

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 23-18
Z.C. Case No. 23-18
CUBED PARTNERS, LLC
Voluntary Design Review @ Square 4208, Lot 831 (1800 Hamlin Street, N.E.)
November 16, 2023

Pursuant to notice, at its public hearing held on November 16, 2023, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Cubed Partners, LLC (the “Applicant”), for the following relief under Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016¹ (the “Zoning Regulations”), to which all references are made unless otherwise specified:

- A Voluntary Design Review under Subtitle X, Chapter 6, with flexibility from the building height requirement of Subtitle G § 203.2 and the mechanical penthouse height requirement of Subtitle G § 205.1; and
- Special exception relief from the minimum parking requirements of Subtitle C § 701.1 and the minimum loading requirements of Subtitle C § 901.1.

Said relief is requested for Lot 831 in Square 4208 (the “Property”), to construct a mixed-use building containing residential and institutional (church) uses (“the Project”).

The Commission conducted the public hearing in accordance with Subtitle Z. For the reasons set forth 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
 - Advisory Neighborhood Commission (“ANC”) 5B, in which the Property is located and so an “affected ANC” per Subtitle Z § 101.8.
2. The Commission received no requests for party status.

¹ On August 25, 2023, amendments to the Zoning Regulations became final and effective that reorganized the regulations. (See Z.C. Case Nos. 18-16, 19-27, 19-27A, 19-27B.) The references herein are to the amended Zoning Regulations

NOTICE

3. Pursuant to Subtitle Z § 301.6, the Applicant mailed a Notice of Intent to file the Application (Exhibit [“Ex.”] 3F) on April 27, 2023, to:
 - ANC 5B and;
 - The owners of all property within 200 feet of the Property.

4. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) sent notice of the November 16, 2023, public hearing on August 14, 2023, to the following: (Ex. 6, 7.)
 - The Applicant;
 - ANC 5B;
 - ANC Single Member District (“SMD”) 5B06;
 - ANC 5C
 - ANC SMD 5C07;
 - The Ward 5 Councilmember;
 - Office of ANC;
 - Office of Planning (“OP”);
 - D.C. Department of Transportation (“DDOT”);
 - D.C. Department of Building (“DOB”);
 - Office of Zoning Legal Division (“OZLD”);
 - D.C. Department of Energy and Environment (“DOEE”);
 - At-Large Councilmembers and the Chair of the Council; and
 - Owners of property within 200 feet of the Property.

5. Pursuant to Subtitle Z § 402.1(a), OZ published notice of the public hearing in the August 25, 2023, *District of Columbia Register* (70 DCR 011294 *et seq.*) as well as on the calendar on OZ’s website. (Ex. 5.)

6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on October 5, 2023, and maintained such notice in accordance with Subtitle Z § 402.10. (Ex. 8, 13.)

THE PROPERTY

7. The Property is bordered by Irving Street, N.E. to the north, Queens Chapel Road, N.E. to the east, Hamlin Street, N.E. to the south, and 18th Street, N.E. to the west. (Ex. 3.) The Property is encumbered with two, 15-foot building restriction lines (“BRLs”) along 18th and Hamlin Streets, and construction is not permitted beyond the BRLs.

8. The Property is comprised of approximately 16,618 square feet of land area and is located in the MU-4 zone. (Ex. 3.)

9. The Property is currently improved with a one-story church, Pleasant Grove Baptist Church. (Ex. 3.)

10. The area surrounding the Property contains a variety of uses ranging from low- to moderately-scaled residential uses to low density commercial uses. Multifamily residential homes in the RA-1 zone are located to the north and east. The Property is bordered on the south by a single commercial building and has additional commercial buildings to the west. (Ex. 3.)

ZONING

11. The Property is zoned MU-4. The MU-4 zone is intended to permit moderate-density mixed-use development, to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. (Subtitle G § 101.9.) The MU-4 zone provides for the following development standards as a matter-of right:
- A maximum floor area ratio (“FAR”) of 2.5 and 3.0 with Inclusionary Zoning (“IZ”); maximum 1.5 non-residential FAR (Subtitle G § 201.1.);
 - A maximum building height of 50 feet, no stories limit (Subtitle G § 203.2.);
 - A maximum penthouse height of 12 feet, except 15 feet for penthouse mechanical space; maximum one story, second story permitted for penthouse mechanical space (Subtitle G § 205.1.);
 - A minimum rear yard of 15 feet (Subtitle G § 207.6.);
 - A minimum side yard of five feet, if provided (Subtitle G § 208.2.); and
 - A maximum lot occupancy of 60% and 75% with IZ (Subtitle G §210.1.).

COMPREHENSIVE PLAN (TITLE 10-A OF THE DCMR, THE “PLAN” OR “CP”) AND OTHER RELEVANT PLANNING DOCUMENTS

12. The Future Land Use Map (“FLUM”) of the Comprehensive Plan designates the Property for Low Density Commercial².

Low Density Commercial: This designation is used to define shopping and service areas that are generally lower in scale and intensity. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. Their common feature is that they are comprised primarily of commercial and mixed-use buildings that range in density generally up to a FAR of 2.5, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-3 and MU-4 Zone Districts are consistent with the Low-Density category, and other zones may also apply. (CP § 227.10.)

13. The Generalized Policy Map (“GPM”) of the Comprehensive Plan designates the Property as a Main Street Mixed Use Corridor:

Main Street Mixed Use Corridors: These are traditional commercial business corridors with a concentration of older storefronts along the street. The area

² Most of the Property is designated Low Density Commercial; however, a small eastern strip is designated Low Density Residential, and a small southern portion is designated Moderate Density Residential and Commercial.

served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential, or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. (CP § 225.14.)

14. The Property is also located within the Upper Northeast Area Element. Though the area is principally known as residential, the mix of uses is particularly diverse including major academic, religious, and medical institutions, and the largest concentration of industrial land in the city. (CP §§ 2400.2, 2400.3, 2400.5.) The area has experienced significant growth along the Metrorail red line corridor, which is expected to continue as underused land is redeveloped, such as surface parking lots and underperforming strip malls near Metrorail. (CP § 2400.7.) The area shares challenges facing other parts of the District; however, with poverty and unemployment rates above the District average, many parts lacking access to open space and retail services, an increasingly unaffordable housing market, and a large population of older adults with special transportation, and housing, and health care needs, the greatest future challenge for the area will be to respond to change in a way that keeps the area a socially, culturally, and economically diverse community. (CP § 2400.9.)
15. Pursuant to the Comprehensive Plan Implementation Element §§ 2501.4-2501.6, 2501.8, in evaluating the Application, the CP requires the Commission to do so 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. (CP § 213.6.) Further, “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities.” (CP § 213.7.) The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions. (CP § 213.9.)
16. In addition, the CP Implementation Element 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 Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The Tool requires submissions from applicants and the Office of Planning analyzing the zoning action’s consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from applicants including information about their community outreach and engagement efforts regarding the zoning

action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action.

II. THE APPLICATION

THE PROJECT

17. The Application proposes to redevelop the Property:
 - With a new mixed-use five-story building containing approximately 4,500 square feet of GFA of institutional (religious) use housed by Pleasant Grove Baptist Church; and
 - Approximately 70 senior affordable dwelling units of senior affordable housing for residents earning up to 50% of the median family income (“MFI”) and related amenity space. (Ex. 3.)
18. The Project, as amended, will have a maximum density of approximately 2.97 FAR, of which approximately 0.16 FAR will be devoted to non-residential (church) uses. (Ex. 3, 10.)
19. The Project will have a maximum height of approximately 60 feet (not including penthouse), which is within the 65-foot height limit permitted for a Planned Unit Development (“PUD”) in the MU-4 zone.³ (*Id.*)
20. The overall massing of the Project is composed of two primary blocks, the southern block will have a maximum height of approximately 60 feet containing the Project’s senior affordable housing, with penthouse dwelling units and amenity space and a ground floor with a lobby, trash and utility rooms, and a bike storage room; and the northern block will have a maximum height of approximately 34 feet containing the Pleasant Grove Baptist Church space with a lobby leading to a sanctuary space, a partial second floor accessory office and meeting space, and below-grade space with a multi-purpose room and kitchen. (Ex. 3.)

APPLICANT’S SUBMISSIONS

21. In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:
 - The initial application and related materials, filed on July 19, 2023, requesting voluntary design review approval, related zoning flexibility, and special exception approval; (Ex. 1-3H2.)
 - A Comprehensive Transportation Review (“CTR”) filed on October 19, 2023, concluding that the Project will is not expected to adversely effect on-street parking in the surrounding area and will include Transportation Demand Management (“TDM”) measures that adequately promote non-vehicular modes of travel; and the Project will include a Loading Management Plan (“LMP”) to ensure efficient operation of the on-street loading zone; (Ex. 9.)
 - A pre-hearing statement, filed on October 27, 2023, including updated architectural plans reflecting a fully compliant elevator override for the church portion of the

³ As part of a design review approval, the Commission “may grant no greater height than that permitted if the application were for a PUD” pursuant to Subtitle X § 603.3.

- Project⁴, and an update on community engagement and engagement with OP and DDOT regarding the Project; (Ex. 10-10A2.)
- A hearing presentation filed on November 15, 2023; and (Ex. 27A1-27A5.)
 - Proposed findings of fact and conclusions of law filed on December 11, 2023. (Ex. 32.)

RELIEF REQUESTED

22. The Applicant requested:
- A Voluntary Design Review under Subtitle X, Chapter 6, with flexibility from the building height requirement of Subtitle G § 203.2 and the mechanical penthouse height requirement of Subtitle G § 205.1; and
 - Special exception relief from the minimum parking requirements of Subtitle C § 701.1 and the minimum loading requirements of Subtitle C § 901.1.(Ex. 3, 10.)

APPLICANT'S JUSTIFICATION FOR DESIGN REVIEW APPROVAL

General Design Review (Subtitle X § 604.)

23. The Application states that the Project will not be inconsistent with the Comprehensive Plan and satisfies the general design review standards of Subtitle X § 604. Specifically, the Project is consistent with the Property's FLUM designation because of its overall proposed density and with the Property's GPM designation because of its mixed-use program; will advance racial equity goals when viewed through a racial equity lens by retaining and improving the existing church use on the Property and providing affordable housing for seniors, in furtherance of the church's mission and District housing goals; and will advance a number of Citywide Element and Upper Northeast Area Element policies.
24. Consistency with Comprehensive Plan and Other Public Policies (Subtitle X § 604.5.). The Project is not inconsistent with the Comprehensive Plan and other public policies related to the Property as follows:
- *FLUM*: The Project is not inconsistent with the Property's Low Density Commercial designation on the FLUM because the Project's density is within the maximum 3.0 FAR (with Inclusionary Zoning) allowed under the Property's existing MU-4 zoning; and the MU-4 zone is considered a consistent zone in the description of the Low Density Commercial FLUM category; (Ex. 3D.)
 - *GPM*: The Project is not inconsistent with the Property's Main Street Mixed Use Corridor designation on the GPM because foster housing opportunities and serve neighborhood needs on an underutilized site in close proximity to the Rhode Island Avenue corridor; (*Id.*)
 - *Citywide Elements*: The Project will further policy objectives of several Citywide Elements, including Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Community Services and Facilities by allowing Pleasant Grove Baptist Church to remain in the District and provide the critical need for affordable housing; (*Id.*)

⁴ Initially the Applicant was requesting a special exception from penthouse setback requirements for the church elevator override.

- *Upper Northeast Area Element*: The Project is not inconsistent with the policies and development priorities identified in the Upper Northeast Area Element because it will increase access to affordable housing, maximize land utilization, and improve environmental quality; (*Id.*)
- *Racial Equity Lens*: The Project will further Comprehensive Plan racial equity goals primarily because it will provide approximately 70 units of senior affordable rental housing devoted to households earning no more than 50% MFI allowing existing elderly residents to remain in the neighborhood:
 - Displacement: The Project will not displace any residents as there is no existing residential use on the Property; and
 - Community Outreach and Engagement: The Applicant states that its community outreach and engagement regarding the Project consisted of attending meetings, hosting meetings, and/or distributing information about the Project to the following organizations and individuals: ANCs 5B and 5C; Pleasant Grove Baptist Church members; Brookland Civic Association; Woodridge Civic Association; and neighbors near the Property. Based on this outreach, the community expressed concerns about the Project's potential impacts on on-street parking due to the Project's lack of on-site parking and loading; and the lack of a retail component in the Project; and (Ex. 3.)
- *Potential CP Inconsistency*: The Application notes the Project's potential inconsistency the Land Use Element policy LU-2.1.4 relating to the rehabilitation of existing buildings before demolition. The Applicant states that it evaluated the possibility of integrating the existing building into the Project but determined it would be prohibitively costly. Despite this potential Comprehensive Plan inconsistency, the Applicant states that the Project, as a whole, is overwhelmingly consistent with the policy objectives of the Comprehensive Plan. (Ex. 3D.)

25. No Adverse Effects to Neighboring Properties and Harmonious with Purpose and Intent of Zoning Regulations and Maps (Subtitle X § 604.6.). The Project satisfies both prongs of the general special exception standard, as follows:

- *Will Not Tend to Adversely Affect the Use of Neighboring Property*: The Project's church component is modest in size and is not expected to draw large crowds and its senior affordable housing component will only contain approximately 70 units; therefore, neither is expected to adversely impact the neighborhood with respect to noise, traffic, or parking. The Applicant considered the potential impacts on neighboring uses when designing the Project. Accordingly, the Applicant lowered the building's height on the northern portion in response to residential uses to the north and east; and determined that on-site parking and loading could not be provided due to the Property's size and shape and constraints imposed by the two building restriction lines; and (Ex. 3.)
- *In Harmony with the Zoning Regulations and Maps*: The Project is in harmony with the stated purpose of the Property's MU-4 zoning, as it is a moderate density mixed-use development that prioritizes residential use with a limited amount of institutional (religious/church use). The height and massing of the Project, and specifically the lower height of the church component, have been informed by the existing residential

uses to the north and east of the Property. The requested full relief from parking and loading requirements is also in harmony with the purpose and intent of the Zoning Regulations given its potential to positively impact transportation, pedestrian safety, and public space. (Ex. 3.)

26. Consistency with Comprehensive Plan and Other Public Policies (Subtitle X § 604.5.) The Project is not inconsistent with the Comprehensive Plan and other public policies related to the Property as follows:

- *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity:* The Project contemplates improvements to the pedestrian space along 18th Street, NE, Hamlin Street, N.E., and Queens Chapel Road, N.E. to ensure public spaces are safe and accessible for pedestrians. The adjacent streetscape will be reconstructed to DDOT standards, including the removal of two curb cuts at the northern end of the Property. No curbs cuts will be required because the Project will not provide on-site parking and loading; therefore, the streetscape and sidewalks around the Project will be uninterrupted;
- *Public gathering spaces and open spaces are encouraged:* The 15-foot building restriction line along 18th Street will provide landscaping and seating opportunities for Project residents, Pleasant Grove Baptist Church members, and neighborhood residents to informally gather;
- *New development respects the historic character of Washington's neighborhoods:* The Project is respectful of the varied design aesthetic of the surrounding neighborhood, and of the existing Pleasant Grove Baptist Church building. Older buildings in the immediate surroundings contain dark- and light-colored brick, stucco, and pre-cast materials. A newer residential building along Rhode Island Avenue contains brick as well as light- and dark-colored fiber cement panels. The Project successfully relates to both the older and newer surrounding buildings through its varied material palette and integration of bay projections along the south façade;
- *Buildings strive for attractive and inspired façade design:* All sides of the building will be articulated with use of high-quality, varied material palette that incorporates brick patterning on the existing Pleasant Grove Baptist Church building. On the residential portion, different materials will be used to establish a common base, middle, and top residential configuration; balconies and bay window projections will add additional articulation and reduce overall scale and massing. On the smaller scale church portion, located at the north end, the exterior walls will be clad in a dignified darker-color roman brick;
- *Sites are designed with sustainable landscaping:* The Project will provide a variety of seasonal plantings, including native species, providing year-round interest. At the penthouse level, substantial green roof areas will provide sustainable stormwater management necessary to achieve green area ratio ("GAR") requirements; and
- *Sites are developed to promote connectivity both internally and with surrounding neighborhoods:* The Project is likely to have the effect of stimulating pedestrian use of public space areas surrounding the Property with the reconstruction of Pleasant Grove Baptist Church and the new senior affordable housing units. Notably, the Project will significantly improve the quality of the pedestrian realm through the elimination of

curb cuts at the north end of the Property near Irving Street. Due to the lack of on-site parking and loading, the Project will provide an uninterrupted sidewalk around the entire perimeter of the Property. As a result, the Project will assist in increasing mobility between the Property and the surrounding neighborhood. (Ex. 3.)

Design Review Flexibility (Subtitle X § 603.1.)

27. The Application also states that the requested building and mechanical penthouse height flexibility is necessary due to existing constraints on the Property that limit the available land area on which the Applicant can build. The flexibility would allow for a maximum building height of 60 feet where a maximum of 50 feet is allowed in the MU-4 zone (and the maximum height relief allowed is the same as under a PUD, which is 65 feet under Subtitle X §§ 303.7, 603.3); and for a mechanical penthouse space height of 18 feet, 6 inches where a maximum height of 15 feet is allowed for mechanical penthouse space in the MU-4 zone. The Property's constraints include 15-foot building restriction lines that are recorded against the Property along 18th Street and Hamlin Street, the odd shape and small size of the Property, and a portion of the Property that is encumbered by the existing right-of-way of Queens Chapel Road. (Ex. 3.)

Special Exception Relief from Parking Requirements (Subtitle C § 701.1.)

28. The Applicant seeks special exception relief pursuant to Subtitle C § 703.2 to provide no on-site parking within the Project. Pursuant to Subtitle C § 701.1, the minimum parking requirement for the Project is 24 spaces (12 spaces for the proposed church use and 12 spaces for the proposed 70 units of senior affordable housing). Relief from the minimum parking requirements is permitted by special exception pursuant to the criteria set forth in Subtitle C §§ 703.2 and 703.3; and the general special exception standards of Subtitle X, Chapter 9. The Application satisfies these criteria as follows:
- *Meets one of the circumstances set forth in Subtitle C § 703.2 and the criteria set forth in Subtitle C § 703.3:* The Application satisfies two of the criteria set forth under Subtitle C § 703.2; subsection (a) because there are multiple physical constraints on the Property that make the provision of on-site parking impracticable and the Applicant is unable to identify any lots within 600 feet of the Property that have available parking to be devoted to the Project, and subsection (f) because all of the proposed dwelling units in the Project will be affordable housing for seniors. In accordance with Subtitle C § 703.3, the full parking relief requested is proportionate to the parking demand to be generated by the Project; there is no reasonable way to provide on-site parking due to the Property's size, shape, and the presence of building restriction lines; and the Applicant has developed a Transportation Demand Management Plan in coordination with DDOT to adequately mitigate any parking impacts; and
 - *Meets the general special exception standards:* The relief from parking requirements would be in harmony with the general purpose and intent of the Zoning Regulations and Map and would not tend to adversely affect the use of neighboring property because it will facilitate the development of a constrained and oddly shaped site that would be significantly limited or impossible to develop otherwise. (Ex. 3.)

Special Exception Relief from Loading Requirements (Subtitle C § 901.1.)

29. The Applicant seeks special exception relief pursuant to Subtitle C § 909.2 to provide no on-site loading within the Project. Pursuant to Subtitle C § 901.1, the minimum loading requirement for the Project is one (1) loading berth and one (1) service delivery space based upon the Project’s residential program. Relief from the minimum loading requirements is permitted by special exception pursuant to the Applicant’s demonstration of at least one of the circumstances set forth in Subtitle C § 909.2, and the general special exception standards of Subtitle X, Chapter 9. The Project satisfies these criteria as follows:
- *Meets one of the circumstances set forth in Subtitle C § 909.2:* The Application satisfies the criteria of Subtitle C § 909.2 because both the proposed uses, residential and institutional, result in lower loading demand than the minimum loading standards required. Therefore, the anticipated loading demand can be accommodated by a curbside loading zone; and
 - *Meets the general special exception standards:* The relief from loading requirements would be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property because the proposed church use does not trigger any on-site loading requirement and the loading demand generated by the residential use can be accommodated curbside without jeopardizing pedestrian safety, or causing adverse impacts on the transportation network and neighboring properties. (Ex. 3.)

III. RESPONSES TO THE APPLICATION

OFFICE OF PLANNING REPORT (“OP REPORT”)

30. By report dated November 6, 2023, OP concluded the Application met the requirements of a Voluntary Design Review under Subtitle X § 601 and the general design review standards under Subtitle X § 604, and recommended approval of the Application, including the Applicant’s requested flexibility for a building height of approximately 60 feet and a mechanical penthouse height of approximately 18feet, six inches. (Ex. 11.)
31. OP also concluded that the Applicant met the burden of proof for special exception relief from the minimum parking requirements of Subtitle C § 701.1, pursuant to Subtitle C § 703.2, and minimum loading requirements Subtitle C § 901.1, pursuant to Subtitle C § 909.2. (*Id.*)
32. OP also provided a detailed Comprehensive Plan analysis, including through a racial equity lens, and concluded that the Application was not inconsistent with the Comprehensive Plan’s map designations for the Property on the FLUM and GPM, and its Citywide and Area Element policies that are applicable to the Application. With respect to the Property’s FLUM designation, OP’s Report notes that while most of the Property is designated Low Density Commercial, there is a small eastern strip and a small southern portion that are designated Low Density Residential and Moderate Density Residential and Commercial, respectively. OP concludes that the Application would not be inconsistent with these other FLUM designations as its proposed density is within the maximum allowed under the Property’s existing MU-4 zoning; and the FLUM is intended to be soft edged and interpreted broadly.

33. OP determined that when viewed through a racial equity lens, the Application will advance the District's racial equity goals by facilitating redevelopment that will provide affordable housing for seniors and will not result in the physical displacement of any existing residents.
34. Disaggregated Race and Ethnicity Data – The OP Report included disaggregated race and ethnicity data for the Upper Northeast Planning Area in which the Property is located. Data shows that the Planning Area is predominately Black/African American (65%) and has a slightly higher median age than the District as a whole. In addition, the median household income for the Planning Area (\$72,583) is significantly lower for households when compared to the District as a whole (\$93,547). Data also shows that Black/African American residents in the Planning Area tend to be older than other races and there are significantly more Black/African American residents who are aged 65 or over compared to the total population. OP concludes that the proposal to create approximately 70 new affordable housing units for seniors on a site where no housing currently exists has the potential to benefit non-white populations and could help prevent the displacement of senior residents from the Planning Area. (Ex. 11.)

DDOT REPORT

35. By report dated November 6, 2023, DDOT concluded that the Applicant proposes a robust Transportation Demand Management Plan that will support non-automobile ownership and encourage use of non-auto transportation modes; and supported the requested parking relief due to the lower need for parking by seniors, the demonstrated availability of on-street parking in the neighborhood on Sundays, and the site's adjacency to a bus stop for the E2 route. (Ex. 12.) DDOT had no objection to the Application provided the following conditions are included in the final order:
 - Provide a non-restrictive easement, subject to DDOT approval, for the portion of existing Queens Chapel Road, N.E. traversing across the Applicant's private property; and
 - Implement the Transportation Demand Management (TDM) Plan and Loading Management Plan (LMP) as proposed in the Applicant's October 2, 2023, Transportation Statement, for the life of the project, unless otherwise noted (*Id.*)

ANC REPORT

36. By report dated November 13, 2023, ANC 5B noted that on October 18, 2023, at a duly noticed, regularly scheduled public meeting, with a quorum present, ANC 5B voted to support the Application by a vote of 5-0-0. (Ex. 17.)
37. ANC 5B conditioned its support for the Application on the following two conditions:
 - A nonrestrictive easement for the span of Queens Chapel Road, N.E. overlapping with the Applicant's property must be granted to DDOT to ensure uninterrupted public access; and

- The TDM Plan and LMP should be implemented for the life of the project unless otherwise noted to address the community’s transportation needs efficiently and sustainably. (*Id.*)

APPLICANT’S RESPONSE TO OP, DDOT, AND ANC REPORTS

38. At the public hearing, the Applicant agreed to the conditions set forth in the DDOT and ANC reports.

LETTERS IN OPPOSITION AND SUPPORT

39. Twelve letters in support of the Application were filed to the record via written testimony prior to the hearing including a letter from the President of Brookland Neighborhood Civic Association and a letter from Vijay Kapur of ANC SMD 5C07. (Ex.14-15, 18-26, 29.)

40. Three persons noted opposition to the Application: two via written testimony filed to the record before the hearing and two via oral testimony presented during the hearing (one of which was also filed in the record before the hearing). (Ex. 16, 28; Tr. 63-67.) Lauren Eastlack, a neighbor, filed opposition testimony (Ex. 16.) to the record and she and her husband, Aaron, separately testified in opposition at the hearing citing concerns that the Project’s lack of on-site loading and parking would adversely impact access to their property and invite illegal parking and idling; opposing the requested relief; questioning the execution of the Loading Management Plan and trash pick-up; and noting the Application’s lack of building type/use variety because of another senior affordable housing development and church nearby. (*Id.*) Karim Sarr, a neighbor, filed testimony opposing the requested height and parking relief. (Ex. 28.)

41. The Applicant responded to the testimony in opposition during the public hearing by addressing the stated concerns and resting on the record (Tr. 7-28.)

CONCLUSIONS OF LAW

AUTHORITY – DESIGN REVIEW

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 Rep1.)), 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, provided that FAR is measured as the aggregate of all buildings within a Voluntary Design Review boundary;*
 - (d) *Promote high-quality, contextual design; and*

(e) *Provide for flexibility in building bulk control, design, and site placement without an increase in density or FAR beyond that allowed within the overall Voluntary Design Review application boundary or a map amendment.*

3. Pursuant to Subtitle X §§ 601.3 and 601.4, a proposed Voluntary Design Review application shall include no more than one zone; shall have no minimum area for a development in any zone other than the R, RF, or RA zone, including the area of public streets or alleys proposed to be closed; and all of the property included in the design review, whether voluntary or mandatory, shall be contiguous, except that the property may be separated only by a public alley or public right-of-way other than a public street.
4. Subtitle X § 603.1 authorizes the Commission, as part of the design review process, to “grant relief from development standards for height, setbacks, yards, lot occupancy, courts, and building transitions; as well as any specific design standards of a specific zone ... [but] not ... other building development standards including FAR, Inclusionary Zoning, or Green Area Ratio.”
5. Subtitle X § 603.3 provides that “[e]xcept for height, the amount of relief from the standards authorized by Subtitle X § 603.1 is at the discretion of the Zoning Commission, provided that the relief is required to enable the applicant to meet all of the standards of Subtitle X § 604. The Zoning Commission may grant no greater height than that permitted if the application were for a PUD.”
6. Subtitle X § 603.4 provides that “[a]n application for a special exception or variance that would otherwise require the approval of the Board of Zoning Adjustment may be heard simultaneously with a Design Review application, and shall be subject to all applicable special exception criteria and variance standards”

DESIGN REVIEW CRITERIA (SUBTITLE X § 601.)

7. Pursuant to Subtitle X § 601.3, there is no minimum area required for a Voluntary Design Review application in the MU-4 zone. Pursuant to Subtitle X § 601.4, all property included in a design review application is required to be contiguous.
8. Based on the case record and the Findings of Fact above, the Commission concludes that the Application satisfies the applicable design review requirement of Subtitle X § 601 because all of the lots comprising the Property are contiguous.

GENERAL DESIGN REVIEW CRITERIA (SUBTITLE X § 604.)

9. Subtitle X § 604 requires that in order for the Commission to approve a Design Review application it must:
 - 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.);
 - 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.);

- Review the urban design of the site and the building according to certain enumerated criteria of Subtitle X § 604.7 (set forth below); and
 - 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.)
10. Based on the case record and the Findings of Fact above, the Commission concludes that the Application satisfies the applicable general design review requirements of Subtitle X § 604.
11. The Commission concludes that the Application satisfies the requirement of Subtitle X § 604.5 and is not inconsistent with the Comprehensive Plan for the following reasons:
- *FLUM*: The Commission finds the Project not inconsistent with the Property’s Low Density Commercial designation on the FLUM. Despite the Project’s proposed density of 2.97 FAR being slightly higher than the 2.5 FAR contemplated by the FLUM, the additional density is justified because of the Project’s all-affordable senior housing component, which exceeds Inclusionary Zoning requirements. Moreover, the Project’s proposed density is within the maximum density of 3.0 FAR (with Inclusionary Zoning) allowed under the MU-4 zone; and the MU-4 zone is considered a consistent zone in the Framework Element’s description of the Low Density Commercial FLUM category. The Commission notes that small portions of the Property are also designated Low Density Residential and Moderate Density Residential and Commercial but finds the Project not inconsistent with these FLUM designations. Primarily because the FLUM is soft edged and to be interpreted broadly; (*See* Finding of Fact [“FF”] Nos. 12, 18, 24, 32.)
 - *GPM*: The Commission finds the Project not inconsistent with the Property’s Main Street Mixed Use Corridor designation on the GPM because it will redevelop an underutilized site with affordable housing in proximity to the Rhode Island Avenue corridor; (FF Nos. 13, 24, 32.)
 - *Citywide Elements and Upper Northeast Area Element*: The Commission finds that the Project will further policy goals and objectives of various Citywide Elements and the Upper Northeast Area Element; and the extent to which the Project is inconsistent with CP policies regarding rehabilitating existing buildings before demolition, the Commission finds these policies to be outweighed. Namely, because the Project will advance CP policies that support maximizing development capacity; mixed-use development in proximity to transit; additional housing development, including substantial affordable senior housing where none currently exists through a blending of private and non-profit resources; and development including sustainable design and streetscape improvements; and (FF Nos. 14, 24, 32.)
 - *Racial Equity Lens*: The Commission finds that the Project is not inconsistent with the CP when evaluated through a racial equity lens and would advance racial equity goals. 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 affected Planning Area, discussed below. The Commission finds that the racial

equity analyses provided address the components of the Commission’s Racial Equity tool. (FF Nos. 15-16, 33.)

12. Community Outreach and Engagement: The Commission finds that the Applicant coordinated with ANC 5B and ANC 5C through SMD 5C07; conducted outreach to Brookland Neighborhood Civic Association and Woodridge Civic Association; and hosted or attended meetings with these organizations and immediate neighbors along with Pleasant Grove Baptist Church members. Based on the community input and feedback received through this outreach and engagement, the Applicant, in coordination with DDOT, developed a Transportation Demand Management (“TDM”) and a Loading Management Plan (“LMP”) to proactively address concerns regarding the Project’s lack of on-site parking and loading. The Commission is persuaded, based on the DDOT Report’s conclusions and the Applicant’s responses to opposition testimony at the public hearing, that the TDM and LMP will mitigate the parking and loading impacts of the Project. (See FF Nos. 21, 24, 34, 40.)
13. Disaggregated Race and Ethnicity Data: The Commission finds the disaggregated race and ethnicity data OP provided to show that the Upper Northeast Planning Area has a predominately Black/African American population with significantly more Blacks/African Americans over age 65 when compared to the total population in the Planning Area. The data also shows that the Planning Area’s median household income is significantly lower than Districtwide. The Commission is encouraged that the Project’s provision of approximately 70 senior affordable housing units reserved for households earning no more than 50% MFI could help to prevent displacement of lower-income elderly residents from the Planning Area, who are likely housing cost burdened and Black/African American or other minorities. The Commission also notes that the Project will not displace any existing residents as there is no residential use on the Property currently. (FF No. 33.)
14. The Commission concludes that the Application satisfies the requirements of Subtitle X § 604.6 and will not tend to adversely affect the use of neighboring property and satisfies the general special exception criteria of Subtitle X, Chapter 9, for the following reasons.
 - **Will not tend to adversely affect the use of neighboring property** – Given the lower anticipated demand of the Project’s uses, the Project’s on-street parking and curbside loading should not adversely affect the use of neighboring property; and the Applicant’s TDM and LMP will mitigate any such impacts; and
 - **Meets general special exception criteria** – The overall height and massing of the Project is in harmony with the Property’s MU-4 zoning; and the Project’s lowered building height to the north is responsive to the surrounding residential neighborhood. (FF Nos. 25, 34.)
15. The Commission concludes that the Application satisfies the requirements of Subtitle X §§ 604.7 and 604.8 that the Project be superior to matter-of-right construction with respect to the Project’s creative massing, detailing, materials selection, and other design features for the following reasons:
 - **Subtitle X § 604.7(a)**: The Project provides street frontages that are designed to be safe, comfortable and encourage pedestrian activity. The streetscape adjacent to the

Project will be reconstructed to DDOT standards, including the removal of two curb cuts at the northern end of the Property. No curbs cuts will be required because the Project will not provide on-site parking and loading; therefore, the streetscape and sidewalks around the Project will be uninterrupted;

- **Subtitle X § 604.7(b):** The Project provides public gathering spaces within the 15-foot building restriction line along 18th Street with landscaping and seating opportunities for Project residents, Pleasant Grove Baptist Church members, and neighborhood residents to gather. The Project also includes balconies and rooftop amenity space for residents;
- **Subtitle X § 604.7I:** The Project is respectful of the varied design aesthetic of the surrounding neighborhood, and of the existing Pleasant Grove Baptist Church building. The Project successfully relates to both the older and newer surrounding buildings through its varied material palette and integration of bay projections along the south façade;
- **Subtitle X § 604.7(d):** The Project includes an attractive façade design as all of the building's façades will be articulated with use of high-quality, varied material palette. On the residential portion, different materials will be used to establish a common base, middle, and top residential configuration; balconies and bay window projections will add additional articulation and reduce overall scale and massing. On the smaller scale church portion, located at the north end, the exterior walls will be clad in a dignified darker-color roman brick;
- **Subtitle X § 604.7(e):** The Project includes sustainable landscaping design and will provide a variety of seasonal plantings, including native species, providing year-round interest. At the penthouse level, substantial green roof areas will provide sustainable stormwater management necessary to achieve green area ratio ("GAR") requirements; and
- **Subtitle X § 604.7(f):** The Project promotes connectivity. The Project will stimulate pedestrian use of public space areas surrounding the Property as it will significantly improve the quality of the pedestrian realm through the elimination of curb cuts at the north end of the Property near Irving Street. Due to the lack of on-site parking and loading, the Project will provide an uninterrupted sidewalk around the entire perimeter of the Property increasing mobility between the Property and the surrounding neighborhood. (*See* FF Nos. 26, 30.)

16. The Commission concludes that the requested flexibility, pursuant to Subtitle X § 603, from building height and mechanical penthouse height meets the standards of Subtitle X § 604, including that the flexibility relief is required to meet the standards and will provide a development that is superior to a matter-of-right development in the MU-4 zone. The Commission finds the Project's approximately 60-foot maximum height and 18-foot, 6-inch mechanical penthouse height appropriate given the constraints of the site; and notes that the Project height reduces to approximately 34 feet to the north in response to the surrounding residential neighborhood. (*See* FF Nos. 20, 30, 27.)

AUTHORITY – SPECIAL EXCEPTION

17. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); *see also* Subtitle X § 901.2) authorizes the Commission to grant special exceptions, as

provided in the Zoning Regulations, where, in the judgment of the Commission, the special exception:

- Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
- Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
- Complies with applicable specific conditions set forth in the Zoning Regulations.

18. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Commission's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the [Commission] ordinarily must grant the application." (*First Washington Baptist Church v. D.C. Bd. Of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. Of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).)

SPECIAL EXCEPTION – PARKING REQUIREMENTS (SUBTITLE C § 701.1.)

19. The Commission concludes that the Application's request for special exception relief to provide no on-site parking meets the applicable criteria as follows:
- ***The Relief is in Harmony with the Purpose and Intent of the Zoning Regulations and Maps and Will Not Adversely Affect the Use of Neighboring Properties:*** The relief to provide no on-site parking will allow for an oddly shaped, small sized, and underutilized site that is encumbered by 15-foot building restriction lines along 18th and Hamlin Streets, and an existing right-of-way of Queens Chapel Road to be redeveloped with housing, including affordable senior housing, where none currently exists; and the Project's overall size and uses, including the retention of the Pleasant Grove Baptist Church institutional use, comply with the Property's MU-4 zoning. The Commission notes that the TDM will mitigate parking impacts and encourage non-automobile modes of transportation; and
 - ***The Project satisfies the applicable special conditions under Subtitle C § 703.2 and Subtitle C § 703.3:*** Because of the Property's multiple physical constraints, the inability to identify available parking on any lots within 600 feet, and the Project's provision of 100% affordable housing for seniors, the Application satisfies two criteria set forth under Subtitle C § 703.2. Likewise, the Application satisfies the criteria set forth under Subtitle C § 703.3. (*See* FF Nos. 28, 31, 34.)

SPECIAL EXCEPTION – LOADING REQUIREMENTS (SUBTITLE C § 901.1.)

20. The Commission concludes that the Application's request for special exception relief to provide no on-site loading meets the applicable criteria, as follows:
- ***The Relief is in Harmony with the Purpose and Intent of the Zoning Regulations and Maps and Will Not Adversely Affect the Use of Neighboring Properties:*** Similar to the parking relief discussed immediately above in Conclusion of Law No. 17, the relief to provide no on-site loading will allow for redevelopment on an underutilized site that otherwise might not be developed given its small size and physical constraints. The

Commission notes that the church use does not trigger any on-site loading requirement; and is persuaded that the loading demand generated by the senior affordable housing use can adequately be accommodated curbside. Thus, the Commission concludes that the loading relief will not adversely affect the use of neighboring properties and notes that a LMP will be implemented to mitigate any such impacts; and

- ***The Project satisfies the applicable special conditions under Subtitle C § 909.2:*** Because both the church and the senior affordable housing use result in lower loading demand than the minimum loading standards required, the Application satisfies the criteria set forth under Subtitle C § 909.2. (See FF Nos. 29, 31, 34.)

“GREAT WEIGHT” TO THE WRITTEN REPORT OF OP

21. 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).)
22. As required by law, the Commission gives “great weight” to the recommendations of OP that the Application satisfies the requirements for design review approval; building height and mechanical penthouse height flexibility; and special exception relief from minimum parking and loading requirements. The Commission concurs with OP’s findings and recommendations. (FF Nos. 30-33.)

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

23. 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 (D.C. 1978) (citation omitted).)
24. As also required by law, the Commission gives “great weight” to the support of the affected ANC 5B, which was provided in a written report that was approved by the full ANC at a properly noticed meeting that was open to the public with a quorum present. The Commission concurs with ANC 5B’s support, and the conditions recommended by ANC 5B, which are incorporated as conditions of this Order. (FF Nos. 35-36.)
25. The Commission acknowledges the concerns raised by the opposition regarding the Project’s potential adverse impacts due to the lack of on-site parking and loading; the requested height relief; the execution of the Loading Management Plan and trash pick-up; and the Application’s lack of building type/use variety. (FF No. 39.) Based on the case

record and the Applicant's responses to the opposition during the public hearing, the Commission finds that the Applicant adequately responded to and addressed the opponents' concerns. (FF No. 40.) The Commission strongly encourages the Applicant to continue efforts to work with the opposition to address any ongoing concerns as the Project moves forward.

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's request for the following relief for the Property:

- A Voluntary Design Review under Subtitle X, Chapter 6, with flexibility from the building height requirement of Subtitle G § 203.2 and the mechanical penthouse height requirement of Subtitle G § 205.1; and
- Special exception relief from the minimum parking requirements of Subtitle C § 701.1 and the minimum loading requirements of Subtitle C § 901.1.

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

A. Project Development

1. The Project shall be built in accordance with the plans and elevations in the record at Ex. 10A1-10A2 (the "Plans"), subject to the following areas of flexibility:
 - a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order;
 - b. Exterior Materials - Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order;
 - c. Exterior Details: Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - d. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%), except that (1) the total square footage of the residential dwelling units shall not be reduced, and (2) the number of units and the square footage reserved for affordable housing shall not be reduced;

- e. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
- f. Signage: To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations; and
- g. Sustainable Features: To vary the approved sustainable features of the project.

B. Transportation Demand Management Plan

1. The Applicant will identify Transportation Coordinators for the planning, construction, and operations phases of development, who will act as points of contact with DDOT, goDCgo, and Zoning Enforcement:
 - a. The Applicant will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report Transportation Demand Management ("TDM") activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the Transportation Coordinator; and
 - b. The Applicant will ensure Transportation Coordinators will subscribe to goDCgo's newsletters and receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
2. **Following the issuance of a certificate of occupancy for the Project**, the Project's Transportation Coordinator shall submit to the Office of Zoning for inclusion in the IZIS case record of the case documentation summarizing compliance with the transportation and following TDM conditions of this Order.
3. **Every five years after the issuance of the final certificate of occupancy for the Project**, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo summarizing continued substantial compliance with the transportation and following TDM conditions in this 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 60 days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.
4. **For the life of the Project**, the Applicant shall adhere to the following TDM plan measures:
 - a. The Applicant will provide a copy of the Loading Management Plan (LMP) to the Transportation Coordinators, so they are aware of this commitment;

- b. The Applicant will post all TDM commitments on the development's website, publicize availability, and allow the public to see what commitments have been promised;
- c. The Applicant will provide a SmarTrip card and a complimentary Capital Bikeshare coupon good for one ride to each new resident and employee;
- d. The Applicant will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle space will be provided free of charge to residents. Thirty long-term and 12 short-term bicycle parking spaces will be provided by the development;
- e. The Applicant will provide long-term bicycle storage rooms that will accommodate non-traditional sized bikes including cargo, tandem, and kids bikes with at least two spaces designed for longer cargo/tandem bikes (10 feet by 3 feet), and at least three spaces designed with electrical outlets for the charging of electric bikes. The project will satisfy the Zoning Regulations on percentage of horizontal parking spaces, and at least 12 long-term spaces will be located horizontally on the floor. There will be no fee to the residents or employees for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room;
- f. The Applicant will install a Transportation Information Center Display (electronic screen) within the lobby 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; and
- g. For the residential portion of the project:
 - i. The Applicant will provide residents who wish to carpool with detailed carpooling information and will be referred to other carpooling matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
 - ii. The Applicant will provide welcome packets to all new residents and staff that, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com;
 - iii. The Applicant will offer an annual discounted CaBi membership to each resident for the first year after the building opens; and
 - iv. The Applicant will ensure Transportation Coordinators develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day,

Car Free Day) on the property website and in any internal building newsletters or communications;

C. Loading Management Plan

1. A loading manager will be designated by the building management who will be on duty during delivery hours. The loading manager will be responsible for coordinating with vendors and tenants to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise;
2. A lease provision will require all tenants to use only the designated curbside loading zone for all deliveries and move-in and move-out activities;
3. All tenants will be required to schedule deliveries that utilize the designated curbside loading zone (any loading operation conducted using a truck 20-feet in length or larger);
4. The loading manager will schedule deliveries using the curbside loading zone such that its capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the curbside loading zone is full, that driver will be directed to return at a later time when the loading zone will be available, so as to not compromise safety or impede Queens Chapel Road, N.E. functionality;
5. The loading manager will schedule residential loading activities so as not to conflict with church deliveries. All residential loading will need to be scheduled with the loading manager and it is anticipated that residential loading will take place during times when the church loading activity is minimal;
6. The loading manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the curbside loading zone do not block vehicular, bike, or pedestrian traffic along Queens Chapel Road, N.E.;
7. Service vehicle/truck traffic interfacing with Queens Chapel Road, N.E. traffic will be monitored during peak periods and management measures will be taken if necessary to reduce conflicts between truck and vehicular movements;
8. Building staff will roll trash receptacles from the building side entrance to the curb along Queens Chapel Road, N.E. for collection. Trash bins will be rolled to the curb at the time of collection and will be expeditiously returned to the building trash room;
9. Residents utilizing moving trucks greater than 20 feet in length shall be required to obtain "Emergency, No Parking signs during the duration of the move. The fees for this service will be paid by the resident;
10. The loading manager will monitor the timing of the church and/or residential deliveries to see if any adjustments need to be made to ensure any conflicts with the church loading and residential loading activities are minimized;

11. Trucks using the curbside loading zone will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR § Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight). The loading manager will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure and others from DDOT and goDCgo, to drivers as needed to encourage compliance with idling laws. The loading manager will also post these materials and other relevant notices in a prominent location within the curbside loading zone or internal receiving areas; and
12. The loading manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's curbside loading zone as well as notifying all drivers of any access or egress restriction.

D. Curb Extension Improvements

1. Subject to DDOT approval, the Applicant will construct curb extensions on the north side of Hamlin Street along the Project frontage at 18th Street and Queens Chapel Road. The curb extensions will frame in a portion of existing curbside parking that will be repurposed as a pick-up/drop-off area.

E. Easement along Queens Chapel Road

1. **Prior to issuance of a certificate of occupancy for the Project**, the Applicant shall record a non-restrictive easement, subject to DDOT approval, for the portion of existing Queens Chapel Road, N.E. cubed partners traversing across the Applicant's private property.

F. General

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

VOTE (November 16, 2023): 4-0-1

(Robert E. Miller, Joseph S. Imamura, Anthony J. Hood and Tammy Stidham to approve; 3rd Mayoral Appointee seat vacant, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 23-18 shall become final and effective upon publication in the *District of Columbia Register*; that is, on March 8, 2024.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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