

APPLICANT’S PROPOSED DRAFT ORDER

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 26-05**

Z.C. Case No. 26-05

BXP 2100M LLC

(Voluntary Design Review @ Square 72, Lot 75 [2100 M Street, N.W.]

July 27, 2026

Pursuant to notice, at its July 27, 2026 public hearing, the Zoning Commission of the District of Columbia (the “Commission”) considered the application (the “Application”) of BXP 2100M LLC (the “Applicant”) for Voluntary Design Review approval pursuant to Subtitle X, Chapter 6, and Subtitle Z § 301 under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016, to which all references are made unless otherwise specified), with flexibility pursuant to Subtitle X § 603.1 from the height setback, penthouse setback, front build-to, and court requirements of the D-5 zone for Lot 75 in Square 72 (the “Property”) in the D-5 Zone to authorize construction of a new 10-story mixed-use office building with ground-floor retail uses (the “Project”). The Commission conducted the public hearing in accordance with Subtitle Z. For the reasons below, the Commission hereby **APPROVES** the application.

FINDINGS OF FACT

I. BACKGROUND

PARTIES

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant; and
 - ANC 2A, in which district the Property is located and so an “affected ANC” per Subtitle Z § 101.8.
2. ANC 2B, whose district is in close proximity to the Property, participated in the proceeding. The Commission received no other requests for party status.

NOTICE

Z.C. ORDER NO. 26-05

**Z.C. CASE NO. 26-05
ZONING COMMISSION
District of Columbia
CASE NO. 26-05
EXHIBIT NO. 20A**

APPLICANT’S PROPOSED DRAFT ORDER

3. On March 10, 2026, the Applicant mailed a Notice of Intent to file a Voluntary Design Review application to Advisory Neighborhood Commission (“ANC”) 2A, ANC 2B, and to the owners of all property within 200 feet of the perimeter of the Property, at least 45 calendar days prior to the filing of the Application, as required by Subtitle Z § 301.6. (Exhibit [“Ex.”] 3D.)
4. On May 14, 2026, the Applicant filed the Application, including the requested areas of flexibility. (Ex. 3.)
5. Pursuant to Subtitle Z §§ 402.1-402.2 and 402.6, on June 4, 2026, the Office of Zoning (“OZ”) sent notice of the July 27, 2026 public hearing to:
 - a. The Applicant;
 - b. ANC 2A;
 - c. ANC 2B;
 - d. The Single Member District Commissioners for SMD 2A06 and SMD 2B06;
 - e. The Office of the ANCs;
 - f. The Ward 2 Councilmember, Brooke Pinto;
 - g. The Chair and At-Large Members of the D.C. Council;
 - h. The Office of Planning (“OP”);
 - i. The District Department of Transportation (“DDOT”);
 - j. The Department of Buildings;
 - k. The Department of Energy and the Environment (“DOEE”);
 - l. The ZC Lead Attorney; and
 - m. Owners of property within 200 feet of the Property. (Ex. 6.)
6. Pursuant to Subtitle Z § 402.1(a), OZ published notice of the July 27, 2026 public hearing in the June 12, 2026 issue of the *DC Register* (73 DCR 008492-008494) as well as on the calendar on OZ’s website. (Ex. 5.)
7. Pursuant to Subtitle Z §§ 402.3-402.4, 402.8-402.10, on June 16, 2026, the Applicant submitted evidence that it had posted notices of the public hearing on the Property and on July 22, 2026 submitted evidence that it had thereafter maintained such notices. (Ex. 7, 14.)

THE PROPERTY

8. The Property consists of approximately 41,496 square feet of land area and is located at the intersection of 21st Street, N.W., M Street, N.W., and New Hampshire Avenue, N.W. in Ward 2. (Ex. 3.)
9. The Property is located on the western edge of the Golden Triangle neighborhood and the eastern edge of the West End neighborhood. Duke Ellington Park, a small triangular park, is located directly to the north across M Street, N.W. To the east of the Property is Lafayette

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 2

APPLICANT'S PROPOSED DRAFT ORDER

Centre, a medical office complex, with a pedestrian connection running through the block from 20th Street, N.W. to 21st Street, N.W.. Hotel uses predominate to the north and west of the Property. Ground-floor retail uses, including restaurants, are located to the north and west. (Ex. 3.)

10. The Property is currently improved with an existing eight-story office building constructed in 1969. The existing building has been vacant and underutilized in recent years. (Ex. 3.)
11. The Property is located in the D-5 zone, which is intended to permit a mix of high-density office, retail, service, and other uses. (Ex. 3, 11.)

COMPREHENSIVE PLAN

12. The Comprehensive Plan's (the "CP") Future Land Use Map ("FLUM") designates the majority of the Property for "High Density Commercial." The northern tip of the Property is designated for "Parks, Recreation, and Open Space" on the FLUM. The CP's Framework Element defines these designations as follows:
 - a. High-Density Commercial – for *"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"* 10-A DCMR § 227.13
 - b. Parks, Recreation, and Open Space – for *"the federal and District park systems, including . . . the circles and squares of the L'Enfant city and District neighborhoods . . . and District-operated parks and associated recreation centers. It also includes permanent open space uses such as cemeteries, open space associated with utilities such as the Dalecarlia and McMillan Reservoirs, and open space along highways such as Suitland Parkway . . . While included in this category, parks smaller than one acre – including many of the triangles along the city's avenues – may not appear on the map due to scale. Zoning designations for these areas vary."* Id. § 227.19.
(Ex. 3, 11, 15.)
13. The CP's Generalized Policy Map ("GPM") designates the Property as "Institutional," which is defined as including *"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. (Ex. 3G, 11, 15.)
14. The Property is located on the boundary of the Near Northwest Planning Area and the Central Washington Planning Area. (Ex. 3G, 11, 15.)

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 3

APPLICANT'S PROPOSED DRAFT ORDER

II. THE APPLICATION

THE PROJECT

15. The Applicant proposes to raze the existing building and construct a 10-story mixed-use office building containing approximately 334,000 square feet of gross floor area, including approximately 8,439 square feet of ground-floor retail, plus a habitable penthouse and approximately 255 below-grade vehicle parking spaces. The Project will be constructed to a floor area ratio ("FAR") of 8.1, utilizing density credits that have already been acquired for and vested in the Property. (Ex. 3, 8.)
16. The Project's massing incorporates step-backs along the sides and upper floors, providing additional light and air, and higher floor-to-ceiling heights, resulting in a 10-story building rather than the 11 stories that could otherwise be constructed. (Ex. 3, 11.)
17. The Project's design features a defined building prow anchoring the intersection of M Street, N.W. and 21st Street, N.W., with the primary office lobby entrance located on 21st Street, N.W. and a secondary entrance on New Hampshire Avenue, N.W. Ground-floor retail uses are positioned along the northern frontage to activate M Street, N.W. and complement Duke Ellington Park across the street. (Ex. 3, 8, 11.)
18. The Project includes a range of public-realm improvements, including enhanced landscaping, reduction of the existing curb cuts on 21st Street, N.W., elimination of a mid-block crosswalk on 21st Street, N.W., curb bumpouts at M Street, N.W., and a potential sidewalk café, subject to approval by the Public Space Committee. (Ex. 3, 11, 16.)
19. The Project is designed to achieve LEED Gold v4 certification and will meet the minimum Green Area Ratio ("GAR") requirement of 0.2. In response to comments from OP and DOEE, the Applicant committed to a minimum of 1,000 square feet of rooftop solar panels. (Ex. 3, 16.)
20. The Project will provide 93 long-term and 10 short-term bicycle parking spaces, 6 showers and 56 lockers, and a bicycle repair station. The Project will also provide a minimum of 15 electric vehicle charging spaces, with a total of 51 EV-ready spaces. (Ex. 8B, 16.)

RELIEF REQUESTED

21. Voluntary Design Review. The Applicant requested Voluntary Design Review approval pursuant to Subtitle X § 601 to permit the following areas of flexibility pursuant to Subtitle X § 603.1:
 - a. Height Setback. The Applicant requested flexibility from the requirement of Subtitle I § 201.6(b), which establishes a minimum setback at a forty-five degree

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 4

APPLICANT'S PROPOSED DRAFT ORDER

(45°) angle beginning at a height of 90 feet from the MU-zoned lot to the west of the Property. The Project steps back from the abutting MU-10 zone to the west, but setbacks have been articulated by floor and also provided from the adjacent building walls for the bulk of the building height, rather than as a continuous 45-degree plane, in order to permit a rational office floor plate and allow additional light and air to reach the internal courtyard. The Application asserted that flexibility from the height setback requirement was warranted both because it would result in a superior approach to allow light and air to the adjacent MU-10 property and because strict compliance would impact the location of the building's core and result in shallow, single-loaded corridors on the upper floors that would be impractical for office use.

- b. Penthouse Setback. The Applicant requested flexibility from the penthouse setback requirements of Subtitle C § 1504.1 to permit a guardrail on the uppermost roof deck that is set back at a 1:1 ratio from the edge of the roof rather than from the point where the façade intersects with the roof. The Applicant noted that the upper floors of the Project are recessed and the roof extends over this façade. The flexibility would allow a consistent guardrail to surround the roof terrace without reducing the occupiable outdoor area.
 - c. Front Build-To Line. The Applicant requested flexibility from the front build-to requirement of Subtitle I § 203.1 for the portion of the building façade along New Hampshire Avenue, N.W. that steps back six (6) feet from the property line. The Applicant noted that the setback would maximize light and air and honor the existing floorplate that likewise sets back, leaving additional space at the entrance of the abutting building; and
 - d. Court Width. The Applicant requested flexibility from the minimum court width requirement of Subtitle G § 207.1 for courts at various levels of the Project provided at widths less than the required minimum to allow additional light and air to reach the center of the block and abutting buildings. (Ex. 3.)
22. The Application also requested flexibility to locate the long-term bicycle parking on either the first below-grade parking level or the ground floor, in accordance with Subtitle C § 805. (Ex. 3.)

APPLICANT'S JUSTIFICATION

General Design Review Standards (Subtitle X § 604.7)

23. Pursuant to Subtitle X § 604.8, the Application asserted that the Project meets the criteria of Subtitle X § 604.7 in a way that is superior to any matter-of-right development possible on the Property for the following reasons:
- a. 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 with the primary office lobby located along 21st Street, N.W. and a secondary

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 5

APPLICANT'S PROPOSED DRAFT ORDER

entrance on New Hampshire Avenue, N.W. The Applicant intentionally positioned the main retail entrance at the northern end of the building to activate the intersection of the abutting three major thoroughfares as well as Duke Ellington Park. The Applicant noted that the Project will maintain the existing garage entrance on 21st Street, N.W. but will downsize the existing curb cut, enhancing pedestrian safety. The Applicant also stated that the design purposefully avoids blank façades, incorporating outdoor terraces at various levels to highlight the building's activity and establish communication with the surrounding pedestrian and vehicular network and thoughtfully designed wide sidewalks. (Ex. 3.)

- b. Pursuant to Subtitle X § 604.7(b), the Application asserted that the Project will improve the public space surrounding the building with attractive streetscape materials and plantings, in line with DDOT's public space permitting process. At the public hearing, Mr. Markese further testified that the design intent of the ground floor was to activate the surrounding pedestrian network and the adjacent Duke Ellington Park with activity via retail, ameliorating the existing dead condition of a private plaza. Mr. Markese remarked that the Property is proximate to several large open spaces, including Washington Circle and Dupont Circle, that provide ample public space, diminishing the need to provide new public space as part of the Project. Rather, the design will fill in an existing gap that has been blank for decades. (Ex. 3; Transcript [“Tr.”] .)
- c. Pursuant to Subtitle X § 604.7(c), the Application asserted that the Project respects the historic character of Washington's neighborhoods. As the Property sits at an important moment in the L'Enfant Plan, at the intersection of two major streets and at the juncture of the West End, Dupont Circle, and Downtown neighborhoods, the Applicant stated that the design team had embraced the Property's corner positioning with a design that thoughtfully knits together the urban fabric with an intriguing façade and intentional breaks in the massing to bring in light and air. The Applicant further noted that the Project complements the surrounding architectural character with the same general materiality and architectural massing, incorporating glass, stone, terracotta, and textured metal to echo the character of the building to the northwest and Lafayette Centre to the east. (Ex. 3.)
- d. Pursuant to Subtitle X § 604.7(d), the Application asserted that the Project provides an attractive and inspired façade design with floor-to-ceiling windows and a view inside the building, emphasizing dialogue with the surrounding pedestrian and vehicular network. The Applicant explained the design intent to complement the surrounding buildings with materiality that incorporates glass, stone, terracotta, or textured metal. In addition, the Application asserted that the design intentionally creates both horizontal and vertical connectivity with sky podiums and terraces such that there is no inferior side to the Project; rather, each street frontage thoughtfully engages with the pedestrian realm. (Ex. 3.)

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 6

APPLICANT'S PROPOSED DRAFT ORDER

- e. Pursuant to Subtitle X § 604.7(e), the Application asserted that the Project is designed with sustainable landscaping and an intensive green roof. The Project will meet the minimum required GAR of 0.20 and commits to LEED Gold certification. In response to comments received by DOEE, the Applicant committed to incorporating approximately 1,000 square feet of solar panels on the rooftop. (Ex. 3, 8, 16.)
- f. Pursuant to Subtitle X § 604.7(f), the Application asserted that the Project is designed to promote connectivity both internally and with surrounding neighborhoods via the three building entrances at each street frontage, maximizing accessibility around and through the site. The Applicant noted that the retail entrance is purposefully positioned on the north side of the Project to maximize accessibility from the three major thoroughfares and the adjacent triangle park. The Project will provide at least 10 short-term and 93 long-term bicycle parking spaces. (Ex. 3.)

General Special Exception Requirements (X § 604.6; X § 901.2)

24. 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 as follows:
- a. The Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map because it will further the intent of the D-5 Zone to promote high-density development of commercial and mixed uses in areas that were traditionally receiving areas for TDRs (a predecessor density right to density credits under the 2016 Zoning Regulations). The Property benefits from approximately 105,000 square feet of density credits and the Project will allow for the use of those credits. The Project will enhance the pedestrian and retail vibrancy of the area and revitalize this important intersection after the Property has been vacant for several years.
 - b. The Project will not tend to affect adversely the use of neighboring property because it is consistent with the scale and density of the surrounding buildings and appropriately fits within the context of the West End and Downtown neighborhoods. The design intentionally foregoes the maximum permitted building envelope to permit additional light and air to flow through and around the Project. The Project will enhance pedestrian safety by reducing the size of an existing curb cut. (Ex. 3.)

Not Inconsistent with the Comprehensive Plan (X § 604.5)

25. Pursuant to Subtitle X § 604.5, the Application asserted that the Project is not inconsistent with the CP based on the following:
- a. FLUM. The FLUM designates the Property for High Density Commercial development. The Framework Element describes this designation as defining the central employment district, other major office centers, and other commercial areas

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 7

APPLICANT'S PROPOSED DRAFT ORDER

with the greatest scale and intensity of use in the District, where office and mixed office/retail buildings with densities greater than 6.0 FAR are the predominant use. The Application asserted that the Project is not inconsistent with this FLUM designation as it provides high density mixed office and retail use. The Application further noted that the extreme northern tip of the Property appears to extend into an area designated for Parks, Recreation, and Open Space on the FLUM, which is most likely attributable to cartographic error given the large scale of the FLUM, as the Framework Element notes that the boundaries of the FLUM do not follow parcel lines and are intended to be interpreted broadly. (Ex. 3G.)

- b. GPM. The GPM designates the Property as “Institutional.” The Application stated that the Applicant is not aware of the reason the Property is designated as Institutional on the GPM and that the Property has been used as a commercial office building since its construction in 1969. The Applicant considered that the Property’s institutional designation could be a reflection of the existing building’s previous occupant, the Urban Institute, a prominent D.C.-based nonprofit research organization. The Application noted that the Framework Element expressly acknowledges that sites designated as Institutional on the GPM may not always be used for institutional purposes. The Application further noted that the GPM is intended to be read in conjunction with the FLUM, which designates the Property for High Density Commercial development. Based on this interpretive guidance, the Application asserted that the Project is not inconsistent with the GPM. (Ex. 3G.)
- c. Central Washington Area Element. The Application stated that the Property is located on the boundary of the Near Northwest Planning Area and the Central Washington Planning Area. The Applicant stated that no policies in the Near Northwest Area Element were identified as applicable to the Project and that the Project and surrounding development more readily align with the policy goals and objectives of the Central Washington Element. The Application asserted that the Project is not inconsistent with applicable policies within the Central Washington Element because the Project will promote a continued mix of uses and help retain Central Washington as the premier office location and dynamic employment center in the region by replacing an older vintage office building with a new, trophy-class office building (CW-1.1.1, CW-1.1.2). The Application further stated that the Project's design reinforces the visual prominence of the Property at the confluence of two important grid streets and one important avenue within the L'Enfant Plan (CW-1.1.23, CW-1.1.11), and that the Project will help reenergize downtown's public spaces and street life through its ground-floor design, streetscape improvements, and multiple lobby entrances (CW-1.1.12, CW-1.1.16). (Ex. 3G.)
- d. Citywide Elements. The Application asserted that the Project is not inconsistent with and advances numerous Citywide Element policies, including: Land Use (LU-1.2.1, LU-1.2.2, LU-1.2.3, LU-1.2.6, LU-2.4.6), promoting continued reinvestment

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 8

APPLICANT'S PROPOSED DRAFT ORDER

and vitality of downtown Washington with a high-quality, mixed-use development that makes efficient use of transportation facilities and provides context-sensitive transitions through upper-level setbacks; Economic Development (ED-1.1.1, ED-1.1.2, ED-1.1.6, ED-2.1.1, ED-2.1.3, ED-2.1.5), supporting the recovery of the downtown office sector and reinforcing the concentration of jobs and business activity within Central Washington through a prominent, transit-accessible workplace environment; Environmental Protection (E-1.1.2, E-4.2.1), meeting applicable GAR and stormwater retention requirements and incorporating green roof areas and cool roof materials to reduce contributions to the urban heat island effect; and Urban Design (UD-1.1.3, UD-2.1.A, UD-2.2.4, UD-2.2.5, UD-4.2.1, UD-4.2.2, UD-4.2.3, UD-4.2.4, UD-4.2.5, UD-4.2.6, UD-4.3.3), responding to the Property's triangular geometry and prominent location with a design that reinforces important public views, contributes to an active and engaging pedestrian environment, and incorporates high-quality materials and carefully articulated massing. (Ex. 3G.)

- e. Potential Inconsistencies. The Application stated that the Applicant did not identify any categorical inconsistencies between the Project and the CP. However, the Application acknowledged that the Property's "Institutional" GPM designation could be viewed as being at odds with the proposed office building. The Application stated that the Applicant does not view this as an inconsistency due to language in the Framework Element expressly acknowledging that sites designated as Institutional on the GPM may not always be used for institutional purposes. The Application further noted that the Property's location within the Near Northwest Planning Area could be seen as an inconsistency, as the Project does not further policies within the Near Northwest Element; however, the Property is situated on the border of the Central Washington Element and the Project furthers numerous policy goals within that area. The Application submitted that, to the extent the Commission considers either of these to be inconsistencies, such inconsistencies are far outweighed by the Project's consistency with the FLUM and numerous CP policies related to land use, economic development, environmental protection, and urban design. (Ex. 3G.)
- f. Racial Equity. The Application included a Racial Equity Analysis in accordance with the Commission's Racial Equity Tool. The Application described the affected community as a high-income, highly educated, renter-heavy urban area with strong office and service economy components, a predominantly White resident population with small household sizes, and a sizable senior population. The Application reported community outreach efforts, including a presentation to ANC 2A at its regularly scheduled public meeting on April 15, 2026 and June 17, 2026, a special community presentation on April 27, 2026, and a presentation to ANC 2B's Licensing and Permitting Committee meeting on June 10, 2026. The

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 9

APPLICANT'S PROPOSED DRAFT ORDER

Application stated that the Project would have positive or neutral impacts on racial equity, with potential positive outcomes in physical improvements to surrounding public space and increased access to economic opportunity through short- and permanent job creation. The Application further stated that the Project will not cause direct residential displacement, as the Property is currently improved with a vacant office building, and will not lead to indirect economic or cultural displacement, as the Property is located within the downtown core and surrounded by high-value office, institutional, lodging, and residential buildings. (Ex. 3G, 8.)

APPLICANT'S SUBMISSIONS, REVISIONS, AND TESTIMONY

26. Initial Application. On May 14, 2026, the Applicant filed its initial application materials, which included a statement of support for the Application and justifications relating to the Voluntary Design Review criteria; a set of architectural plans and elevations; an analysis of the Comprehensive Plan as viewed through a racial equity lens; and procedural materials as required by the Zoning Regulations. (Ex. 3, 3A-3H.)
27. Prehearing Submission. On June 26, 2026, the Applicant filed a prehearing submission containing updated plans, the Applicant's proposed conditions of approval, the Transportation Statement prepared by Wells + Associates, outlines of witness testimony, and the resumes of the Applicant's expert witnesses. (Ex. 8, 8A-8E.)
28. Applicant's Supplemental Submission. On July 24, 2026, the Applicant filed a supplemental submission (the "Supplemental Submission") responding to comments received from OP, DOEE, and DDOT in their reports. At the public hearing the Commission granted a waiver from the requirement of Subtitle Z § 401.5 to permit the Supplemental Submission into the record less than 30 days prior to the public hearing. (Ex. 16; Tr. .):
 - a. The Applicant provided a more detailed ground floor site plan to demonstrate a minimum clear sidewalk width of at least 10 feet, to show the voluntary setback of the ground floor from the property line that create additional space for pedestrian circulation and sidewalk café activity, and to more clearly identify the location of required short-term bicycle parking.
 - b. In response to OP and DOEE's request for on-site renewable energy, the Applicant committed to a minimum of 1,000 square feet of rooftop solar panels.
 - c. In response to DDOT's conditions regarding pedestrian improvements, the Applicant worked with DDOT to clarify the curb extension commitment and proposed a condition memorializing the Applicant and DDOT's agreement regarding the removal of the mid-block crosswalk on 21st Street, N.W. and the installation of curb extensions on M Street, N.W. at the intersections of 21st Street, N.W. and New Hampshire Avenue, N.W. (Ex. 16.)

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 10

APPLICANT'S PROPOSED DRAFT ORDER

29. Applicant's Direct Presentation. At the July 27, 2026, public hearing, the Applicant presented the Application and addressed questions raised by the Commission:
- a. The Applicant provided testimony from three witnesses: (i) Matthew J. Bonifant, Vice President, Development, BXP, as a representative of the Applicant; (ii) Anthony Markese, Principal, Pickard Chilton Architects, admitted as an expert in architecture; and (iii) Jami L. Milanovich, Principal, Wells + Associates, admitted as an expert in transportation engineering. (Ex. 8.)
 - b. Mr. Markese provided testimony regarding the architectural design of the Project, including the massing strategy, the requested areas of zoning flexibility, the materiality and façade design, and the Project's response to the Property's unique triangular geometry and prominent location at the confluence of three major avenues within the L'Enfant Plan. Mr. Markese emphasized the design's intent to activate the street edge, positioning the retail entry at the northern point and holding back the façade at that ground floor in order to connect pedestrian activity to Duke Ellington Park across M Street, N.W. Referencing the existing dead condition of a private plaza currently at that northern edge of the Property which has for years been underutilized, Mr. Markese demonstrated how the Project would fill in that gap in the urban fabric and revitalize the corner. Mr. Markese noted the various places where the massing of the Project will carve back or step down in order to draw in additional light and air. Regarding the building projections, Mr. Markese explained how these elements would provide relief in the façade with subtle step backs and projecting bays, creating a rich texture. (Tr. [REDACTED].)
 - c. The Applicant summarized its responses to OP, DOEE, and DDOT's comments in its Supplemental Submission:
 - i. The Applicant explained that the Project would activate the surrounding streetscape, including voluntarily setting the building back on all sides from the property line, providing ample space for pedestrians to circulate around the site. The Applicant confirmed that the Project would maintain a 10-foot clear sidewalk, not including tree pits.
 - ii. The Applicant clarified the location of the short-term bicycle parking and identified potential additional locations for short-term bicycle parking to be finalized during the public space permitting process.
 - iii. The Applicant confirmed that approximately 30% of the site area would constitute green space.
 - iv. The Applicant committed to incorporating approximately 1,000 square feet of solar panels on the rooftop.
 - v. In response to DDOT's comments, the Applicant confirmed that it had agreed with DDOT to provide curb extensions. The Applicant testified that they had clarified with DDOT that the curb extension on the 21st Street,

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 11

APPLICANT'S PROPOSED DRAFT ORDER

N.W. side would be hardened and they would explore constructing a hardened curb on the New Hampshire Avenue, N.W. frontage as well; however, due to various infrastructure at that location, the Applicant may explore using tactical features in lieu of a hardened curb, to be finalized during the public space permitting process.

- vi. Finally, the Applicant addressed DOEE's comments, acknowledging DOEE's praise for the Applicant's commitment to LEED Gold certification, confirming that the Project would incorporate approximately 1,000 square feet of solar panels, confirming that the Project would be largely all-electric with potential gas appliances in the retail space for a restaurant use or for the cafeteria in the tenant space, confirming that the Project would set aside 15 spaces for EV parking as well as the required EV-ready spaces, and the Applicant would comply with all applicable regulations for the bird friendly glass. With respect to exceeding the minimum GAR requirement, the Applicant testified that the addition of the solar panels would likely increase the GAR, but given the need for flexibility to address tenants' needs, the Project could not commit to exceeding GAR at this time. The Applicant also confirmed it would perform a life cycle analysis, as suggested by DOEE. (Tr. [REDACTED].)

30. Applicant's Rebuttal. In response to comments received by Mr. Meltzer on behalf of 22 West (as hereinafter defined), an undeclared organization, the Applicant provided the following rebuttal to address the potential areas of concern raised by Mr. Meltzer. The Applicant confirmed that representatives of the Applicant would be available to meet with 22 West to address any potential concerns regarding the Project.

- a. Traffic: In response to comments regarding the potential traffic impacts of the Project, Ms. Milanovich testified that, pursuant to DDOT guidelines, the Transportation Statement analyzed the trip generation of the Project compared to the potential trip generation from the existing building. Although the existing building was not currently occupied, it had been occupied in the recent past. When comparing the trip generation between what could be generated by the existing building and the Project, the Transportation Statement concluded that the Project would generate only 16 additional vehicle trips on a daily basis. Ms. Milanovich noted that this increase in the number of vehicle trips was so *de minimis* that the Project fell beneath DDOT's threshold for a full comprehensive transportation review. (Tr. [REDACTED].)
- b. Retail: In response to Mr. Meltzer's comment regarding the potential impact of the ground-floor retail, the Applicant noted that any incoming restaurant or entertainment use would go through the alcohol and beverage licensing process, as required, which would provide a fulsome opportunity to negotiate a settlement

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 12

APPLICANT'S PROPOSED DRAFT ORDER

agreement to address any potential impacts related to the operation of the ground-floor tenant. (Tr. [REDACTED].)

- c. Signage: With respect to Mr. Meltzer's concerns regarding the potential impact of the signage, the Applicant noted that the Application proposes an upper story sign on either the M Street, N.W. frontage or the 21st Street, N.W. frontage. The sign would be illuminated in the evening. The Applicant explained that unlike the two hotels cited by Mr. Meltzer that are located across M Street, N.W. from 22 West, the 21st Street, N.W. side of the Project would not be visible at all from 22 West, and the M Street, N.W. side would only be visible at an oblique angle because both 22 West and the Project were located on the same side of the street. The Applicant also stated that they had shown the proposed signage in conversations with both ANCs to ensure the community was aware of the signage and had not, to date, heard any other concerns. The Applicant further noted that upper story lit signage is a common feature in the current office market and such signage was important in securing the office tenant that would allow the Project to move forward and the Property finally be redeveloped after two decades of false starts. The Applicant also discussed how current LED technology helps reduce the impacts of lit signage. In response to questions from the Commission, the Applicant reaffirmed the above and further noted that the signage was intentionally not proposed on the New Hampshire Avenue, N.W. side of the Project because that was the only side of the Project that faced 22 West. (Tr. [REDACTED].)

III. RESPONSES TO THE APPLICATION

OP

31. OP filed a report dated July 17, 2026 (the "OP Report"), recommending approval of the Application, including the requested flexibility from the height setback, penthouse setback, front build-to, and court width requirements. OP also supported the Applicant's request to locate the long-term bike parking on either the ground floor or the first below grade level. OP concluded that:

- a. The Project is not inconsistent with the CP, including the FLUM, GPM, and applicable citywide elements. In particular, the Project's proposed 8.1 FAR and 130 foot height would not be inconsistent with the Property's High Density Commercial designation on the FLUM. Although the Property is designated as Institutional on the GPM, the Project is not inconsistent with the GPM because policy map guidelines provide generalized guidance for development and should be considered in concert with other CP policies. When considering the Property's High Density Commercial FLUM designation and the numerous CP policies the Project advances, the Application is not inconsistent with the GPM.

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 13

APPLICANT'S PROPOSED DRAFT ORDER

- b. The Project advances numerous CP policies within the Central Washington Area Element and the Land Use, Economic Development, Environmental Protection, and Urban Design Citywide Elements.
 - c. The Project would not tend to affect adversely the use of neighboring properties, and the requested flexibility would enable the Applicant to meet all of the standards of Subtitle X § 604 while delivering an efficiently designed building that maximizes light and air on the Property and adjacent properties.
 - d. The Project satisfies each relevant design review criterion of Subtitle X § 604. OP further concluded that the Project would be superior to any matter-of-right development possible on the Property, satisfying Subtitle X § 604.8, because the requested flexibility would permit additional light and air to reach the building and adjacent properties and would allow for a rational floor plate for the office use. (Ex. 11, 15.)
32. OP and DOEE encouraged the Applicant to incorporate on-site renewable energy, specifically rooftop solar panels. (Ex. 11.)
33. OP's Urban Design Division provided additional comments regarding the building projections, sidewalk café zone, short-term bike parking, loss of existing plaza space, public seating, landscaping, and the massing and corner strategy. DOEE provided comments commending the Applicant for committing to LEED Gold certification, encouraging the Applicant to make the Project fully electric and to consider installing on-site renewable energy systems, such as rooftop solar panels, acknowledging the Applicant's commitment to install 15 EV charging stations and noting the requirement that at least 20% of parking spaces include EV-ready infrastructure, encouraging the Applicant to review the Migratory Local Wildlife Protection Act of 2022, recommending the Applicant consider exceeding the minimum GAR requirement, and encouraging the Applicant to consider the reuse of existing building materials and to conduct a simple life-cycle analysis. (Ex. 11.)
34. OP filed a Supplemental Report dated July 23, 2026 (the "OP Supplemental Report"), providing additional information regarding the FLUM designations, the Racial Equity Analysis for the Near Northwest Planning Area, and the Near Northwest Area Element of the CP. OP identified two policies in the Near Northwest Area Element advanced by the Project – NNW-2.5.4 and NNW-1.1.2 – and found that the Project was not inconsistent with the Near Northwest Area Element because the ground-floor retail and planned streetscape improvements would enhance the surrounding commercial area. OP concluded that the Project was not inconsistent with the Parks, Recreation, and Open Space designation on the FLUM because the Project intends to enhance and complement Duke Ellington Park located immediately to the north across M Street, N.W.. OP stated that the Project's ground-floor retail would be oriented along the northern side of the Property to

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 14

APPLICANT'S PROPOSED DRAFT ORDER

help activate the park and the planned sidewalk café and streetscape improvements would substantially improve current conditions, replacing the existing dead zone in the streetscape across from the park. OP continued to recommend approval of the Application. (Ex. 15.)

35. OP testified at the July 27, 2026 public hearing in support of the Application. OP noted appreciation for the Applicant's responses to the comments raised by the Urban Design Division and the Applicant's commitment to add solar panels on the rooftop. OP noted that the GPM's Institutional designation reflected a prior use of the Property. OP concluded that because the GPM is considered in concert with the guidance of the CP as a whole, the Project is not inconsistent with the GPM. (Tr. [REDACTED].)

DDOT

36. DDOT filed a report dated July 17, 2026 (the "DDOT Report"), stating that it had no objection to the approval of the Application, subject to (i) implementation of the TDM Plan proposed in the Applicant's Transportation and (ii) the following pedestrian improvements in public space: (a) removal of the midblock crosswalk on 21st Street, N.W., returning the two curb cuts to standard curb and streetscape furnishing area / tree box; and (b) installation of curb extensions on M Street, N.W. at the respective intersections of 21st Street, N.W. and New Hampshire Avenue, N.W. DDOT noted that the curb extensions should be "hardened" with relocated curbs, unless mutually agreed to by DDOT and the Applicant during public space permitting. DDOT found that the proposed 258 vehicle parking spaces was greater than the DDOT-preferred maximum at this location but noted that the proposed number was less than the estimated 271 parking spaces in the existing parking garage. However, DDOT noted that the applicant had proposed a robust TDM Plan that would support non-automobile ownership lifestyles and encourage usage of non-auto modes. (Ex. 12.)
37. DDOT testified at the July 27, 2026 public hearing in support of the Application. DDOT noted that the Applicant had agreed to the conditions outlined in the DDOT Report and, with DDOT's concurrence, the Applicant had further clarified its design intentions with respect to the curb extensions as described in the Applicant's Supplemental Submission at Exhibit 16 of the record. DDOT concurred with the conditions as set forth in the Applicant's Supplemental Submission, and affirmed it had no objection to the Application and would continue to work with the Applicant on the public space permitting. (Tr. [REDACTED].)

ANC 2A Report

38. ANC 2A submitted a letter dated June 23, 2026 (the "ANC 2A Report"), stating that at its regularly scheduled and duly noticed public meeting on June 17, 2026, with a quorum present, ANC 2A voted unanimously (6-0-0) to support the Application. ANC 2A raised no substantive concerns about the design of the Project. (Ex. 10.)

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 15

APPLICANT'S PROPOSED DRAFT ORDER

ANC 2B Report

39. ANC 2B submitted a letter dated July 15, 2026 (the “ANC 2B Report”), stating that at its regularly scheduled and duly noticed public meeting on July 15, 2026, with a quorum present, ANC 2B voted unanimously (8-0-0) to support the Application, including the requested flexibility from the height setback, front build-to, court width, and penthouse setback requirements. ANC 2B noted that the Property has long been underutilized and expressed enthusiasm for the Project's design, particularly the step-backs that allow additional light and air. (Ex. 13.)

Organizations and Individuals in Support

40. BSREP II Dupont Circle LLC (“Brookfield”), owner of the adjacent property at 1143 New Hampshire Avenue, N.W., submitted a letter dated June 23, 2026, in support of the Application, including the requested flexibility. Brookfield's support was predicated on the Applicant's agreement to negotiate in good faith any crane swing and/or construction-related agreements that would be necessary for the Project. (Ex. 9.)

Organizations and Individuals in Opposition

41. No organizations or individuals filed letters or testified at the public hearing in opposition.

Undeclared Organizations and Individuals

42. Mr. David Meltzer, a member of the Board of Directors (“Board”) of the condominium located at 1177 22nd Street, N.W. (“22 West”) provided testimony on behalf of the Board and residents of 22 West. Mr. Meltzer noted that the 22 West building is located on the south side of M Street, N.W. as well, such that the east side of the 22 West building faces New Hampshire Avenue, N.W. As a result, Mr. Meltzer testified that residents of 22 West will have visibility of the Project and could be impacted in either a positive or a negative manner. Mr. Meltzer testified that 22 West had received public notice of the public hearing, but that he was not aware of any member of 22 West participating in the ANC meetings regarding the Application. Mr. Meltzer requested that empowered representatives of the Applicant work with the Board to address any concerns that may arise. Specifically, Mr. Meltzer noted three potential concerns:
- a. Signage: Mr. Meltzer noted that 22 West had previously worked with owners of the Hilton Garden Inn and Hyatt Place hotels across M Street, N.W. from 22 West to ensure that upper story signage that is visible from 22 West is not illuminated at night. Mr. Meltzer stated that they expected to ask for a similar restriction for any signage atop the Property that may be visible from 22 West.
 - b. Traffic: Mr. Meltzer stated that 22 West hoped to have a better understanding of impact of the Project on local traffic. Mr. Meltzer noted that in the DDOT Report

APPLICANT'S PROPOSED DRAFT ORDER

the anticipated number of vehicle trips per day by the Project is 1,199, and he stated that such number was a significant increase in the number of vehicle trips over the existing office building on the Property which has been vacant for a number of years and presumably generates close to zero vehicle trips today.

- c. Retail Space: Mr. Meltzer noted concerns regarding the potential use of the ground-floor retail space for entertainment and stated that any outdoor music beyond a reasonable time at night would be of concern. (Tr. [REDACTED].)

CONCLUSIONS OF LAW

AUTHORITY

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may approve a Voluntary Design Review application consistent with the requirements of Subtitle X, Chapter 6, and Subtitle Z § 301.
2. Pursuant to Subtitle X § 600.1, the purpose of the design review process is to:
 - a. *Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;*
 - b. *Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;*
 - c. *Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;*
 - 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. Pursuant to Subtitle X §§ 603.1 and 603.3, as part of the Design Review process, the Commission is authorized to grant flexibility from the development standards for height, setbacks, yards, lot occupancy, courts, building transitions, and any design standards of any specific zone; and except for height, the amount of relief is discretionary provided that the relief is required to enable the applicant to meet all of the standards of Subtitle X § 604.
4. 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 2A Report.

APPLICANT'S PROPOSED DRAFT ORDER

DESIGN REVIEW

General Design Review Criteria (Subtitle X § 604)

5. Subtitle X § 604 requires that in order for the Commission to approve a Design Review application it must:
 - a. *Find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (Subtitle X § 604.5);*
 - b. *Find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9 (Subtitle X § 604.6);*
 - c. *Review the urban design of the site and the building according to certain enumerated criteria (Subtitle X § 604.7); and*
 - d. *Find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site (Subtitle X § 604.8).*
6. Based on the case record and Findings of Fact above, the Commission concludes that the Application meets the general design review criteria as elaborated below.

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

7. The Commission concludes that the Application satisfies the requirements of Subtitle X § 604.5 to not be inconsistent with the CP because the Project:
 - a. Proposes a high-density office and retail development at a FAR of 8.1 and a height of 130 feet, which is not inconsistent with the Property's FLUM designation of "High Density Commercial." (Finding of Fact ["FF"] 31.)
 - b. Complements the adjacent Duke Ellington Park through ground-floor retail activation and streetscape improvements and is therefore not inconsistent with the small portion of the Property designated for "Parks, Recreation, and Open Space" on the FLUM (to the extent such designation applies to the Property at all). (FF 29, 34.)
 - c. Advances a number of policies in the Central Washington Area Element by replacing an older office building with a new, trophy-class office building, helping to retain Central Washington as the premier office location; providing high quality design at an important corner within the L'Enfant Plan; and reenergizing the surrounding public spaces through its engaging ground-floor design and streetscape improvements. (FF 25, 31, 34.)
 - d. Is not inconsistent with a number of the Citywide Elements of the CP, including the Land Use, Economic Development, Environmental Protection, and Urban Design Elements. Specifically, the Project promotes continued reinvestment downtown with a high quality design and mixed-use development that will enhance job growth and support surrounding businesses, advancing policies in the Land Use Element

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 18

APPLICANT'S PROPOSED DRAFT ORDER

and Economic Development Elements. The Project's incorporation of solar panels, dedication of approximately 30% of the site area to landscaping, and commitment to LEED Gold furthers the goals of the Environmental Protection element. Finally, the Project's superb architectural design with an engaging façade and thoughtful shaping to promote light and air is not inconsistent with the Urban Design Element. (FF 25, 34.)

8. The Commission notes that although the Property is designated as "Institutional" on the GPM, the Framework Element expressly acknowledges that sites designated as Institutional on the GPM may not always be used for institutional purposes and that the GPM is intended to be read in conjunction with the FLUM and other CP policies. The Project is not inconsistent with the GPM when read in this manner. (FF 25.)
9. The Commission notes that the Property is located on the boundary between the Central Washington Area Element and the Near Northwest Area Element. The Project more closely corresponds with the Central Washington Area Element, but it also advances two policies of the Near Northwest Area Element, through its activation of the surrounding streetscape and nearby Duke Ellington Park. The Project is not inconsistent with the Near Northwest Area Element. (FF 34.)

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

10. The Commission concludes that the Applicant satisfies the requirements of Subtitle X § 604.6 to not tend to adversely affect the use of neighboring property and the general special exception criteria of Subtitle X, Chapter 9 because:
 - a. ***Subtitle X § 901.2(a)*** – The Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps for the D-5 zone and will comply with the Zoning Regulations in terms of development standards, including FAR, lot occupancy, and proposed uses, except for the requested flexibility from the height setback, penthouse setback, front build-to, and court width, which flexibility is permissible under the Voluntary Design Review process. The Commission concludes that the Project will enhance the pedestrian realm by reactivating an underutilized site and intentionally positioning retail across from the adjacent Duke Ellington Park. The Project will further the intent of the D-5 zone by supporting economic development downtown. (FF 11, 24.)
 - b. ***Subtitle X § 901.2(b)*** – The Project will not adversely affect the use of neighboring property because the Project is designed to fit in and operate compatibly with neighboring properties and uses. The requested flexibility creates space within the Project's design to allow additional light and air to reach the Project and abutting properties. Based on the DDOT Report and the Applicant's Transportation

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 19

APPLICANT'S PROPOSED DRAFT ORDER

Statement as well as testimony given at the public hearing, the Commission concludes that any traffic impacts of the Project will be minimal compared to what the existing building could generate at full capacity. The Commission also notes that the Project will enhance pedestrian safety by narrowing an existing curb cut and eliminating a mid-block crosswalk on 21st Street, N.W. With respect to the concerns Mr. Meltzer raised regarding potential noise impacts of the ground-floor retail and the signage, the Commission appreciates the Applicant's commitment to work collaboratively with representatives of 22 West to address these concerns during the permitting and licensing processes. The Commission notes that, based on the plans submitted in the record and the Applicant's testimony at the public hearing, the proposed signage located on M Street, N.W. would likely not be visible from 22 West since both buildings are located on the same side of the Street. The Commission notes that the proposed signage located on 21st Street, N.W. would fully face the business district would not have any visual impact on 22 West. (FF 24, 30.)

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

11. The Commission concludes that the Project satisfies the requirements of Subtitle X § 604.7, based on the following criteria:
 - a. ***Subtitle X § 604.7(a)*** – The Project has designed street frontages to be safe, comfortable, and encourage pedestrian activity. In particular, the Project incorporates multiple pedestrian entrances; reduces the size of an existing curb cut, provides sufficiently wide sidewalks; and enhances the surrounding public space with vibrant ground-floor retail. The Project provides multiple pedestrian entrances, including a primary office lobby on 21st Street, N.W., a secondary office entrance on New Hampshire Avenue, N.W., and the primary retail entrance along the northern M Street, N.W. frontage. The ground floor features tall, clear glass façades with active retail and lobby uses. The existing curb cut on 21st Street, N.W. will be significantly narrowed, improving pedestrian safety. The Applicant anticipates a potential sidewalk café that will further activate the public realm. (FF 23.)
 - b. ***Subtitle X § 604.7(b)*** – The Project's ground-floor retail and potential sidewalk café are positioned to activate and enhance the existing Duke Ellington Park to the north of the Property. The reactivation of the ground floor will replace the current private plaza that has long existed as dead space in the neighborhood. The Project will improve the public realm surrounding the Property with streetscape improvements. (FF 23, 29, 34.)
 - c. ***Subtitle X § 604.7(c)*** – The Property sits at an important position in the L'Enfant Plan, at the intersection of three major avenues. The Project's design acknowledges this prominent location through a prominent corner treatment and rich façade that strengthens the surrounding streetscape. The Project complements the surrounding

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 20

APPLICANT'S PROPOSED DRAFT ORDER

architectural character through the use of glass, stone, terracotta, and textured metal. (FF 23.)

- d. ***Subtitle X § 604.7(d)*** – The Project presents an attractive, activated ground-floor façade with floor-to-ceiling windows and a view inside the building. The design incorporates podiums and sky terraces, adding articulation to the façade. The materiality complements the surrounding buildings. The multi-level building carveouts shape the massing to maximize light and air reaching the building and the adjacent buildings. (FF 23.)
- e. ***Subtitle X § 604.7(e)*** – The Project includes intensive green roof and landscaping on the various terraces and street level. The Commission commends the Applicant for committing to provide approximately 1,000 square feet of solar panels in response to OP and DOEE comments. Project will meet the minimum required GAR of 0.2 and will achieve LEED Gold v4 certification. (FF 19, 23, 28.)
- f. ***Subtitle X § 604.7(f)*** – The Project promotes connectivity through its multiple building entrances at each street frontage. The Project will improve pedestrian safety by removing a mid-block crosswalk along 21st Street and reducing the size of an existing curb cut. The Project incorporates bicycle facilities and provides 93 long-term and 10 short-term bicycle parking spaces. (FF 23, 28, 36.)

Superior to Matter-of-Right Development (Subtitle X § 604.8)

- 12. The Commission concludes that the Project satisfies Subtitle X § 604.8 by providing a Project that is superior to matter-of-right development. The Project exemplifies superior design, site planning, safe pedestrian access, and other features that are superior to typical matter-of-right development. The Project's unique massing and sculpted form responds to the Property's unusual triangular geometry and prominent location at the confluence of three major avenues. The requested flexibility supports the design's voluntary foregoing of approximately 40,000 square feet of by-right density to create space for light, air, and a more intriguing façade. The Project will contribute to a vibrant ground-floor retail that activates the adjacent Duke Ellington Park. Finally, the rich materiality and multi-level terraces create a compelling pedestrian experience. Without the requested design flexibility, the Applicant would not have sufficient space to allow additional light and air to reach the building and adjacent properties, nor would it have a rational floor plate for office use. (FF 16, 21, 23, 31.)

Zoning Flexibility (Subtitle X § 603.1)

- 13. Pursuant to Subtitle X § 603.1, the Commission considered the Applicant's requests for zoning flexibility with respect to the height setback, penthouse setback, front build-to, and court width requirements.

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 21

APPLICANT'S PROPOSED DRAFT ORDER

14. The Commission concludes that the Project's design justifies each of the requested areas of flexibility, as each is required to enable the Applicant to meet all of the standards of Subtitle X § 604:
- a. **Height Setback (Subtitle I § 201.6(b))**: Compliance with the height setback requirement would create issues with the building's core and result in shallow, single-loaded corridors on the upper floors. The flexibility facilitates the upper-story sculpting of the building that will permit a rational floorplate for the office use. (FF 23.)
 - b. **Penthouse Setback (Subtitle C § 1504.1)**: The flexibility to set back the guardrail on the uppermost roof deck 1:1 from the edge of the roof, rather than from the point where the vertical wall intersects with the roof, allows for a more rational floorplate at the penthouse level and increases the occupiable outdoor area on the roof terrace. (FF 23.)
 - c. **Front Build-To Line (Subtitle I § 203.1)**: The flexibility to step back a portion of the building façade along New Hampshire Avenue, N.W. six (6) feet from the property line maximizes light and air that reaches both the building and is consistent with the current setback at that façade, maintaining the additional light and air that reaches the abutting building. (FF 23.)
 - d. **Court Width (Subtitle G § 207.1)**: The flexibility to provide courts at widths less than the required minimum allows additional light and air to reach the center of the block and the abutting buildings, and further engages the Project's design with the surrounding pedestrian and vehicular network. (FF 23.)

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

15. The Commission is required to give great weight to the recommendations of OP pursuant to § 13(d) 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 (2001)) and Subtitle Z § 405.9. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
16. The OP Report recommended approval of the Application. The Commission concurs with OP's recommendation and testimony that the Application should be approved, including the flexibility from the height setback, penthouse setback, front build-to, and court width requirements. The Commission has given the requisite great weight to OP's Report and recommendation. (FF 31, 34, 35.)

"GREAT WEIGHT" TO THE WRITTEN REPORTS OF THE ANCS

17. The Commission must give "great weight" to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21); D.C. Official Code § 1-309.10(d)

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 22

APPLICANT'S PROPOSED DRAFT ORDER

(2012 Repl.); see Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (Metropole, 141 A.3d at 1087). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted).)

18. ANC 2A voted unanimously to support the Application and expressed no issues or concerns about the Project. The Commission concurs with ANC 2A that the Application should be approved and has given the requisite great weight to the ANC 2A Report and its recommendation. (FF 38.)
19. ANC 2B, although not the "affected ANC" under the Zoning Regulations, also voted unanimously to support the Application and expressed no issues or concerns about the Project. The Commission gives appropriate consideration to ANC 2B's support. (FF 39.)

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, including the requested zoning flexibility, subject to the following conditions, standards, and flexibility:

Project Development

1. The Project shall be built in accordance with the plans and elevations dated June 26, 2026 (Ex. 8A1-8A9), as updated by the plans dated July 27, 2026 (Ex. 17A1-17A2) (collectively, the "**Final Plans**"), with zoning flexibility from the height setback, penthouse guardrail setback, front build-to, and court requirements, and subject to the following areas of flexibility:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans;
 - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans. Examples

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 23

APPLICANT'S PROPOSED DRAFT ORDER

of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;

- d. To make refinements to the approved parking configuration, including layout, mix of standard, compact, and tandem spaces, and number of parking spaces plus or minus 5%;
- e. To vary the location, attributes, and general design of the approved streetscape and building projections into public space to comply with the requirements of, and the approval by, DDOT public space officials;
- f. To vary the amount, location/orientation and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR of 0.2 and provides a minimum of 1,000 square feet of roof area containing solar panels and related equipment.
- g. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, so long as such changes do not substantially alter the exterior dimensions shown on the Final Plans and remain compliant with all applicable penthouse setback requirements except as approved by the Commission;
- h. To vary the final design and layout of the outdoor amenity spaces to reflect their final design and programming, including the number, size, design, and location of shade structures and other outdoor furnishings, fixtures, and equipment, and including the location and number of terrace and penthouse access doors to meet tenant needs and code requirements;
- i. To vary the location of the long-term bicycle parking spaces and related facilities within the Project, so long as the spaces are located on either the ground floor or the first parking level of the Project;
- j. To vary the final design of the ground floor frontage as shown on pages A5.01 – A5.03 of the Final Plans, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, and similar storefront design features, to accommodate the demising of the space and needs of the specific tenants within the parameters set forth in the Final Plans;
- k. To vary other building tenant and identification signage as shown on pages A5.04 – A5.06 of the Final Plans consistent within the parameters set forth in the Final

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 24

APPLICANT'S PROPOSED DRAFT ORDER

Plans, including the flexibility to vary the location of the "top of building" signage identifying the Project's primary office tenants so long as such signage is limited to no more than one such "top of building" sign.

2. **Retail Space.** The Project shall reserve the areas marked as "Retail" on page A2.01 of the Final Plans for uses in the following categories: animal care; arts, design, and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; medical care; production, distribution, and repair; retail; and general or financial service use.
3. **LEED.** The Project shall achieve certification from the U.S. Green Building Council at the level of LEED Gold v4, provided that the Applicant shall have the flexibility to vary the approved sustainable features of the Project as long as the total number of LEED points achievable for the Project does not decrease below the minimum required for the foregoing LEED standard. To demonstrate compliance with this condition, the Applicant shall
 - (a) **prior to the issuance of a building permit,** submit evidence of registration with the U.S. Green Building Council as well as a copy of the current LEED scorecard; and
 - (b) **prior to the issuance of a certificate of occupancy,** submit an updated scorecard to demonstrate the Project is on track to secure such certification.

Transportation Demand Management Measures

4. **Prior to the issuance of the final certificate of occupancy for the office component of the Project,** the Applicant shall demonstrate that it has removed the mid-block crosswalk on 21st Street, N.W. and constructed curb extensions at the crosswalks across M Street, N.W. at 21st Street, N.W. and at New Hampshire Avenue, N.W. as shown on page L1 of Exhibit 16A of the Record.
 - a. The Applicant shall install a hardened curb extension at 21st Street, N.W. that moves the physical curb unless mutually agreed to by DDOT and the Applicant during public space permitting.
 - b. The Applicant shall evaluate the feasibility of a hardened curb extension at New Hampshire Avenue, N.W. but is permitted to install a tactical curb extension through striping and flex posts if the Applicant determines that a hardened curb extension would be infeasible because of impacts on storm inlet, traffic signal, or other utility infrastructure.

The final design of such improvements shall be subject to the approval of District public space officials.

5. **Following the issuance of a certificate of occupancy for the Project,** the Project's Transportation Coordinator shall submit documentation summarizing compliance with the

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 25

APPLICANT'S PROPOSED DRAFT ORDER

transportation and TDM conditions of this Order to the Office of Zoning for inclusion in the IZIS case record of the case (including, if made available, any written confirmation from the Office of the Zoning Administrator).

6. **Five years after the issuance of the final certificate of occupancy for the Project**, if the Transportation Coordinator has not established a relationship with DDOT or goDCgo, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT; provided, that if such letter is not submitted on a timely basis, the Applicant shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.
7. **For the life of the Project**, the Applicant shall adhere to the following TDM plan measures:
 - a. Unbundle the cost of parking from the cost to lease an office or unit;
 - b. Identify a Transportation Coordinator for the Project once it has opened, who shall be responsible for (in addition to other job duties that may be assigned to the individual) coordinating with and disseminating information on various transportation alternatives and options to tenants in the building and acting as a point of contact with DDOT, goDCgo, and Zoning Enforcement, and share the contact information for the Transportation Coordinator with goDCgo;
 - c. Require the Project's Transportation Coordinator to conduct an annual commuter survey of building employees on-site, and report TDM activities and data collection efforts to goDCgo once per year, and obligate all tenants with more than 20 employees to survey their employees and report the results to the Project's Transportation Coordinator;
 - d. Require the Project's Transportation Coordinators to develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the Project's website and in any internal building newsletters or communications, as applicable;
 - e. Provide links to CommuterConnections.com and goDCgo.com on property websites;

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 26

APPLICANT’S PROPOSED DRAFT ORDER

- f. Provide for the Project’s Transportation Coordinator to receive TDM training from goDCgo to learn about the TDM conditions for the Project and available options for implementing the TDM plan;
- g. Require the Transportation Coordinator to notify goDCgo each time a new office tenant occupying a full floor or more of the Project moves into the Project and provide TDM information to each such new tenant;
- h. Require the Transportation Coordinator to distribute information on the “Commuter Connections Guaranteed Ride Home” program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
- i. Require the Transportation Coordinator to demonstrate to goDOgo that all tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and the Parking Cash-Out Law, to the extent such laws are in effect;
- j. Require the Transportation Coordinator to provide employees who wish to carpool with detailed carpooling information, including 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;
- k. Designate a minimum of six (6) preferential carpooling spaces in a convenient location within the parking garage for employee use; provided that if the preferential carpool spaces are not fully utilized within one year after the building opens, such spaces may revert back to general use;
- l. Offer a free SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to each new employee at initial lease up;
- m. Provide, at no charge to and for use by any tenant of the building or employee thereof, no fewer than 93 long-term bicycle parking spaces in the Project, with room to accommodate a minimum of 5 spaces for non-traditional sized bikes including cargo and tandem bikes, and with a minimum of 9 spaces equipped with electrical outlets for the charging of electric bikes and scooters;
- n. Provide a bicycle repair station in the long-term bicycle parking storage room;
- o. Provide no fewer than 6 showers and 56 lockers for tenants of the building and employees thereof;
- p. Provide no fewer than 10 short-term bicycle parking spaces around the perimeter of Project;

Z.C. ORDER NO. 26-05

Z.C. CASE NO. 26-05

PAGE 27

APPLICANT'S PROPOSED DRAFT ORDER

- q. Provide no fewer than 15 electric vehicle charging spaces in the Project;
- r. Install a Transportation Information Center Display (electronic screen) or provide comparable information by other digital or electronic means (such as an app or website), containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles;
- s. Require any office tenant occupying 75% or more of the office space in the Project to participate in the Capital Bikeshare corporate membership program and offer discounted annual memberships to employees;
- t. Hold a transportation event for employees and members of the community once per year for a total of five (5) years (examples include: employee social, walking tour of local transportation options, goDCgo lobby event, transportation fair, WABA Everyday Bicycling seminar, bicycle safety/information class, bicycle repair event, etc.); and
- u. Require the Transportation Coordinator to post “getting here” information for retail tenants in a visible and prominent location on the website for the Project with a focus on non-automotive travel modes, and with links provided to goDCgo.com, CommuterConnections.com. transit agencies around the Washington metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking (RPP) zones.

General

- 8. 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 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order. (11-Z DCMR § 702.3.)

VOTE (July 27, 2026): 5-0-0 (Gwen Wright, Tammy Stidham, Anthony J. Hood, and Robert E. Miller to **APPROVE**; Joseph S. Imamura not present, not voting)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 26-05 shall become final and effective upon publication in the *DC Register*; that is, on .

Z.C. ORDER NO. 26-05
Z.C. CASE NO. 26-05
PAGE 28

APPLICANT'S PROPOSED DRAFT ORDER

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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

Z.C. ORDER No. 26-05
Z.C. CASE No. 26-05
PAGE 29