visible and prominent location on the website with a focus on nonautomotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking (RPP) zones.
- vi. Provide employees and residents 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 (MWCOG) or other comparable service if MWCOG does not offer this in the future.
- vii. Post all TDM commitments on website, publicize availability, and allow the public to see what commitments have been promised.
- viii. Offer a free SmarTrip card to every new employee and resident and a complimentary Capital Bikeshare coupon good for one ride for the first year after opening.
- ix. Additional short- and long-term bicycle parking spaces at or above ZR16 requirements, providing (at a minimum) 92 long-term spaces and 16 short-term spaces.
- x. Long-term bicycle storage rooms will accommodate nontraditional sized bikes including cargo, tandem, and kids bikes, with a minimum of five (5) spaces (5%) designed for longer cargo/tandem bikes (10 feet by 3 feet), a minimum of nine (9) spaces (10%) designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 46 spaces (50%) will be located horizontally on the floor. There will be no fee to residents and employees for usage of the bicycle storage room.
- xi. Following the issuance of the final certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DOB 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.

- xii. 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.
- xiii. Install a minimum of eight (8) electric vehicle (EV) charging stations.
- xiv. Provide a bicycle repair station.
- xv. Coordinate a way finding plan along walking routes and biking routes to the property from the Anacostia Metrorail station and nearby bike paths.
- xvi. As part of Bridge District Parcels 1 and 2 TDM Plan and Z.C. Order 22-39, a 23-dock Capital Bikeshare (CaBi) station with 12 bikes will be funded and installed in a mutually agreed location coordinated with DDOT within the NHR zone and will fund one-year of maintenance and operations costs. If the construction of Bridge District Parcel 5 precedes that of Bridge District Parcels 1 and 2, then the Applicant will provide a new 23-dock Capital Bikeshare station as part of the Bridge District Parcel 5 project, with the preliminary location identified as the new public park between Bridge District Parcel 3 and the East Oval as seen in Figure 4. If the construction of Bridge District Parcel 5 follows that of Bridge District Parcels 1 and 2, then no additional Capital Bikeshare capacity will be added.
- xvii. Designate up to two (2) parking spaces in the vehicle parking garage for car-sharing services to use with right of first refusal.
- xviii. Hold a transportation event for residents, employees, and members of the community once per year for a total of two (2) years following the issuance of the final certificate of occupancy for the Project. Examples include resident social, walking tour of local transportation options, goDCgo lobby event, transportation fair, WABA Everyday Bicycling seminar, bicycle safety/information class, bicycle repair event, etc.).
- xix. The Applicant agrees to not lease unused parking spaces to anyone other than tenants of buildings within the Northern Howard Road Zone unless the other buildings have no on-site parking.
- xx. The applicant has proposed improvements as part of the larger Bridge District Development which includes the Northern Promenade shared use path, a raised crosswalk on Howard Road within the vicinity of Bridge District Parcel 5, new curb extensions on Howard Road along the site's frontage, and upgraded sidewalks and curb ramps on Howard Road along

the site frontage. All these improvements aim to improve the overall pedestrian and bicyclist experience within the Bridge District development.

xxi. Redbrick is developing a ~1-acre public park on land owned by DDOT. Designed as a vibrant community gathering space, the park will include a playground, Capital Bikeshare access, and open green space for recreation and relaxation. Construction is currently underway, with completion anticipated in late summer 2025.

b. The following TDM strategies are proposed for the residential portion of the Project:

- i. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit, and charge a minimum rate based on the average market rate within a quarter mile.
- ii. Transportation Coordinators will subscribe to goDCgo's residential newsletter.
- iii. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map.
- iv. Designate two (2) parking spaces for vehicles to be used by residents who carpool to work.

c. The following TDM strategies are proposed for the retail portion of the Project:

- i. Unbundle the cost of parking from the cost to lease the building or unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered.
- ii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in 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.
- iii. Employers will offer a telework program to eligible employees, contribute to health savings accounts, free gym memberships, bike tune-ups, or other programs to encourage walking or bicycling.

## **General**

3. 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 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. (Subtitle Z § 702.3.)

4. 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.

**FINAL ACTION**

**Vote (September 8, 2025): 5-0-0** (Anthony J. Hood, Robert E. Miller, Gwen Wright, Tammy Stidham, and Joseph S. Imamura to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 25-07 shall become final and effective upon publication in the *DC Register*; that is, on \_\_\_\_\_.

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**ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION**

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**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.