

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



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

**Z.C. Case No. 24-23**

**Cedar Tree Academy Public Charter School  
(Design Review in NHR Zone @ Square 5861, Lot 89)**

**February 24, 2025**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a virtual public hearing on February 24, 2025, to consider the application (the “Application”) of Cedar Tree Academy Public Charter School (“Applicant”) for approval of design review in the Northern Howard Road (“NHR”) Zone District in order to construct a new school building at 701 Howard Road, S.E. (Square 5861, Lot 89) (the “Property”).

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

**FINDINGS OF FACT**

**I. Background**

**Parties**

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

**Notice**

3. Pursuant to Subtitle Z § 301.6, on October 15, 2024, the Applicant mailed a Notice of Intent to file a Zoning Application to all property owners within 200 feet of the Property and to the ANC. (Ex. 3D).
4. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) provided notice of the February 24, 2025 virtual public hearing on December 19, 2024, to (Ex. 11-11A):
  - The Applicant;
  - ANCs 8A and 8C;
  - ANC Single Member District (“SMD”) 8A06 and 8C01;

- Councilmember Trayon White;
  - Office of ANCs;
  - Office of Planning (“OP”);
  - D.C. Department of Transportation (“DDOT”);
  - D.C. Department of Buildings (“DOB”);
  - Commission’s lead attorney;
  - D.C. Department of Energy and Environment (“DOEE”);
  - At-Large Councilmembers and the Chairman of the Council; and
  - Owners of property within 200 feet of the Property.
4. OZ also published notice of the public hearing in the *District of Columbia Register* on January 3, 2025 as well as on the calendar on OZ’s website (Ex. 10).
  5. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on January 14, 2025 and maintained such notice (Ex. 19, 21).

### **The Applicant**

6. The Applicant is a public charter school that opened in 2000 and serves grades Pre-K3 through 2<sup>nd</sup> grade. The Applicant’s mission is to provide a safe learning environment designed to enhance social and emotional growth, cognitive and creative development and to prepare students to become active, independent learners (Ex. 3).
7. The Applicant’s current enrollment is 399 students, but the Applicant is authorized to serve up to 600 students by the Public Charter School Board. Most of the Applicant’s student body are “at risk” students from Ward 8 (Ex. 3).
8. The Applicant employs 89 full-time teachers and staff.

### **The Property**

9. The Property is comprised of 77,530 sq. ft. of land area and is located in the NHR zone (Ex. 3).
10. The Property has frontage on Howard Road, S.E. To the west, the Property abuts a parcel that will be redeveloped with two mixed-use buildings. To the east, the Property abuts a District of Columbia government office building. To the south, the Property abuts wooded public space and the I-295 highway overpass (Ex. 3).
11. The Property is improved with a three-story school building (the “Existing Building”) that has been used by the Applicant since 2013. There are two curb cuts, a 37-space parking lot, playground, basketball court and open green space.
12. The Property is within three blocks of the Anacostia Metrorail Station. The new Frederick Douglass Memorial Bridge is located approximately one-third of a mile to the northwest of the Property. The directly adjacent area along Howard Road is intended to be redeveloped into a high-density, mixed-use neighborhood called the “Bridge District” (Ex. 3).

13. The Comprehensive Plan's (Title 10A of the D.C. Municipal Regulations) Future Land Use Map ("FLUM") identifies the Property for "High Density Residential" and "High Density Commercial" and "Institutional" uses. The "High-Density Residential" designation includes "neighborhoods and corridors, generally, but exclusively, suited for high-rise apartment buildings" where "density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development." (10A DCMR § 227.8). The "High-Density Commercial" designation is defined to include "commercial areas with the greatest scale and intensity of use in the District...with densities greater than a FAR of 6.0..." (10A DCMR § 227.13). The "Institutional" designation is for "land and facilities occupied by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions." (10A DCMR § 227.18).
14. The Comprehensive Plan's Generalized Policy Map ("GPM") identifies the Property as a "Land Use Change Area," which is an area "where change to a different land use from what exists today is anticipated," with a "guiding philosophy . . . to encourage and facilitate new development and promote the adaptive reuse of existing structures." (10A DCMR §§ 225.9-225.12). The GPM also identifies the Property as within a "Resilience Focus Area," which is intended for areas within the 100- and 500-year floodplain and is meant to "ensure resilience to flooding for new development and infrastructure." (10A DCMR § 304.7). Finally, the Property is within a "Future Planning Analysis Area" that is meant to "large tracts or corridors where future analysis is anticipated to ensure adequate planning for equitable development." (10A DCMR § 2503.2).
15. The Comprehensive Plan designates the Property as within the Lower Anacostia Waterfront/Near Southwest Area Element.

## **II. The Application**

### **The Project**

16. The Application proposes to construct a new four-story school building that will include 32 classrooms as well as dedicated space for a gymnasium, cafeteria, library, and specialized subjects such as STEM, music, and art (Ex. 3).
17. The Project will be constructed to the following standards (Ex. 15A1-15A9):
  - Approximately 77,329 sq. ft. of gross floor area ("GFA") for a total FAR of 0.99;
  - A maximum building height of 56'10" plus a mechanical penthouse of 12'6";
  - A lot occupancy of 25.34%;
  - 33 vehicular parking spaces and one loading berth;
  - 40 short-term bicycle parking spaces, 11 long-term bicycle parking spaces, 4 showers and 8 lockers.
18. The proposed site plan provides two curb cuts from Howard Road with an internal drive aisle that provides access to the vehicular parking spaces and the school building's main entrance. The circulation pattern allows for pick-up/drop-off to occur with vehicles queuing on site instead of in public space (Ex. 15A1-15A9).
19. The Project proposes improvements to adjacent public space with a new eight-foot-wide sidewalk and four-foot-wide landscape buffer along Howard Road. The Project also provides

for landscaping and planting features throughout the site with a playground area toward the rear of the Property (Ex. 15A1-15A9; 25A).

20. The Project employs a modern architecture design that is intended to foster academic, social and emotional growth for students. The Project is sited close to Howard Road with the front façade featuring colored translucent glass to create a strong connection to the public right-of-way. The front façade will achieve the special design goals of the NHR zone, including a minimum 14-foot ground floor clear height. The Project provides two entrances: one facing Howard Road with access to the cafeteria and the main entry space for faculty, staff and students on the western-facing façade. The main entrance is highlighted by a “cookie cutter” volume with views to the vertical circulation within the building (Ex. 3; 15A-15A9).
21. The Project is designed to achieve LEED v.4.1 Gold certification and will incorporate solar panels on the roof to achieve the NHR zone’s renewable energy requirements (Ex. 3).
22. To avoid disruption to students, the Applicant proposes a phased construction plan. First, the Project will be constructed while students continue attending school in the Existing Building. Once construction of the Project is complete, students will begin attending school in the Project and the Existing Building will be demolished. Following demolition of the Existing Building, the parking area serving the Project will be built (Ex. 3).

#### **Applicant’s Submissions, Revisions and Testimony**

23. On December 10, 2024, the Applicant filed the initial Application and related materials. (Ex. 1-3G). The supporting materials include an evaluation of the Application’s consistency with the Comprehensive Plan as viewed through a racial equity lens (Ex. 3G).
24. On January 27, 2025, the Applicant filed a supplemental statement, as permitted under Subtitle Z § 401.5, which included the following (Ex. 15-15D):
  - **Updated Architectural Plans:** The Applicant refined the Project design, including changes to the façade materiality, provided additional detail on bicycle parking, and outlined zoning chart revisions;
  - **Comprehensive Transportation Review:** The Applicant provided a Comprehensive Transportation Review (“CTR”) prepared by Symmetra Design, the Applicant’s transportation consultant;
  - **Information on NHR Requirements:** The Applicant supplemented information provided in response to the NHR requirements under Subtitle K § 1005.3, which include apprenticeship and training opportunities, inclusion of local businesses in construction of the Project, and coordination with the State Archaeologist;
  - **Revisions to Design Flexibility:** The Applicant detailed minor revisions to the requested design flexibility on the architectural plan set reviewed by the Commission;
  - **Community Outreach:** The Applicant updated the Commission regarding the support of ANC 8A; and
  - **Outline of Witness Testimony with Expert Resumes:** The Applicant provided an outline of hearing testimony for witnesses along with the resumes of proffered expert witnesses.

25. On February 14, 2025, the Applicant filed a revised CTR prepared by Symmetra Design to address questions and comments from DDOT. The Applicant requested a waiver from Subtitle Z § 401.8 in order to make the filing within 30 days of the hearing date (Ex. 18-18B).
26. Testimony at the public hearing on February 24, 2025, including a PowerPoint presentation (Ex. 22). Three witnesses testified during the Applicant's presentation: Dr. Latonya Henderson, Executive Director of the Applicant; Luis Boza from A2 Design, Inc.; and Nicole White from Symmetra Design. Mr. Boza and Ms. White were accepted as expert witnesses by the Commission.
27. On March 10, 2025, the Applicant filed a post-hearing submission responding to issues and comments from the Commission raised during the February 24, 2025 hearing. The post-hearing submission included the following (Ex. 25, 25A, 25B):
  - Revised Site and Landscape Plan: The Applicant included a revised site plan and a revised landscape plan to address Commission comments regarding the Applicant's proposal for the exterior space of the Project. Specifically, the Commission requested the Applicant to study additional space where students can play outside at the Property as well as a more refined landscaping plan, particularly toward the frontage along Howard Road. The Applicant's revised site plan identifies two new play areas toward the rear of the Property, a portion of which is public space. In total, the Project will include 24,119 sq. ft. of play area, including the gymnasium and cafeteria, an increase over the Existing Building. With respect to the landscape plan, the Applicant added more trees and plantings that will better obscure the parking area from viewsheds along Howard Road. The Applicant also adjusted the fencing around the Project to provide a more inviting area between the fencing and public space; and
  - Proposed Order: The Applicant provided proposed findings of fact and conclusions of law pursuant to Subtitle Z § 601.1.

### **Relief Requested**

28. The Applicant requested:
  - NHR Zone design review pursuant to Subtitle K § 1005.1, which requires design review, and approval by the Commission, for all proposed buildings in the NHR Zone<sup>1</sup>, to approve a new school building; and
  - Special exception relief from Subtitle K § 1001.3, which requires all buildings in the NHR zone to provide a minimum residential FAR of 2.5. The Project will not provide any residential FAR.
29. The Applicant also requested certain design flexibility to vary elements of the final plan set approved by the Commission and still comply with the requirements of Subtitle X § 311.2 and Subtitle Z § 702.8 to construct the Project in complete accordance with the final approved plans.

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<sup>1</sup> NHR refers to the North Howard Road zone district. In 2018, the Zoning Commission created the North Howard Road zone and rezoned six parcels, including the Property, to that zone district (*See* Z.C. Case Nos. 18-18 and 18-19).

### **III. Applicant's Justification for Design Review Approval**

#### **NHR Zone Design Review Standards**

30. The Application provides evidence that the Project meets the designated street requirements of Subtitle K § 1004 as follows:
- Pursuant to Subtitle K § 1004.2, with the exception of entrances and fire control, the Project will devote 100% of its ground floor street frontage on Howard Road to a public education use, which is a preferred use set forth under Subtitle K § 1004.2(d) (Ex. 3, 15A1-15A9); and
  - Pursuant to Subtitle K § 1004.3, the Project will comply with NHR designated street design requirements, including a ground floor with a 14-foot clear height to a depth of 36 feet with 50% of the surface area facing Howard Road having clear low-emissivity glass. Ground floor entrances are no more than 40 feet apart on Howard Road and there is no vehicular garage or loading access from the street (Ex. 3, 15A1-15A9).
31. The Application provides evidence that the Project meets the requirements of Subtitle K § 1005.2 as follows:
- Pursuant to Subtitle K § 1005.2(a), the Applicant asserted the Project will achieve the objectives of the NHR zone by complementing the high-density mixed-use neighborhood that is expected along Howard Road and providing a neighborhood choice for public elementary school. The Project's modern design will create a stronger presence on Howard Road and activate the public space along the Property. The Project will also contribute to a more pedestrian- and bicycle-friendly neighborhood by improving the sidewalk and providing bicycle parking. Although the Project does not have affordable housing, the Applicant's school serves a primarily "at risk" population (Ex. 3);
  - Pursuant to Subtitle K § 1005.2(b), the Applicant asserted the Project will help achieve the desired use mix by providing a matter-of-right use and a preferred use on a designated street in the NHR zone. The public education use will complement the other use types in the NHR zone (Ex. 3);
  - Pursuant to Subtitle K § 1005.2(c), the Applicant asserted the Project will improve streetscape connections by increasing the width of the sidewalk and adding a landscape buffer on Howard Road; (Ex. 3)
  - Pursuant to Subtitle K § 1005.2(d), the Applicant asserted the Project will minimize conflict between vehicles, bicyclists and pedestrians with a proposed site design that allows for on-site queuing for student pick-up and drop-off, with the one lane drive aisle ensuring slow speeds around the Property. Additionally, the location of the short-term bicycle parking allows for direct access to building entrances without crossing the drive aisle (Ex. 3);
  - Pursuant to Subtitle K § 1005.2(e), the Applicant asserted the Project creates visual interest through its façade articulation next to public space. To do so, the Project employs colored translucent glass that is broken up by vertical monolithic panels on the front façade. The "cookie cutter" volume on the western façade highlights the Project's main entrance and the "wrapper" creates a vertical striation to visually enhance the Project's height (Ex. 3);
  - Pursuant to Subtitle K § 1005.2(f), the Applicant asserted the Project will minimize environmental impact by achieving LEED v.4.1 Gold certification. The Project will also

- incorporate solar panels to meet renewable energy goals, as well as new landscaping and bioretention throughout the Property (Ex. 3); and
- Pursuant to Subtitle K § 1005.2(g), the Applicant asserted the Project promotes safe and active streetscapes with a pedestrian entrance directly on Howard Road as well as clear low-emissivity glass on the front façade for views directly into the cafeteria. The extensive green space and landscaping on the site creates an inviting, park-like atmosphere (Ex. 3).
32. The Application provided a report on the items set forth under Subtitle K § 1005.3 as follows:
- Pursuant to Subtitle K § 1005.3(a), the Applicant worked with a local organization in Ward 8 and a citywide organization that operated DOES-approved apprenticeship and training programs. The Applicant, its general contractor, and Community College Preparatory Academy in Ward 8 are creating an apprenticeship program for individuals in the HVAC industry (Ex. 3, 15);
  - Pursuant to Subtitle K § 1005.3(b), the Applicant hosted a CBE outreach meeting and is taking proposals from Ward 7 and Ward 8 businesses to subcontract for construction of the Project (Ex. 3, 15);
  - The requirements of Subtitle K § 1005.3(c) are not applicable because the Project will not have retail or commercial space (Ex. 3, 15); and
  - Pursuant to Subtitle K § 1005.3(d), the Applicant met with the State Archaeologist on November 21, 2024 and has retained Wetland Studies and Solutions, Inc. to prepare a work plan for the State Archaeologist's approval. The Applicant expects to recognize local Anacostia history in an educational design feature within the Project. (Ex. 3, 15).

### **General Design Review Standards**

33. The Application provided evidence that the Project is not inconsistent with the Comprehensive Plan pursuant to Subtitle X § 604.5 as follows:
- *FLUM*: The Project is not inconsistent with the FLUM's designation for the Property of "High Density Residential," "High Density Commercial," and "Institutional." Although the Project provides less density than envisioned in the High Density Residential and Commercial designations, the Comprehensive Plan acknowledges that "densities within any given area [on the FLUM] reflect all contiguous properties on a block, [and] there may be individual buildings that are larger or smaller than these ranges within each area." (10A DCMR § 228.1). To that end, the Project will be balanced by the expected pattern of high-density development in the neighborhood. Otherwise, the Project will support the expected mixed-use neighborhood by providing a neighborhood school for future residents as well as staff to patronize nearby businesses. With respect to the Institutional designation, this category contemplates similar use types to a public charter school (Ex. 3);
  - *GPM*: The Project is not inconsistent with the GPM's designation for the Property as a "Land Use Change Area" because the Project proposes to redevelop the Property with a new school building that will feature architecture and design that better aligns with the expected improvements to the North Howard Road neighborhood. With respect to the "Resilience Focus Area," the Project accounts for floodplain concerns by constructing the new building on a concrete podium to raise the base of the building above the 500-year floodplain. The Application does not propose a zoning change and, therefore, is not inconsistent with the "Future Planning Analysis Area" designation (Ex. 3);

- *Racial Equity*: Pursuant to Comprehensive Plan §§ 2501.4-2501.6, 2501.8, the Commission is tasked with evaluating the Application’s consistency with the Comprehensive Plan through a racial equity lens. The Comprehensive Plan 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 (Comprehensive Plan § 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, healthcare, technology, workforce development, and employment opportunities.” (Comprehensive Plan § 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 (Comprehensive Plan § 213.9). In addition, Comprehensive Plan § 2501.8 suggests to prepare and implement tools to use as a part of the Commission’s evaluation process. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and OP analyzing the zoning action’s consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable (Part 1); a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3);
- As a public charter school, the Applicant is a long-standing member of the Ward 8 community. The Project advances racial equity goals by providing a new school building with increased capacity to serve the Applicant’s student body that is primarily comprised of “at risk” children from Ward 8. The Project will allow the Applicant to offer improved specialty classes and wrap-around services for families. The Project will not result in direct or indirect displacement and will provide improved public space and sustainability features (Ex. 3);
- *With* respect to community outreach, the Applicant stated it used in-person communication for school families. For the broader community, the applicant used a combination of email and phone call communications as well as attending virtual meetings of ANC 8A:
  - The dates of meetings and points of engagement related to the Project are as follows:
    - October 8, 2024 – The Applicant presented at the public meeting of ANC 8A;
    - November 12, 2024 – The Applicant presented at the public meeting of ANC 8A;
    - January 14, 2025 - The Applicant presented the Project to ANC 8A at its public meeting on January 14, 2025. At that meeting, ANC 8A voted unanimously to support the Project and the application; and
    - The Applicant stated that the community has not identified any specific changes or mitigation measures that are needed for the Project. (Ex. 3G);
- *Citywide Elements*: The Project is not inconsistent with a number of policies reflected in the Comprehensive Plan’s Citywide Elements, including:
  - Land Use Element: The Project offers excellent access to public transportation based on its proximity to the Anacostia Metrorail Station. The Project’s proposed re-



- configuration and improvements to public space will encourage pedestrian and bicyclist transit access (Ex. 3);
- Transportation Element: The widening of the public sidewalk and addition of a landscape buffer offers a key connection between the Anacostia Metrorail Station and the potential redevelopment to the west on Howard Road. The improved streetscape supports multi-modal transit (Ex. 3);
  - Environmental Element: The Project will achieve LEED v.4.1 Gold certification and the renewable energy goals of the NHR zone through the provision of solar panels. The site also provides extensive open green space and new landscaping elements (Ex. 3);
  - Urban Design Element: The Project will feature a modern and lively design with a street-activity presence along Howard Road. The Project incorporates the designated street design goals of the NHR zone, including 14-foot clearance on the ground level with large amounts of glazing (Ex. 3); and
  - Education Facilities Element: The Project is a new public charter school building that provides increased programming and wrap-around services for students as well as an expanded capacity for the Applicant to attract new students. The Project employs high-quality and environmentally-friendly design with improvements to public space that capitalize on the Property's proximity to metrorail and public transit. (Ex. 3); and
  - *Area Element*: The Project builds on the expected redevelopment of North Howard Road, which is adjacent to Poplar Point, into a vibrant, mixed-use community. The *Project* contributes to access improvements with new public space for pedestrian and bicycle connectivity. (Ex. 3).
34. The Application provided evidence that the Project meets the requirements of Subtitle X § 604.7(a) for street frontages to be designed to be safe, comfortable, and encourage pedestrian activity. The Project proposes to widen the public sidewalks and add a landscape buffer along Howard Road. These public space improvements combined with the Project's minimal setback and easily accessible entrance on Howard Road are intended to encourage safe and efficient pedestrian access to and from the school building. The Project's façade design is intentionally playful and inviting to reflect the public education use. While the Project will have curb cuts to serve the Project's parking lot and pick-up/drop-off maneuvers, pedestrians and bicyclists traveling to the site from the east, including the Anacostia Metrorail station, will not have to cross over the drive aisle (Ex. 3).
35. The Application provided evidence that the Project meets the requirements of Subtitle X § 604.7(b) encouraging public gathering spaces and open spaces. The Project's first floor will be available for community events when school is not in session. Although the Project is gated for security purposes, the ample green space and landscaping will create a park-like setting (Ex. 3).
36. The Application provided evidence that the Project meets the requirements of Subtitle X § 604.7(c) for new development to respect the historic character of Washington's neighborhoods. The surrounding neighborhood is being redeveloped into a new mixed-use neighborhood; as such, there is no existing neighborhood architectural character. The Property is also not near a major boulevard or notable public space but, rather, is surrounded by a highway and open parkland. Nonetheless, the Project's architecture and design is

intended to be consistent with the expected pattern of development along Howard Road (Ex. 3).

37. The Application provided evidence that the Project meets the requirements of Subtitle X § 604.7(d) for buildings to strive for attractive and inspired façade design. The Project's façade incorporates bright colors, glazing and other design features that are intended to create a vibrant and welcoming building for students, families and staff. The Project reinforces the pedestrian realm by providing high floor-to-ceiling clearance with visibility into the school building from Howard Road (Ex. 3).
38. The Application provided evidence that the Project meets the requirements of Subtitle X § 604.7(e) for sites to be designed with sustainable landscaping. The Project will have extensive sustainable landscaping, including bioretention plantings, to meet this requirement (Ex. 3).
39. The Application provided evidence that the Project meets the requirements of Subtitle X § 604.7(f) for sites to promote connectivity both internally and with surrounding neighborhoods. The Project's public space plan will create safer connections for pedestrians and bicyclists on Howard Road. These improvements are particularly important with the Anacostia Metro Station located three blocks to the east of the Property. The Project will feature short- and long-term bicycle parking as well. (Ex. 3).
40. The Application provided evidence that the Project satisfies the general special exception criteria of Subtitle X, Chapter 9, as required under Subtitle X § 604.6:
  - The Project is in harmony with the purpose and intent of the Zoning Regulations and Maps because the Project will be consistent with the intent of the NHR zone, including meeting the physical development standards in the NHR zone with the exception of minimum residential FAR. Additionally, the Project's architectural style and site design will align with the vibrant and engaging neighborhood expected along Howard Road. The Project creates a stronger, street-activating connection with Howard Road by reducing the setback from the public right-of-way and providing large amounts of low-emissivity glazing on the street-facing façade. The Project will also contribute to a more pedestrian and bicycle-friendly neighborhood with new sidewalks, landscaping buffer and the speed-reducing nature of the public school use (Ex. 3); and
  - The Project will not create adverse impacts to neighboring property as it will be constructed well below the maximum permitted density in the NHR zone. The Project will provide ample setbacks from the side lot lines. Nonetheless, there is a driveway between the Project and the existing building to the east, and the planned mixed-use development to the west will have significantly greater density than the Project. The Project does not abut an active use along the rear lot line as the I-295 highway is located to the south of the Property. From a traffic and transportation perspective, the Project exceeds the minimum requirement for vehicular parking and incorporates a large drive aisle to allow for safe and efficient pick-up/drop-off to occur on-site. The Project's provision of short- and long-term bicycle parking and proximity to Metrorail will encourage alternative forms of transportation. Finally, the Project is supported by the neighboring property owner (Ex. 3).

#### **IV. Responses to the Application**

##### **Office of Planning**

41. OP submitted a report dated February 13, 2025 (the “OP Report”) recommending that the Commission approve the Application (Ex. 17). The OP Report concluded that the Project satisfies the NHR design review criteria of Subtitle K § 1005 and the general design review criteria of Subtitle X § 604, including that the Project, on balance, is not inconsistent with the Comprehensive Plan as viewed through a racial equity lens and would further policy statements under the Land Use, Transportation, Environmental Protection, Urban Design , and Educational Facilities Citywide Elements, and the Lower Anacostia Waterfront/Near Southwest Area Element. The OP Report also recommended approval of the special exception relief from the minimum residential FAR requirement of Subtitle X § 1001.3. The OP Report included comments from DOEE. In addition, the OP Report provided disaggregated race and ethnicity data for the LAWNS Planning Area, noting:
- The LAWNS planning area has a majority White population in both the 2012 to 2016 and the 2018 to 2022 periods. That percentage increased from 51.8% to 58.6% between the data periods. The Black population decreased as a percentage of the total by about 10 percentage points over the same timeframe;
  - The LAWNS planning area had a higher percentage of persons 65 and older during the earlier data period than the District as a whole. But that percentage dropped to be noticeably lower than the District in the most recent data. The percentage of people under 18 dropped slightly, as did the percentage of residents who identified as disabled;
  - The LAWNS planning area has a median income higher than the District as a whole, as evidenced by data from both the 2012-2016 and 2018-2022 survey periods. The planning area median income tracked with the citywide trend and increased significantly over the 10-year period. All racial groups seemed to show large increases in median income, although Whites had the largest increase. In absolute terms, the income of the Black population was still well below that of other groups; and
  - Fewer residents in the LAWNS planning area own their home than in the District as a whole – 24.4% compared to 41.4%. The homeownership rate in the planning area dropped notably over the two survey periods, which is likely a result of the growth in rental housing stock in the portion of the planning area near the ballpark. The homeownership rate among Black households in the planning area stayed relatively steady, which seems to be in line with the District as a whole, while most other racial groups showed a decline in the planning area. This is, again, most likely reflective of the increases in the number of renters in the community. The planning area’s percentage of households that are housing-cost-burdened is slightly lower than the citywide rate and decreased slightly between the study periods.
42. The OP Report did not request any conditions of approval (Ex. 17).
43. At the February 24, 2025 public hearing, OP testified in support of the Application, including the requested relief.

##### **DDOT Report**

44. DDOT filed a report dated February 13, 2025 (the “DDOT Report”) requesting a waiver to submit its report less than ten days prior to the hearing (Ex. 16).

45. DDOT filed a supplemental report dated February 21, 2025 (the “DDOT Supplemental Report”) concluding that it had no objections to the Project subject to the implementation of the Transportation Demand Management (“TDM”) Plan and Performance Management Plan (“PMP”) proposed by the Applicant in the Revised CTR (Ex. 18A) for the life of the Project unless otherwise noted (Ex. 23). DDOT also stated that it expects the Applicant to continue to work with DDOT, including as to the proposed curb cuts for the Project, a detailed curbside management and signage plan, and possible removal of heritage or special trees on the site. The report further stated that after an extensive review of the case materials submitted by the Applicant, DDOT found:
- Vehicular access to the site is proposed via a two-way parking lot entrance from Howard Road, S.E. The Applicant is still determining whether this entrance will be a pair of one-way curb cuts, similar to the school’s existing access, or a single two-way curb cut;
  - The project is meeting zoning requirements for vehicle parking by providing 33 spaces, which is higher than DDOT’s preferred parking maximum for sites within one-fourth mile of a Metrorail station. DDOT estimates a school of this size and distance from transit should provide no more than 17 spaces. The availability of excess parking has the potential to induce additional demand for driving, which has been accounted for in the traffic analysis;
  - To offset and measure this impact, the Applicant has agreed with DDOT to implement a robust TDM program and a Performance Monitoring Plan (PMP). The Applicant also proposes widening the sidewalk along the site’s Howard Road, S.E. frontage to improve the safety and comfort of walking to and from school;
  - The CTR study indicated that one study intersection unacceptably degrades in Level of Service (“LOS”) and increases in queue length due to the addition of site-generated vehicle trips. DDOT requests that the Applicant provide mitigation through additional TDM measures and evaluate site operations through a PMP rather than construct roadway improvements; and
  - The Applicant proposes a robust TDM Plan that will support usage of non-auto modes and mitigate the traffic impacts of the school as well as a PMP to monitor the site’s trip generation. DDOT finds these plans acceptable.
46. At the public hearing on February 24, 2025, DDOT testified in support of the Application.

#### **ANC Report**

47. ANC 8A submitted a resolution dated February 12, 2025 (the “ANC Report,”), which was adopted at a duly noticed and regularly scheduled monthly meeting, with a quorum present (Ex. 20). The ANC voted unanimously to support the Application. The ANC Report supported the modern and attractive design of the Project, as well as the proposed improvements to the streetscape. The ANC Report reflects support for the Application’s request for special exception relief as well.
48. ANC 8A did not appear or provide testimony at the public hearing.
49. ANC 8C did not submit a report to the case record or appear or provide testimony at the public hearing.

### **Letters in Support or Opposition**

50. There were five letters of support in the case record and no letters of opposition. No individuals or groups spoke in support or opposition at the public hearing. (Ex. 5-9).

## **IV. Conclusions of Law**

### **Authority**

1. Pursuant to the authority granted by the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.) (the “Act”)), the Commission is authorized to review and approve an application for design review in the NHR zone that is consistent with the requirements of Subtitle X, Chapter 6 and Subtitle K, Chapter 10.

### **Standard of Review for Approval of NHR Design Review**

2. Pursuant to Subtitle X § 600.1, the purpose of the design review process is to:
- (a) *Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;*
  - (b) *Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;*
  - (c) *Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;*
  - (d) *Promote high-quality, contextual design; and*
  - (e) *Provide for flexibility in building bulk control, design and site placement without an increase in density or a map amendment.*
3. Due to the Property’s location in the NHR zone, the Applicant is required to comply with the design review criteria set forth under Subtitle K § 1005. Additionally, due to the Property’s frontage on Howard Road, the Applicant is required to comply with the designated streets criteria of Subtitle K § 1004. Subtitle X § 604.6 also provides the Applicant must meet the special exception standards of Subtitle X, Chapter 9.
4. Section 8 of the Act authorizes the Commission to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Commission, the special exceptions:
- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;*
  - (b) *Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and*
  - (c) *Complies with the special conditions specified in the Zoning Regulations.*
5. The Commission makes the following conclusions of law based on the information provided in the case record, including testimony provided at the hearing, the Applicant’s statements, the OP Report, the DDOT Supplemental Report, and the ANC Report.

**Satisfaction of the NHR Designated Street Requirements (Subtitle K § 1004)**

6. The Commission concludes that the Application meets the NHR Designated Streets requirements as detailed below.

***Subtitle K § 1004.2 - The Project devotes one hundred percent (100%) of its ground floor street frontage along Howard Road, except for space devoted to building entrances or required for fire control, to the preferred use categories set forth in Subtitle K § 1004.2(a)-(h).***

7. The Project's ground floor plans show that 100% of the ground floor street frontage along Howard Road is dedicated to a public education use, which is a preferred use set forth in Subtitle K § 1004.2(a)-(h) (Findings of Fact ("FF") 30).

***Subtitle K § 1004.3 - The Project complies with the design requirements set forth in Subtitle K § 1004.3(a)-(d).***

8. The Architectural Plans show that the Project's ground floor has a minimum clear height of 14 feet for a continuous depth of at least 36 feet as measured from the building line. The percentage of the Project's ground floor surface area containing display windows and/or pedestrian entrances with clear low-emissivity glass exceeds the required 50%. Additionally, the ground floor has pedestrian entrances that are no more than 40 feet apart. Finally, the Project does not provide vehicular garage or loading access along Howard Road (FF 30).

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

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

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

10. The Project will complement the expected high-density, mixed-use development in the neighborhood by providing a neighborhood choice for elementary school and a modern, attractive and street-activating design. The Project will make the neighborhood more pedestrian- and bicyclist-friendly with public space improvements and new bicycle parking on-site (FF 31).

***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.***

11. The Project proposes a matter-of-right public education use, which is also a preferred use on a designated street in the NHR zone. The public education use will complement the hundreds of residences that are expected to be constructed in the neighborhood (FF 31).

***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.***

12. The Project will improve streetscape connections by increasing the sidewalk width and adding a landscape buffer along Howard Road (FF 31).

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

13. The proposed site design features a one lane drive aisle that allows for on-site queuing for student pick-up and drop-off while ensuring slow speeds around the Property. The Applicant is considering whether this entrance will be a pair of one-way curb cuts, similar to the school's existing access, or a single two-way curb cut. The Commission is satisfied that either option is sufficient to minimize transportation conflicts. DDOT reviewed the case materials and concluded that it had no objection to either proposed entrance design, that the Project is meeting the zoning requirements for parking, but the availability of excess parking would induce demand. DDOT and the Applicant had agreed on a TDM Plan and PMP Plan that will adequately offset this demand. The location of the short-term bicycle parking allows for direct access to building entrances without crossing the drive aisle. The Commission concludes therefore that the Project will minimize conflicts between vehicles, bicycles, and pedestrians (FF 31, 44-46).

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

14. The Project proposes an engaging and visually interesting façade facing Howard Road by employing colored translucent glass with a vertical monolithic panel. The Project's western façade, which can also be seen from Howard Road, features a cookie cutter volume to highlight the main entrance along with a vertical striation to enhance the appearance of the Project's height (FF 31).

***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.***

15. The Project will achieve LEED v.4.1 Gold certification and incorporates rooftop solar panels as well as new landscaping and bioretention throughout the Property (FF 31).

***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.***

16. The Project promotes safe and active streetscapes with a pedestrian entrance directly on Howard Road with clear low-emissivity glass on the front façade for views directly into the cafeteria. The green space and landscaping on the site also creates an inviting, park-like atmosphere. (FF 31).

***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 provision of any internship or training opportunities during construction and operation of the Project, either with the Applicant or with contractors working on the project independent of DOES.***

17. The Applicant worked with a local organization in Ward 8 and a citywide organization that operates DOES-approved apprenticeship and training programs. The Applicant, its general contractor, and Community College Preparatory Academy in Ward 8 are creating an apprenticeship program for individuals in the HVAC industry (FF 31).

***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.***

18. The Applicant hosted a CBE outreach meeting and is taking proposals from Ward 7 and Ward 8 businesses to subcontract for construction of the Project (FF 31).

***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.***

19. Due to the Project’s public education use, this NHR requirement is not applicable (FF 31).

***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.***

20. The Applicant met with the State Archaeologist on November 21, 2024 and has retained Wetland Studies and Solutions, Inc. to prepare a work plan for the State Archaeologist’s approval. The Applicant expects to recognize local Anacostia history in an educational design feature within the Project (FF 31).

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

21. The Commission concludes the Application meets the general design review standards as detailed below.

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

22. As part of the Application, the Applicant submitted an evaluation of the Project’s consistency with the Comprehensive Plan, as viewed through a racial equity lens. The Applicant’s evaluation was guided by the Commission’s Racial Equity Tool. (FF 23, 33).

23. In accordance with Subtitle X § 604.5, the Commission concludes that, when examined through a racial equity lens, the Project is not inconsistent with the Comprehensive Plan. The Commission’s conclusion is based on the following:

- *FLUM*: The Project is not inconsistent with the FLUM’s designation for the Property of “High Density Residential,” “High Density Commercial,” and “Institutional.” The Comprehensive Plan acknowledges that “densities within any given area [on the FLUM] reflect all contiguous properties on a block, [and] there may be individual buildings that are larger or smaller than these ranges within each area.” (10A DCMR § 228.1). The Project’s lower density will be balanced by the expected pattern of high-density development in the neighborhood. The Project will support the expected mixed-use neighborhood by providing a neighborhood school for future residents as well as staff to patronize nearby businesses (FF 33);
- *GPM*: The Project is not inconsistent with the GPM’s designation for the Property as a “Land Use Change Area” because the Project proposes to redevelop the Property with a new school building that will feature architecture and design that better aligns with the expected improvements to the North Howard Road neighborhood. The Project accounts for floodplain concerns within the “Resilience Focus Area” by constructing the new building on a concrete podium to raise the base of the building above the 500-year floodplain (FF 33); and
- *Citywide Elements*: The Project is not inconsistent with a number of policies reflected in the Comprehensive Plan’s Citywide Elements. As to the Land Use element, the



Project offers excellent access to public transportation based on its proximity to the Anacostia Metrorail Station. As to the Transportation Element, the proposed improvements to public space will make the area safer for pedestrians and bicyclists. The Project will achieve LEED v.4.1 Gold certification and the renewable energy goals of the NHR zone through the provision of solar panels. Therefore, the Project is consistent with policies in the Environmental Protection Element. As to the Urban Design Element, The Project will feature a modern and lively design with a street-activity presence along Howard Road. Additionally, with respect to the Education Facilities Element, the Project is a new public charter school building that provides increased programming and wrap-around services for students as well as an expanded capacity for the Applicant to attract new students. The Project employs high-quality and environmentally-friendly design with improvements to public space that capitalize on the Property's proximity to metrorail and public transit. As called for in the Lower Anacostia Waterfront/Near Southwest Area Element, the Project builds on the expected redevelopment of North Howard Road, which is adjacent to Poplar Point, into a vibrant, mixed-use community (FF 33).

24. The Commission concludes that the Project is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. The Commission reaches this conclusion based on the case record and the racial equity analyses provided by the Applicant, inclusive of community outreach and engagement information, and the OP Report, inclusive of disaggregated race and ethnicity data for the Lower Anacostia Waterfront/Near Southwest Planning Area. The Commission finds that the racial equity analyses provided address the components of the Commission's Racial Equity Tool and that the Project will further CP racial equity goals, primarily because the Applicant's student body is primarily comprised of "at risk" children from Ward 8. The Applicant's mission is to close the education gap in the District by serving these at-risk students. The Project will allow the Applicant to offer improved specialty classes and wrap-around services for families as well as to increase capacity to grow the school into a full-service elementary school. The Project will not result in direct or indirect displacement and will provide improved public space and sustainability features. The Applicant performed significant and meaningful community outreach. In response to Commission comments at the hearing, the Applicant added additional outdoor play space. In response to comments from DDOT, the Applicant considered revised vehicular entry designs (FF 27, 33, 41, 44-46).

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

25. The Commission concludes the Project satisfies the general special exception criteria of Subtitle X, Chapter 9 because the Project: (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Maps; (b) will not tend to affect adversely the use of neighboring property; and (c) will meet such special conditions as may be specified in this title.
26. The Project is in harmony with the purpose and intent of the Zoning Regulations and Maps because the Project will be consistent with the intent of the NHR zone. The Project will meet the development standards of the NHR zone, with the exception of minimum residential FAR. The Project's architectural style and site design will align with the vibrant and

engaging neighborhood expected along Howard Road, including through a stronger, street-activating connection and large amounts of low-emissivity glazing on the street-facing façade. The Project will also contribute to a more pedestrian and bicycle-friendly neighborhood with new sidewalks, landscaping buffer and the speed-reducing nature of the public school use. (FF 40).

27. The Project will not create adverse impacts to neighboring property as the Project will be constructed well below the maximum permitted density in the NHR zone. There are limited existing adjacent uses and the Project will provide ample setbacks from the side and rear lot lines. There is also a driveway between the Project and the existing building to the east. The planned mixed-use development to the west will have significantly greater density than the Project. The Project's rear lot line is adjacent to the I-295 highway. The Project exceeds the minimum requirement for vehicular parking and incorporates a large drive aisle to allow for safe and efficient pick-up/drop-off to occur on-site. The Project provides short- and long-term bicycle parking and is in close proximity to Metrorail thereby encouraging alternative methods of transportation to the site (FF 40).

**Satisfaction of Design Criteria (Subtitle X § 604.7)**

28. The Commission concludes the Project is consistent with the urban design criteria pursuant to Subtitle X § 604.7 in a way that is superior to a matter-of-right development in accord with Subtitle X § 604.8.

***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 façades are prevented or minimized; and (5) Wide sidewalks are provided.***

29. To encourage safe and efficient pedestrian access to and from the school building, the Project proposes to widen the public sidewalks and add a landscape buffer along Howard Road. The Project's façade design is vibrant and inviting to reflect the Applicant's public education use of the Property. The Project's curb cuts are needed to serve the parking lot and pick-up/drop-off maneuvers, but the Project is designed to limit conflict between vehicles, pedestrians and bicyclists (FF 34).

***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***

30. The Project's first floor will be available for community events when school is not in session. While the site is fenced for security purposes, the Project will incorporate ample green space and landscaping to create a park-like setting (FF 35).

***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.***

31. The surrounding neighborhood is being redeveloped into a new mixed-use neighborhood; as such, there is no existing neighborhood or historic architectural character. The Property is not near a major boulevard or notable public space but, rather, is surrounded by a highway and open parkland. Nonetheless, the Project's architecture and design is intended to be consistent with the expected pattern of development along Howard Road (FF 36).

***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.***

32. The Project's façade incorporates bright colors, glazing and other design features that are intended to create a vibrant and welcoming building for students, families and staff. The Project reinforces the pedestrian realm by providing high floor-to-ceiling clearance with visibility into the school building from Howard Road (FF 37).

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

33. The Project will have sustainable landscaping throughout the site, including in the bioretention areas (FF 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.***

34. The Project will create safer connections for pedestrians and bicyclists on Howard Road through the public space improvements. The Project will meet the zoning requirements for short- and long-term bicycle parking as well. These features will promote pedestrian and bicycle modes of transportation to the Property and throughout the neighborhood (FF 39).

**Special Exception Relief from Minimum Residential FAR Requirements**

35. Under Subtitle K § 1006.1, the Zoning Commission is authorized to grant special exception relief from the development standards of § 1001 of Chapter 10. Pursuant to Subtitle K § 1001.3, all buildings in the NHR zone must provide a minimum residential FAR of 2.5. The Project will not provide any residential FAR, and, therefore, the Applicant requests special exception relief.
36. The Commission concludes the Applicant has satisfied the burden of proof for special exception relief from the minimum residential FAR requirements of the NHR zone. The relief is harmonious with the purpose and intent of the Zoning Regulations and Maps because the proposed public education use is a matter-of-right use in the NHR zone and a preferred use on a designated street in the NHR zone. Accordingly, the NHR zone was created with an expectation that a public school without residential FAR may be provided. Further, the Project will offer an important element to serve future residents that will be living in the area

once it is redeveloped. The relief will not adversely affect neighboring property as the lack of residential use will not have a material impact on neighboring properties. Importantly, the Property has been used for public education dating back at least 20 years, including the past 10 years by the Applicant. As such, the public education use of the Property pre-dates the creation of the NHR zone in 2018.

#### **“Great Weight” to the Recommendations of OP**

37. The Commission must give “great weight” to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).
38. The Commission finds persuasive OP’s evaluation of the Application as having satisfied the applicable design review standards, including that the Application meets the NHR and general design review requirements of the Zoning Regulations. As such, the Commission gives OP’s evaluation great weight (FF 41-43).

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

39. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).
40. The ANC Report recommends support for the Application and noted the modern and attractive design of the Project and the improvements to public space. As such, the Commission gives ANC 8A’s recommendation great weight (FF 47-49).

### **DECISION**

Based on the case record, the testimony at the public hearing, and the above Findings of Fact and Conclusions of Law, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- Design review pursuant to the applicable standards and criteria in 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 minimum residential FAR requirements of Subtitle K § 1001.3; and

- Such other design flexibility as set forth in the Conditions hereof.

Said approval is subject to the following guidelines, conditions, and standards. Whenever compliance is required prior to, on, or during a certain time, the timing of the obligation is noted in **bold and underlined** text.

#### A. **Project Development**

1. The Project shall be developed substantially in accordance with the architectural plans and drawings submitted dated December 11, 2024, as modified in the Applicant's Supplemental Statement dated January 27, 2025, and as further modified in the Applicant's Post-Hearing Submission dated March 10, 2025 (Ex. 3F1-3F6, 15A-15A9, 25A) in the case record (collectively, the "Architectural Plans"), subject to the following areas of flexibility:
  - a. **Interior Components**: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided such variations do not change the exterior configuration or appearance of the building;
  - b. **Exterior Materials**: To vary the final selection of the colors of the exterior materials, based on availability at the time of construction, provided such colors are within the color ranges shown on the Architectural Plans approved by the Commission;
  - c. **Exterior Details**: To make minor refinements to exterior façade details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, balcony railings and trim, or any other changes, providing such minor refinements do not substantially alter the Architectural Plans approved by the Commission and are necessary to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
  - d. **Streetscape Design**: To vary the location, attributes and general design of the streetscape, including curb cuts, incorporated in the project to comply with the requirements of and the approval by the D.C. Department of Transportation's Public Space Division;
  - e. **Landscape Design**: To vary the final landscaping dimensions and materials as shown on the Architectural Plans based on (i) availability and suitability at the time of construction; (ii) permitting requirements of the D.C. Department of Energy and Environment; or (iii) to account for the location and design of curb cuts; and
  - f. **Sustainability Features**: To vary the features, means and methods of achieving the required LEED-Gold Certification, including as to the amount of photovoltaic panels.

## **B. Transportation Demand Management (“TDM”) Measures**

1. **For the Life of the Project**, the Applicant shall implement the following TDM measures:
  - a. **Prior to the issuance of a building permit**, Transportation Coordinators will be identified for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
  - b. **Transportation Coordinator will conduct an annual** commuter survey of employees on-site and parents, and report TDM activities and data collection efforts to goDCgo once per year;
  - c. Check in with goDCgo’s School Services Team **halfway through the year** to track progress;
  - d. Transportation Coordinator(s) will develop, distribute, and market various transportation alternatives and options to the employees and families, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
  - e. Transportation Coordinator(s) will receive TDM training from goDCgo **prior to the issuance of a building permit** to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
  - f. The school will comply with the Parking Cash-Out Law. Transportation Coordinator will report to goDCgo **every two years** detailing how the school is complying with the law or if an exemption applies;
  - g. Transportation Coordinator will implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
  - h. Facilitate car/vanpool formation meetings and ride matching;
  - i. Sign up for and promote SchoolPool, a ride matching platform for students and families;
  - j. Promote the Carpool Now App and Commuter Connections’ ride matching platform annually;
  - k. Designate a minimum of two preferential carpooling spaces in a convenient location within the parking lot for employee use **prior to issuance of a certificate of occupancy**;

- l. Provide links to CommuterConnections.com and goDCgo.com on school website **prior to issuance of a certificate of occupancy**;
- m. Comprehensive bicycle/walking program (showers, bike racks, lockers, financial incentives):
  - Work with WABA's bicycle and pedestrian education program for charter schools to schedule bicycle safety course for staff and students annually;
  - Promote WABA bicycling classes to staff annually;
  - Participate in the annual Capital Bikeshare corporate membership by offering it to employees who bike to school at least once a week; and
  - Provide one complimentary Capital Bikeshare coupon good for a free ride to each new employee.
- n. Send out reminders for Commuter Benefits Open Enrollment;
- o. Promote commuter benefits and other sustainable transportation programs to new and existing hires annually;
- p. Host a tabling event with goDCgo to sign staff up for commuter benefits within the first month of each school year;
- q. Provide information on nearby transportation options on the school's website prior to certificate of occupancy;
- r. Work with DDOT and WMATA to distribute Kids Ride Free SmarTrip cards to students annually;
- s. Participate in at least one of the three transportation benefits outlined in the D.C. Commuter Benefits Law (employee-paid pre-tax benefit; employer-paid direct benefit; or shuttle service) as well as any other commuter benefits related laws that may be implemented in the future. The Transportation Coordinator will maintain records to establish compliance with the requirements;
- t. Offer a SmartTrip card with \$100 **per month per employee** to subsidize the use of transit;
- u. Provide at least 40 short-term bicycle parking spaces, 11 long-term bicycle parking spaces, and four bicycle showers with eight lockers for use by employees; and
- v. Provide a long-term bicycle storage room to accommodate the 11 bicycle parking spaces with no fee for employee usage of the bicycle storage room.

### **C. Performance Monitoring Plan**

1. **Beginning in Fall 2027, for a period of two years**, the Applicant shall conduct counts and provide a monitoring report to DDOT's Policy, Planning, and Sustainability Administration twice per year during fall and spring semesters, but not to coincide within a week before or after any extended school breaks, as follows:
  - a. Trip generation counts and queuing shall be observed from 7:30AM – 9:00AM and 2:30PM – 4:30PM;
  - b. Vehicle trip generation shall include all vehicle trips to the site, including vehicles traveling to the site but not entering the driveway;
  - c. The number of trips in the AM peak hour must not exceed 464 total trips, and the number of trips in the PM peak hour must not exceed 314 total trips; and
  - d. If site trips exceeds the vehicle trip generation count, Cedar Tree Academy shall employ additional TDM measures and continue monitoring twice per year for two years for a total of four successful monitoring reports.
2. The Applicant shall comply with the above requirements under Section C(1) for an additional two year period beginning in the semester the Applicant's school reaches a capacity of 680 students.

### **D. Miscellaneous**

1. This approval shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit as set forth under Subtitle Z § 702.2. Construction of the Project must begin within three years of the effective date of this Order.

### **Final Action**

**Vote (March 27, 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 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 15, 2025.



**BY THE ORDER OF THE D.C. ZONING COMMISSION**

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



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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.