

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING
P.O. BOX 37200
WASHINGTON, D.C. 20013-7200

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of July 30, 2004. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1st floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF PUBLIC INTEREST

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
1106 Allison Street	76	2917	4
1102 Buchanan Street	124	2918	4
1102 Buchanan Street-Rear	124	2918	4
7100 Chestnut Street	808	3184	4
1323 Corcoran Street	21	240	2
1502 Decatur Street	32	2707	4
412 Delafield Place	175	3251	4
1205 Delafield Place	2	2923	4
1205 Delafield Place-Rear	2	2923	4
1315 Delafield Place-Rear	30	2808	4
1123 Fairmont Street-Rear	46	2859	1
416 Farragut Street-Rear	95	3252	4
617 Farragut Street	106	3212	4
519 Florida Avenue	25	3093	1
521 Florida Avenue	26	3093	1
1461 Florida Avenue	147	2660	1
3003 Georgia Avenue	111	3052	1
3200 Georgia Avenue	909	2892	1
3200 Georgia Avenue-Rear (West)	909	2892	1
3200 Georgia Avenue-Rear (East)	909	2892	1
3203 Georgia Avenue	809	3042	1
3626 Georgia Avenue	135	2897	1
3912 Georgia Avenue	104	2892	4
3912 Georgia Avenue-Rear	104	2892	4
3801 Georgia Avenue	55	3028	4
4419 Georgia Avenue	815	3020	4
1235 Ingraham Street	64	2931	4
1342 Ingraham Street-Rear	75	2804	4
641 Keefer Place	19	3041	1
624 Kennedy Street	49	3208	4
440 Kenyon Street	43	3049	1
709 Kenyon Street	806	2892	1
1331 Kenyon Street	47	2843	1
717 Lamont Street	863	2892	1
414 Longfellow Street-Rear	19	3260	4
416 Luray Place	77	3044	1
416 Luray Place-Rear	77	3044	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
430 Manor Place	65	3036	1
4001 Marlboro Place	48	3313	4
37 Missouri Avenue	39	3393	4
39 Missouri Avenue	40	3393	4
1824 Monroe Street	813	2614	1
1342 Montague Street	46	2796	4
3500 Nebraska Avenue	24	1599	3
3816 New Hampshire Avenue	37	3133	4
1713 New Jersey Avenue	16	507	5
1424 North Capitol Street	10	616	5
1424 North Capitol Street-Rear	10	616	5
505 O Street	36	479	5
507 O Street	37	479	5
509 O Street	2001/2002	479	5
820 Otis Place	119	2895	1
619 Park Road	833	3038	1
750 Quebec Place-Rear (garage)	201	3031	1
1001 Quebec Place	63	2902	4
1000 Rhode Island Avenue	19	337	2
1427 Rhode Island Avenue	27	210	2
1429 Rhode Island Avenue	28	210	2
735 Rock Creek Church Road-Rear	58	3130	4
423 Shepherd Street	38	3238	4
423 Shepherd Street-Rear	38	3238	4
1355 Shepherd Street	45	2823	4
201 T Street	832	3088	1
1421 T Street-Rear	845	205	1
613 Upshur Street	72	3226	4
613 Upshur Street-Rear	72	3226	4
1325 V Street-Rear	184	235	1
131 Varnum Street	803	3321	4
414 Varnum Street	58	3243	4
1505 Varnum Street	25	2698	4
2015 Vermont Avenue	49	360	1
223 Webster Street	820	3319	4
225 Webster Street	10	3319	4
1448 Whittier Place	80	2732	4
1329 Wisconsin Avenue	68	1232	2
1227 1 st Street	9	618	5
1542 1 st Street	199	552	5
5105 2 nd Street	23	3399	4
5233 2 nd Street	16	3396	4

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
5233 2 nd Street-Rear	16	3326	4
1202 3 rd Street	837	523	2
5807 3 rd Place-Rear	81	3291	4
5311 3 rd Street-Rear	6	3328	4
1221 4 th Street	848	523	2
1416 5 th Street	26	479	2
1555 9 th Street	819	397	2
4001 5 th Street-Rear	42	3238	4
1104 6 th Street	859	449	2
1539 7 th Street	179	445	2
1513 8 th Street-Rear	8	421	2
1523 8 th Street-Rear	13	421	2
1534 8 th Street	19	397	2
1301 9 th Street	801	399	2
1303 9 th Street	62	399	2
1305 9 th Street	63	399	2
1307 9 th Street	803	399	2
1309 9 th Street	804	399	2
1513-1515 11 th Street	815	337	2
1725 11 th Street	805	335	2
3229 11 th Street	2845	31	1
2219 13 th Street	86	271	1
2719 13 th Street	57	2859	1
3637 13 th Street	145	2829	1
5008 13 th Street	53	2806	4
3564 14 th Street	24	2688	1
3614 14 th Street	26	2689	1
5310 14 th Street	13	2716	4
1825 19 th Street	218	132	2
3222 19 th Street-Rear	817	2604	1
1617 21 st Street	136	93	2
4513 45 th Street	73	1588	3

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (cont'd)</u>			
4952 Blaine Street	1	5189N	7
3027 Channing Street	54	4360	5
3042 Clinton Street	826	4319	5
600 Division Avenue	13	5196	7
4237 Dix Street	812	5088	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (cont'd)</u>			
4419 Edson Place	831	5131	7
4419 Edson Place-Rear	831	5131	7
4920 Fitch Place	38	5181	7
26 Florida Avenue	71	3516	5
629 Florida Avenue	176	855	6
631 Florida Avenue	330	855	6
5900 Foote Street	805	5256	7
315 H Street	814	777	6
303 K Street	804	775	6
1907 Kearney Street	45	4206	5
612 M Street	8	855N	6
1227 Meigs Place	106	4055	5
1424 Montello Avenue	273	4059	5
1524 Olive Street	34	5165	7
1524 Olive Street-Rear	34	5165	7
52 Q Street	105	3520	5
58 Q Street	102	3250	5
4608 Quarles Street	24	5167	7
1218 Queen Street	814	4057	5
115 Riggs Road	85	3701	5
1741 Trinidad Avenue	26	4082	5
234 V Street	11	3561	5
415 W Street	41	3601	5
1916 West Virginia Avenue	33	4045	5
2413 2 nd Street	38	3556	5
1020 3 rd Street	34	749	6
1022 3 rd Street	33	749	6
2407 3 rd Street	28	3555	5
819 7 th Street	22	889	6
821 7 th Street	39	889	6
251 8 th Street	64	917	6
608 8 th Street	45	891	6
802 10 th Street	47	933	6
4413 16 th Street	5	4617	5
919 47 th Street	119	5151	7
234 56 th Street	144	5250	7
244 56 th Place	145	5249	7
201 63 rd Street	31	5269	7
4928 A Street	23	5331	7
27 Atlantic Street	54	6170	8
4504 Bowen Road	811	5365	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (cont'd)</u>			
4926 Call Place	33	5336	7
4030 Call Place	32	5336	7
5000 Call Place	35	5323	7
5500 Central Avenue	29	5282	7
420 Chesapeake Street-Rear	808	6165	8
1425 Congress Place	48	5889	8
1107 D Street	50	992	6
1720 D Street	87	1100	6
1229 E Street	816	1019	6
3326 Ely Place	807	5444	6
2412 Martin Luther King Jr	243	5806	8
3600 Martin Luther King Jr	42	5331	7
3600 Martin Luther King Jr-Rear	42	5331	7
915 New Jersey Avenue	14	738	6
917 New Jersey Avenue	15	738	6
919 New Jersey Avenue	16	738	6
1008 South Carolina Avenue	23	970	6
1219 Sumner Road	979	5865	8
1225 Sumner Road	980	5865	8
1326 Valley Place	849	5799	8
1242 W Street	99	5782	8
1518 W Street	814	5779	8
4001 4 th Street	39	6167	8
1012 7 th Street	11	906	6
1014 7 th Street	10	906	6
102 9 th Street	801	0943	6
2105 13 th Street	681	5782	6
333 16 th Street	82	1074	6
2304 16 th Street	76	5753	8
1550 41 st Street	55	5370	7
20 53 rd Place	884	5284	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
78 Darrington Street-Rear	23	6223S	8
71 Forrester Street	67	6240	8

OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT

reSTORE DC

Commercial Property Acquisition and Development Program

Notice of Cancellation of Funding Availability
September 10, 2004

The Deputy Mayor for Planning and Economic Development announces cancellation of funding availability for Fiscal Year 2004 for the *Commercial Property Acquisition and Development Program* ("CP-A&D"). A Notice of Funding Availability was originally published on March 12, 2004.

To be considered for funding in FY 2004, proposals must be received by The Office of the Deputy Mayor for Planning and Economic Development, Suite 317, 1350 Pennsylvania Avenue, NW, Washington, DC 20004, by 12 noon on Friday, September 10, 2004. Proposals should be addressed to the attention of Mr. John E. McGaw.

Guidelines for proposals and the application are available from the same office, or on-line at www.restoredc.dc.gov.

A new Notice of Funding Availability will be published in Fiscal Year 2005.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

Gregg Edwards
Single Member District 1D04

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTHNOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR §206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to operate Two (2) 1.06 MMBTU/hr, natural gas-fired, 15765 cfm Power Flame Air Heater, model ECP82334T-4; Two (2) 1.75 MMBTU/hr natural gas-fired, 26875 cfm MIDCO Air Heater, model ECP84103T-4; One (1) 2.00 MMBTU/hr natural gas-fired, 18000 cfm Power Flame Air Heater, model ECP82333T-4; One (1) 3.44 MMBTU/hr natural gas-fired, 25000 cfm Power Flame Air Heater, model ECP84103T-4; One (1) 1.53 MMBTU/hr natural gas-fired, 10000 cfm Power Flame Air Heater, model ECP837703T-4; and One (1) 0.90 MMBTU/hr natural gas-fired, 11330 cfm MIDCO Air Heater, model ECP83770T-4, located at Blue Plains AWTP Solids Processing Building – 5000 Overlook Avenue, S.W. Washington, in the District of Columbia.

The application and the proposed permit for the operation of the air heaters are available for public inspection at AQD offices and copies may be obtained between the hours of 8:15 am and 4:45 pm Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any to John C. Nwoke, at (202) 724-7778.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after September 27, 2004 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact John C. Nwoke at (202) 724-7778.

**DISTRICT OF COLUMBIA HOUSING AUTHORITY
BOARD OF COMMISSIONERS**

1133 NORTH CAPITOL STREET, NORTHEAST
WASHINGTON, D.C. 20002-7599
202-535-1500

NOTICE OF CHANGE OF DATE

The regular monthly meeting of the Board of Commissioners scheduled for

Wednesday, September 8, 2004 will be held on

Wednesday, September 15, 2004. The meeting will begin at 1:00 p.m.

BOARD OF REAL PROPERTY ASSESSMENTS AND APPEALS

NOTICE OF PUBLIC MEETING

The District of Columbia Board of Real Property Assessments and Appeals will hold a public meeting on Wednesday, September 15, 2004 from 2:00 p.m. through 4:30 p.m. The location is 441- 4th Street, N.W. - First Floor (former D.C. Council Chambers) Washington, D.C. 20001.

Members of the public who are interested in presenting testimony should contact the BRPAA at (202)727-6860 or fax comments to (202)727-0392 at least 48 hours prior to the meeting.

Tree of Life Community Public Charter School
800 3rd Street NE 5th Floor
Washington, DC 20002

REQUEST FOR PROPOSALS FOR DESIGN BUILD SERVICES

Tree of Life Community Public Charter School is soliciting qualifications and proposals Design Build Services for renovation of an existing 27,472 sq. ft warehouse at 2315 18th Place NE for its permanent home. This is a fast track project. Complete RFP submission requirements, development schedule, existing photos and floor plan exhibits may be obtained from the Development Manager:

Kizzy Harriot, Office Manager
Steven Chin, VP for Development & Construction
Jair Lynch Companies
1508 U St. NW
Washington DC 20009
Tel. 202.462-1092

ZONING COMMISSION ORDER NO. 03-17
Z.C. Case No. 03-17
Howard University
(Campus Plan Amendment and Further Processing of
New Bethune Residence Hall)
November 12, 2003

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on September 29, 2003 to consider applications from the President and Directors of Howard University (the "University"), requesting a campus plan amendment and a special exception for further processing approval of the University's proposed New Bethune Residence Hall, under authority of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210. The subject property is located at 2255 4th Street, N.W. The campus plan amendment requests permission to continue residential use of the site in place of the Faculty Center proposed in the adopted campus plan. Pursuant to Zoning Commission Order No. 932, this case was heard and decided by the Zoning Commission using Board of Zoning Adjustment ("BZA") rules for campus plan cases.

HEARING DATE: September 29, 2003
DECISION DATE: November 12, 2003

FINDINGS OF FACT

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Application, Parties, and Public Hearing

1. On May 21, 2003, the University submitted an application to the Zoning Commission for further processing approval to construct a replacement Bethune Hall at 2255 4th Street, N.W. (part of Lot 30 in Square 3068). On September 29, 2003, the University filed an application to amend the approved 1998 Campus Plan to authorize the continuation of residential use on the subject site, rather than change the use to Faculty Center, as indicated in the 1998-2008 Campus Plan.
2. The Commission provided proper and timely notice of the public hearing on these applications by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commissions ("ANC") 1B and 5C and to the owners of property within 200 feet. The Applicant and ANCs 1B and 5C are the parties in this case.

3. The public hearing on the proposed campus plan amendment and special exception was held on September 29, 2003.

The Campus Plan and Application for Amendment

4. Howard University's Central Campus is located in an urban setting that includes residential, commercial, industrial, and institutional uses. The campus is centered along Georgia Avenue and Howard Place and is generally bounded on the north by Harvard Street, on the east by 4th Street, on the south by U and V Streets, and on the west by Georgia, Sherman, and Florida Avenues, all in the Northwest quadrant.
5. The University submitted its proposed campus plan for the period, 1998 to 2008, on January 29, 1998, showing the location, height, and bulk of all present and proposed improvements as required by the 11 DCMR § 210.4. After public hearings, the Board of Zoning Adjustment ("BZA") approved that plan by BZA Order No. 16330 on September 2, 1998 (the "Campus Plan").
6. In the University's campus plan document, entitled *UniverCity 20/20: Howard University 1998 Central Campus Plan*, Bethune Hall was indicated as an existing residence hall for women students. The proposed future use was for the then-existing Bethune Hall to be renovated and converted to the Bethune Faculty Center.
7. In the campus plan amendment application, the University indicated several reasons why it requested approval to continue residential use on the site rather than to carry out the Faculty Center project as indicated in the Campus Plan. The reasons for the proposed amendment are summarized as follows:
 - (a) Bethune Hall was found to be in very poor physical condition and not worth renovating for any use. It had been vacant for three to four years because of its poor condition. Accordingly the building was demolished.
 - (b) The University reassessed the priority of the proposed Faculty Center and determined that its functions were already provided in various locations around the campus.
 - (c) Given the major expense and investment represented by new construction, the University decided to advance a higher priority campus objective, namely provision of additional on-campus housing for students. The University is in the process of phasing out its off-campus student housing.
 - (d) The replacement Bethune Hall will be a high-quality student residence including numerous academic and life-style amenities.
 - (e) The location and residential use are highly compatible with the immediate surroundings and the objectives of the campus plan. New Bethune Hall will effectively complete the three-sided Bethune Annex as a residential enclave surrounding a large courtyard. Another dormitory, Frazier Hall, is immediately

across College Street to the north, and the site is also only 2-3 blocks from the "Quad," which is the focal point and heart of the campus.

8. The University has not at this time made a determination as to whether a new faculty center as proposed in the 1998 Plan will be pursued. This decision will be incorporated in the next updated Campus Plan, which is due to be submitted to the Zoning Commission in 2008.

The Proposed New Residence Hall

9. The Bethune Hall site is located in the east-central part of the main campus, immediately inside the adopted eastern boundary of the campus, and a short distance south of McMillan Reservoir. Surrounding development is as follows. To the north are Frazier Hall (residential) and the College of Pharmacy in three- and four-story buildings. Immediately to the west of Bethune Hall are two- and three-story buildings accommodating television station WHUT and the Chemistry Laser Research Building. To the south is a large, L-shaped surface parking lot that is within the campus plan boundary and the Lewis Elementary School, which is outside the boundary. Immediately to the east is a large historic building that serves as the pumping station for water distribution from McMillan Reservoir.
10. The new Bethune Residence Hall will be a modern, domestically-scaled manor house, designed to provide living accommodations for 312 freshmen women. The proposed rectangular structure will complete the fourth side the existing Bethune Annex, a major residential complex that consists of a large central courtyard framed by two seven-story towers on the east and west and a connecting three-story building on the south.
11. The Annex currently has the capacity to house up to 557 students, and the New Bethune Hall will accommodate 312 students for a total of 869 beds.
12. The south façade of the proposed New Bethune Hall is conceived as a large porch on the manor house facing the landscape of the quad and permitting views toward the City. The narrow site permits spectacular views looking south toward downtown or north toward the McMillan Reservoir. College Street will be converted from a dead-end service drive into a lushly landscaped pedestrian access way connecting the Tubman and Bethune Residential quadrangles.
13. New Bethune Hall is designed to integrate learning and living. A full college experience recognizes that education extends into the social and recreational activities that occur in residence halls. This new residence hall will accordingly include a wellness/fitness center, community room, study room, and meditation room on the lower level. The lower level also accommodates a storage area, the loading dock, the main trash collection room, and a telecom room. On the first floor are the entrance lobby, the "eatery," a computer café, housekeeper's area, storage, community director's apartment, and other offices. The residential floors (two through seven, with 312 beds) will be well served with lounges, study rooms on each floor, laundry facilities, and communal bathrooms. The

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exterior of the new building will be brick and limestone veneer. The roof will be constructed of pre-patinated metal.

Zoning and Development Standards

14. The SP-2 zone that applies to the site allows a maximum density of 6.0 FAR for residential uses, including dormitory, and a maximum height of 90 feet. The new Bethune Hall is sited on nearly the same footprint as the former, six-story Bethune Hall. New Bethune as designed is seven stories high and has a height of 85 feet 7 inches, which is within the 90-foot height limit. As to FAR, New Bethune Hall will have 108,063 square feet of gross floor area ("g.f.a."). The subject lot of 99,225 square feet is also improved with the Bethune Annex, which will remain and which has 225,000 square feet of g.f.a., for a total of 333,063 square feet of g.f.a. This total floor area constitutes a density of 3.36 FAR, which is clearly within the 6.0 FAR allowed.
15. The lot occupancy of proposed Bethune Hall is 46 percent, whereas up to 80 percent is allowed for multi-family residential buildings in the SP-2 zone. There is no front yard setback from the proposed extension of College Street, and none is required. A side yard of 36 ½ feet is provided from 4th Street, whereas only 16.36 feet is required. No rear yard is required, as the proposed building connects with the existing Bethune Annex. The University's architects submitted drawings and comments documenting that the roof structures on the building comply with the height, bulk, and setback requirements for such structures.

Compliance with Campus Plan Provisions

16. The proposed building complies with the overall density allowed for the Central Campus in the 1998-2008 campus plan. The Campus Plan Order (BZA #16330) summarizes the existing and permitted density in Finding of Fact No. 18. The allowable density is 2.75 FAR. The existing buildings have a total gross floor area of 6,072,004 square feet on a land area of 4,362,558 square feet, for a campus density of 1.392 FAR. The Bethune Hall replacement building proposed in this Application will add 20,263 square feet of g.f.a. to total improvements on campus, based on 108,063 square feet of g.f.a. proposed in New Bethune minus 87,800 square feet of g.f.a. in former Bethune Hall. The new campus total will be 6,092,267 square feet of g.f.a., constituting a 1.40 FAR and well within the 2.75 FAR allowed under the Campus Plan.
17. Subsection 210.2 of the Zoning Regulations requires that the proposed campus use shall be "not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions." The replacement Bethune Hall will be a continuation of the existing residential use on the site and will add to the residential environment created by the Bethune Annex quadrangle and Frazier Hall across the street. The number of students on campus will not change as a result of this project. Bethune Hall is internal to the campus, so that the student residents will walk to their primary academic and other activities without affecting the neighborhoods surrounding the University. Automobile traffic generated by the residents will be minor. The new residence hall will be occupied by freshman women and the University strongly

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discourages freshmen from bringing automobiles on campus. There is little likelihood of any adverse effects being imposed on adjacent neighborhoods as a result of this proposed replacement building.

18. The 1998 Campus Plan Order indicates in Finding of Fact No. 22 that 4,220 parking spaces exist on the campus that the University proposed to reduce the total by 500 spaces and maintain approximately 3,727 spaces. The Order also states, "Seventy-five percent of available spaces are supplied in lots well within short walking distance of all campus buildings." Accordingly, ample parking capacity exists convenient to new Bethune Hall to serve the needs of the future resident students. Such needs are expected to be minimal because of the University's policy to actively discourage underclassmen from having cars on campus. The Commission concludes that there is no practical need to provide parking under the new building and that the University will continue to be in compliance with the approved parking plan in the Campus Plan.
19. Although no parking is required under the Campus Plan, at the public hearing the applicant's architects documented serious constraints that would make parking under New Bethune Hall very difficult and costly. These constraints include immediate proximity of major utility lines serving central Washington, the complications of connecting with the parking garage beneath the Bethune Annex, and the high cost of removing and replacing the existing foundation caissons.
20. In response to concerns raised by ANC 1B in meetings with University representatives about parking generally, the University indicated to the Zoning Commission that it is creating interim parking lots on two properties, one along W Street and one along Georgia Avenue.
21. New Bethune Hall is consistent with and furthers several campus development and design principles as set forth in *UniverCity 20/20*. These include: "gradual and graceful change of the campus by preserving valued [historical] qualities and making connections to the past;" planning for a "unified architectural order;" "conserv[ing] important design characteristics of the campus through uniformity of detail, scale, proportion, texture, materials, color and building form;" and good streetscape design as represented by the physical closing and transformation of College Street in front of Bethune Hall.
22. New Bethune Hall will complete the Bethune quadrangle complex with a highly compatible design that will enhance this section of the campus and emphasize the collegiate and studious atmosphere represented by open space quadrangles. At seven stories and with a brick and limestone exterior, the building's scale, design, and materials will transition between the lower-scaled, Georgian-influenced Frazier Hall to the north and the large-scaled Bethune Annex complex to the south.

Consistency with the Comprehensive Plan

23. The Howard University Central Campus is designated as "Institutional" on the Generalized Land Map of the Land Use Element of the *Comprehensive Plan for the National Capital* (the "Comprehensive Plan"). The Institutional designation is designed

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to substantially coincide with the campus plan boundaries. The proposed use is clearly part of the institution of the University and is consistent with the land use policies of the city's Comprehensive Plan.

Report of the Office of Planning

24. The report of the Office of Planning ("OP"), dated September 22, 2003, recommended approval of the applications. An OP representative also testified in support of approval at the public hearing. The report noted that "the proposed development will positively impact the quality of life on campus," and "[P]roviding housing on the main campus is consistent with the University's aim to house as many of its students on campus as is possible." (OP report, p. 4) OP stated that there would be no adverse effects from constructing a new dormitory in this location. The report indicated that a campus plan amendment was required in order to approve the special exception for New Bethune Hall and recommended that occupancy be limited to female underclassmen.

Reports of Other Government Agencies

25. The Metropolitan Police Department, the Fire and Emergency Medical Services Department, and the D.C. Water and Sewer Administration submitted reports stating that the proposed development will not negatively affect their services or capacity. The report of the D.C. Department of Transportation ("DDOT") was not submitted by the close of the record. However, at the public hearing the OP representative indicated that DDOT staff had advised the OP that DDOT had no objections to the project.

Advisory Neighborhood Commissions

26. At its meeting of August 7, 2003, Advisory Neighborhood Commission 1B voted unanimously to support the Zoning Commission's approval of the proposed New Bethune Residence Hall. ANC 1B submitted a written statement in compliance with zoning requirements regarding the ANC being accorded "great weight," and the Secretary of the ANC testified in support at the public hearing. ANC 5C also unanimously voted to support the applications and submitted a letter in support dated September 22, 2003.

Other Community Organizations

27. The following community organizations in the neighborhoods surrounding Howard University submitted letters in support of the applications: the LeDroit Park Civic Association and the Bloomingdale Civic Association. The development team for the New Bethune Hall made a presentation before the Community Advisory Committee sponsored by the University, and no objections were raised by member neighborhood organizations and residents at that time.

Other Public Testimony

28. Other than that of ANC 1B, there was no public testimony in support of or opposition to the applications.

CONCLUSIONS OF LAW

1. Based on the Findings of Fact and the evidence of record, the University is seeking a campus plan amendment and a special exception pursuant to §§ 3104.1 and 210 of the Zoning Regulations for approval of proposed New Bethune Residence Hall. The Commission concludes that the University has met its burden of proof in complying with the applicable zoning standards.
2. The proposed New Bethune Hall is consistent with the City's applicable planning policies and with the college and university special exception standards of the Zoning Regulations at 11 DCMR § 210. The proposed replacement building is also consistent with the University's adopted campus plan, as proposed for amendment in this application, and will not cause any objectionable conditions affecting neighboring properties.

DECISION

The Commission has accorded ANCs 1B and 5C and the Office of Planning the "great weight" to which they are entitled. Accordingly, it is ordered that this application is **GRANTED**.¹

VOTE: 4-0-1 (Peter G. May, Anthony J. Hood, Carol J. Mitten, and John G. Parsons to approve; James H. Hannaham, not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

FINAL DATE OF ORDER: AUG 16 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN (10) DAYS AFTER IT BECOMES FINAL.

¹Notwithstanding §§ 3125.7 & 3125.8, the Commission is providing flexibility regarding the design of the penthouse to permit minor changes to the pitch and the design of the eaves and to permit minor changes to the material used for the roof, the facade, and the openings.

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO (2) YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE COMMISSION.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

ZONING COMMISSION ORDER NO. 03-21
Z.C. Case No. 03-21
(Consolidated Planned Unit Development and
Related Zoning Map Amendment for St. Coletta of
Greater Washington, Inc.; Square E-1112, Part of Lot 800)
February 6, 2004

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on November 3, 2003, to consider an application from St. Coletta of Greater Washington, Inc. ("Applicant") for consolidated review and approval of a Planned Unit Development ("PUD") and a related Zoning Map amendment. The Zoning Commission considered the Application pursuant to Chapters 1, 24, and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the application.

FINDINGS OF FACT

The Application and Hearing

1. On July 3, 2003, St. Coletta of Greater Washington, Inc. filed the Application with the District of Columbia Zoning Commission for the consolidated review and one-step approval of a PUD and related map amendment from unzoned to the SP-1 District for the property consisting of part of Lot 800 in Square E-1112.
2. A description of the development, including a description of the subject property, and notice of the public hearing were published in the *D.C. Register* on September 19, 2003, and were mailed to all property owners within 200 feet of the property and to Advisory Neighborhood Commissions 6B ("ANC 6B" or the "ANC").
3. The Zoning Commission held a public hearing to consider the application on November 3, 2003.

Office of Planning and District Department of Transportation Reports

4. By report dated October 24, 2003, and through testimony presented at the public hearing, the Office of Planning ("OP") recommended conditional approval of the PUD and related map amendment application. OP noted that the proposed development was well within the limits of the matter-of-right requirements under the proposed zone. OP also noted

that the proposed PUD and related map amendment are not inconsistent with the Comprehensive Plan or the Master Plan for Reservation 13. OP further noted that the proposal is consistent with the objectives and evaluation standards of a PUD.

5. OP testified that the Applicant had met on numerous occasions with OP to modify the design of the development in accordance with OP's recommendations to ensure that the development fits into the "evolving" nature of the Master Plan for Reservation 13 and the future development of Reservation 13.
6. OP conditioned its approval on the Applicant's revision of plans that would appropriately position mechanical equipment on the roof, delivery of a facility-use agreement that specifies the terms of use of school facilities by the community, and execution of a First Source Employment Agreement. In its post-hearing submissions, Applicant satisfactorily addressed OP's concerns.
7. The District Department of Transportation ("DDOT") submitted a report dated October 23, 2003, which concluded that the project would have minimal impact on existing traffic conditions while providing 106 parking spaces pursuant to 11 DCMR § 2101. DDOT and OP support the reduction in the number of required parking spaces upon the implementation of a Transportation Management Program.

Post-Hearing Submissions

8. In response to issues raised by Zoning Commission members during the November 3, 2003, public hearing, the record of the case was left open for the Applicant to provide the following materials and information:
 - Lease between the District of Columbia and St. Coletta of Greater, Washington;
 - Revised floor and site plans and elevations;
 - Revised roof plans, including a line-of-sight analysis from the sidewalk;
 - Plans showing mechanical equipment and loading berths;
 - Revised landscape plans, including the location of bike parking;
 - Elevation and description of 19th Street fence;
 - Description of how brick and concrete building materials are incorporated into the structure;
 - Information supporting the 56% staff/teacher metro use;
 - Copy of First Source Employment Agreement;
 - Copy of Facility-Use Agreement;
 - Information regarding cost estimate of amenities to be provided;
 - Information regarding a parking plan for large events;
 - Information regarding the formalization of a Transportation Management Plan;
 - Rendering of the retaining wall; and
 - List of jobs to be provided during construction and at the new facility.

9. Applicant submitted the post-hearing information and materials requested by the Zoning Commission on November 25, 2003. In this submission, the Applicant noted:
 - a. The exit driveway onto 19th Street was reconfigured to require exiting buses to turn right, thus precluding bus traffic from going west on to Burke Street. Applicant also agreed to install "right turn only" signs at this location;
 - b. The materials on the western, southern, and eastern façades of the building were changed from stucco to brick; and
 - c. The school agreed to provide the following measures when a major event takes place at the school to alleviate parking space demand: "stacked" valet parking within the existing parking lot and driveway, use of parking elsewhere on Reservation 13, use of parking lots located at the D.C. Armory and/or R.F.K. Memorial Stadium, and dissemination of information regarding public transportation.
10. By a letter dated December 10, 2003, ANC 6B stated that it did not oppose the construction of the school subject to certain conditions:
 - a. That the Applicant place funds in escrow for the future construction of Burke Street, S.E.;
 - b. That the Applicant place funds in escrow for the planting of trees on the existing portions of Burke Street and 19th Street, S.E.;
 - c. That the Applicant be allowed temporary use of the existing driveway south of the PUD site on 19th Street, S.E., with the written acknowledgement by the Applicant in writing that it will return that portion of land back to the District of Columbia upon request, and that the Applicant redesign their driveway so that a retaining wall is not necessary;
 - d. That the Applicant be required to install and maintain signs on Bay, Burke, A, and C Streets, S.E. which prohibit the use of those streets as entrance to or egress from the school grounds; and
 - e. That the Zoning Commission withhold final approval of the design of the façade of the school building until the approval of the design guidelines for Reservation 13 so that the guidelines may be applied to the façade of the school building.
11. In satisfaction of the statutory requirement that the Commission give great weight to the issues and concerns raised in the above recommendation (D.C. Official Code § 1-309(d) (2001)), this Order will address each of these issues through the portion of this Order titled "Impact on Surrounding Area" and "Response to Issues and Concerns of ANC 6B."

Proposed and Final Action

12. At its January 12, 2004, public meeting, the Zoning Commission took proposed action by a vote of 3-0-1 to approve with conditions the application and plans that were submitted to the record and presented at the November 3, 2003, hearing.
13. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") in accordance with the District of Columbia Home Rule Act. NCPC, by action dated February 5, 2004, found that the proposed PUD would not adversely affect the identified federal interests and is not inconsistent with the federal elements of the Comprehensive Plan for the National Capital.
14. The Zoning Commission took final action to approve the application on February 6, 2004, by a vote of 3-0-2.

The Site and Surrounding Area

15. The subject property is located on Reservation 13, a federal reserve of land in southeast Washington, D.C., which was transferred to the Government of the District of Columbia by the United States General Services Administration pursuant to a Transfer of Jurisdiction Letter Agreement dated October 25, 2002 (signed and accepted by the District of Columbia on October 30, 2002).
16. Pursuant to a lease agreement between the District of Columbia and St. Coletta of Greater Washington, dated July 30, 2003, the Applicant leased the property from the District of Columbia for a period of ninety-nine years (the "Lease").
17. The subject property is comprised of 5.217 acres (227,252.52 square feet) of land area, and thus exceeds the minimum area requirement of 15,000 square feet for a PUD within an SP-1 District. It is located south of the D.C. Armory and R.F.K. Memorial Stadium, east of the Capitol East/Capitol Hill neighborhood, and north of Congressional Cemetery, at the corner of 19th Street, S.E. and Independence Avenue, S.E. The site is bounded by 19th Street on the west, Independence Avenue on the north, and the balance of Reservation 13 to the east and south. The site's eastern boundary is currently improved as a parking lot and former helicopter-landing pad. This portion of the site will be returned to the District of Columbia when 20th Street, S.E. is extended through Reservation 13. The site's southern boundary will be defined by a driveway located in the right-of-way of the future extension of Burke Street, S.E.
18. The property is situated in Ward 6 and is designated as local public facilities in the public and institutional land use category of the Comprehensive Plan Act of 1984, as amended, and the Land Use Map.

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19. The project site consists of land in the shape of an inverted "L". Historically, the site was the location of District's jail, which dated from the 1870s. The old jail was demolished after the construction of a new jail in 1976. The Stadium/Armory Metrorail Station lies beneath the property on its western edge along 19th Street. An entrance to the Stadium/Armory Metrorail Station is located within two hundred feet of the property.
20. The area surrounding the subject property is characterized by a combination of land uses, including residential, and large institutional structures.
21. Within Reservation 13, south and southeast of the project site, is a large campus setting consisting of large institutional buildings serving the D.C. Department of Corrections and the D.C. Department of Health. Further to the south lies the eastern edge of the Congressional Cemetery. All of Reservation 13 is currently unzoned.
22. Immediately north, across Independence Avenue, on land that is unzoned and owned by the United States Government, are the D.C. Armory, R.F.K. Memorial Stadium, and the parking lots that serve those structures.
23. To the west of 19th Street and extending north of Independence Avenue are residential areas consisting mostly of row houses. The area is zoned R-4.
24. Pursuant to the Reservation 13 Master Plan, the St. Coletta PUD site is in an area of Reservation 13 designated for city-wide uses and services, including healthcare, recreation, and education, and which allows for building heights in a range from two (2) to four (4) stories. The area immediately south of the development, within Reservation 13, is designated to be developed as residential and as a mixed-use neighborhood center.
25. The development site is neither a designated historic landmark nor is it located within an historic district.

Proposed Zoning

26. The property is currently unzoned. The proposed PUD-related SP-1 District is compatible with the zoning pattern in the area and the Comprehensive Plan Land Use Map, serving as a transition from the intensive uses to the north along Independence Avenue, and residential areas to the west and northwest along 19th Street which are zoned R-4. The proposed SP-1 District is also consistent with the use designations pursuant to the Master Plan for Reservation 13.

The PUD Project

27. The Applicant seeks to construct a school for students with cognitive disabilities on the subject property. The subject property is proposed to be developed with a maximum of approximately 99,000 square feet of gross floor area. The density of the subject property will be a maximum FAR of 0.43, and the lot occupancy will be approximately twenty-seven percent (27%). The new building will be constructed at a maximum height of fifty-

eight feet (58 ft). The building will be two (2) stories. The development will include off-street parking for one hundred six (106) vehicles.

28. The proposed PUD-related SP-1 zoning permits matter-of-right development of private schools, including kindergarten, elementary, secondary, trade, or any other school to an FAR of 2.5 with a maximum FAR of 4.0 and a maximum height of sixty-five (65) feet. There is no maximum lot occupancy requirement for a non-residential use in the SP-1 District. Under the PUD guidelines for a development in the SP-1 District, the Zoning Regulations allow an FAR of 3.5 for non-residential buildings with a maximum FAR of 4.5 and a maximum height of seventy-five (75) feet without any lot occupancy requirement (11 DCMR § 2405).
29. St. Coletta School was founded in 1959 in Arlington, Virginia. The Applicant, St. Coletta of Greater Washington, Inc., is a non-profit entity organized in 1974 and is the parent corporation to the St. Coletta School and the St. Coletta Day Support Program. The school serves individuals with mental retardation and autism, and their families, by providing educational, therapeutic, and vocational services. Currently, the school operates three (3) facilities in Alexandria, Virginia. Students come from the entire metropolitan Washington, D.C. area, with sixty-seven percent (67%) of the students coming from the District of Columbia. Students range in age from four (4) through twenty-two (22). Adults in the day program are twenty-two (22) years old and older.
30. Prior to filing the application, the Applicant met with ANC 6B, adjacent property owners, and the Capitol Hill and Hill East communities in order to give interested parties a chance to voice their opinions regarding the development and to accommodate their concerns regarding the development plans. The Applicant also met on several occasions with the Office of Planning and the D.C. Department of Transportation, and incorporated their suggestions into the revised plans. The design of the school and its grounds was significantly modified through the PUD process as a result of these discussions and meetings.
31. The proposed school will serve students with cognitive disabilities, a majority of whom will come from the District of Columbia. The school has also been designed as a national prototype for other schools of this type.
32. The scale and architecture of the proposed school are reflective of the use and style of the buildings along both Independence Avenue and 19th Street. The construction of the school will include five (5) two-story pavilions, which continue a building line or "street-wall" along Independence Avenue that is consistent with the buildings to the west. The size and design of the pavilions relate to the scale of the Armory Building and R.F.K. Memorial Stadium to the north. Perpendicular to the pavilions is a central barrel-vault atrium hallway, known as the "village green," which organizes the two floors of classrooms along a single axis. Two (2) classrooms line the east side and three (3) classrooms line the west side of the atrium hallway in house-like structures. The exterior façades of the classrooms on both the east and west side of the building appear as a row of prototypical brick houses which maintain a human scale that is compatible with the

character of the residential neighborhood across 19th Street. A gymnasium is also located behind the pavilions, to the east of the atrium hallway.

33. The five pavilions along Independence Avenue will sit on a continuous blue brick base. The first pavilion at the corner of Independence and 19th Street will be cylindrical, clearly marking the school's primary public entrance. The design of the four (4) other pavilions will be similar in massing and based on simple geometric variations of a cube, relating to architectural elements in the neighborhood as well as to educational elements in the school. The upper section of the five (5) pavilions will each be tiled in a different color recalling the polychromatic street-walls that have evolved over time in the surrounding neighborhood. The east, west, and south façades of the school building will predominately consist of red and ochre colored brick, similar to the brick seen throughout the neighborhood. The large-scale brick pattern on the 19th Street façade relates to the brick houses across the street. The predominant material on the gym's façade is stucco.
34. The landscape plan includes approximately 60,500 square feet of open space. At the corner of Independence Avenue and 19th Street is a plaza consisting of planter boxes that serve to protect the vegetation and prevent cars from entering the plaza. Along the sidewalk on both Independence Avenue and 19th Street is a double row of trees. Semi-transparent ornamental fences safeguard the outdoor classroom space which spans both the east and west sides of the school. The outdoor classroom space includes both green and paved areas, picnic tables, seating areas, play areas, and shade structures. The outdoors classroom space on the west side of the school also provides a fifty (50) foot buffer that is required by an easement for the metro station that lies beneath. A vegetable garden and greenhouse will be located to the south of the gymnasium. Lawn areas will be situated along the southern edge of the building. Trees, shrubs, and additional lawn areas will also surround the parking lot. A retaining wall, which is required because of the steep slope to the east of the interior driveway, will incorporate shrubs and climbing vines.
35. Part of the Applicant's traffic management plan is dependent upon use of the land south of the site, which is currently owned by the District of Columbia. Therefore, this Order includes a condition requiring the Applicant to obtain the use and control of this property. Assuming such use and control is obtained, traffic at the project will be managed as follows:
 - a. Bus traffic will enter at the eastern edge of the parking lot along Independence Avenue and exit onto 19th Street. The driveway's exit onto 19th Street will be aligned with Burke Street, but will be angled in such a way as to require buses to turn right on to 19th Street, thus preventing bus traffic on Burke Street. The pick-up/drop-off area for students is located on an interior driveway along the eastern side of the school bordering the classrooms. Buses will be able to stack for pick-up and drop-off within the school grounds.

- b. A parking lot for one hundred (100) cars is located on the east side of the school. Six (6) additional parking spaces designated for handicapped individuals are located along Independence Avenue, in front of the school building.
- 36. A loading berth and platform will be located on the south side of the gymnasium, accessible from the driveway within school grounds. The loading berth is ten (10) feet by thirty (30) feet and the service/delivery area is ten (10) feet by twenty (20) feet. The driveway leading to the loading and delivery area is twenty (20) feet wide and the interior platform for receiving is one hundred (100) square feet. Double doors will enclose the platform.
- 37. Light poles will be used to light the parking lot and the building. Down lights will be used to avoid light spilling over into the neighborhood. Bollards will be placed along the pathway systems.
- 38. The school will have several entrances. The first is located at the corner of Independence Avenue and 19th Street. The second is located on the southern façade of the school near the metro station elevator. A third entrance is located on the eastern façade of the building, adjacent to the classrooms. This third entrance will be the main entrance and exit for students. The fourth entrance is located on the east side of the building near the gymnasium. A fifth entrance, located near the loading dock, is the faculty entrance. There will also be two (2) doors from the gymnasium for exit purposes and additional exit doors from the classrooms that lead to the outdoor classroom areas. The school security system will include pass cards to enter the building as well as codes to move about inside. This will allow the staff to more easily limit students to designated areas and to protect students from unauthorized visitors. Applicant will use around the clock surveillance in the form of personnel as well as technology.

Development Incentives and Flexibility

- 39. The Applicant requires flexibility from the requirement contained in § 2104.1(b) of the Zoning Regulations relating to the number of parking spaces required. Under § 2104.1, the number of parking spaces required for a non-residential building within 800 feet of a Metrorail station entrance may be reduced by up to twenty-five percent (25%). However, sub-section (b) of this provision contains the further caveat that the building may not be within 800 feet of a residential zone to be eligible for the twenty-five percent (25%) reduction (see, § 2104.1(b)). In this case, the proposed building is within 800 feet from a Metrorail station. But since it is also within 800 feet of an R- 4 district, the Applicant requires flexibility under § 2104.1(b).

Public Benefits and Project Amenities

- 40. The following benefits and amenities will be created as a result of the PUD project:
 - a. Quality architectural and landscape design.

- b. Effective and safe vehicular and pedestrian access, transportation management measures, accessibility to and use of public transit service, and other measures to mitigate adverse traffic impacts.
- c. Employment and training opportunities.
- d. Education, therapeutic, and social services, primarily for District of Columbia students.
- e. Availability of facilities, including the gymnasium, atrium hall, meeting rooms and studio space, for public use after school and on weekends.
- f. Environmental benefits, such as storm water runoff controls, landscaping, and preservation of open space.
- g. First Source Employment opportunities pursuant to First Source Employment Agreements with the Department of Employment Services.
- h. Support of teacher training, parent training, and paraprofessional staff development, which would be open to employees from the D.C. Public Schools in partnership with the District of Columbia.

Consistency with the Comprehensive Plan

- 41. The PUD is consistent with many of the Comprehensive Plan's major themes. It will respect and improve the physical character of the District by ensuring the construction of a school of an exceptional design in an underdeveloped area, bringing activity and vibrancy to the area. It will provide community meeting space and recreational facilities after school hours and on weekends, and will respond to the pressing need for quality services in the area of special education for those with cognitive disabilities in the District of Columbia.
- 42. The PUD is also consistent with many of the Comprehensive Plan's major elements, as follows:
 - i. *Environmental Protection Element.* The development of the school will promote energy conservation, improve air quality, and improve the natural environment. The development's enhanced landscape components, including street trees and plantings, and the creation of park settings and open spaces surrounding the school, will add important environmental elements to the neighborhood and city.
 - ii. *Urban Design Element.* The school will begin the revitalization of Reservation 13 and the enhancement of the area through superior design elements and site planning. The development will replace existing under-utilized land in Reservation 13. The design of the development will exhibit a strong physical identity and character that is in scale with the residential neighborhood to the west

and which balances the larger structures to the north. The development will create a more positive and stable image for the area, promote more efficient use of the public land and enhance the value of the land resource of Reservation 13.

- iii. *Public and Institutional Land Use Element.* The proposed PUD will be located near the Stadium/Armory metrorail station on land that is publicly owned and currently vacant and on which development is desired. As anticipated in the Master Plan for Reservation 13, the construction by Applicant will initiate the revitalization and stimulate the development of the underused land resources of Reservation 13, which lies adjacent to the metrorail station. Furthermore, the proposed PUD will provide much needed special education and support services for cognitively disabled students and adults in the District of Columbia.
43. The Project also fulfills and furthers the specific objectives of the Comprehensive Plan for Ward 6, as follows:
- i. *Ward 6 Economic Development.* The proposed development initiates the revitalization of Reservation 13 while stabilizing the area and increasing activity, thereby enhancing the image of Reservation 13 as a place to develop.
 - ii. *Ward 6 Public Facilities.* The proposed school development will provide sought after special education resources for District schoolchildren and the presence of the school in southeast Washington will also make it easier for District parents to become more active in their children's school lives because of the facility's proximity to their homes. Additionally, the school development will provide much needed public, recreational, and open space after school hours and on weekends.
 - iii. *Ward 6 Urban Design.* The design of the development will exhibit a strong physical identity and character that is in scale with the residential neighborhood to the west and which balances the larger structures to the north. The PUD includes considerable open space and inviting streetscapes. The school building will occupy substantially less of its lot area (25%) than is permitted for a SP-1 District.

Consistency with the Master Plan for Reservation 13

44. The PUD is also consistent with the following core principles of the Master Plan for Reservation 13:
- a. "Utilize the site to meet a diversity of public needs including health care, education, employment, government services and administration, recreation and housing."
 - b. "Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront."

- c. "Demonstrate environmental stewardship through environmentally sensitive design, ample open spaces, ... that serve as public amenities and benefit the neighborhood and the city."
- d. "Create attractive 'places' of unique and complementary character including: ...[a] district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue...."

Impact on Surrounding Area

- 45. Persons in opposition to the application and ANC 6B raised concerns regarding the design of the school building, bus traffic within neighborhood streets, and the need for a working hospital within Reservation 13.
- 46. The Commission finds that the design of the façade of the school building meets the urban design goals of the Comprehensive Plan and complements and is compatible with structures in the neighborhood. The Zoning Commission notes that the Applicant has revised its plans for the building façades, specifically by replacing stucco with brick, and that such design modifications have satisfactorily addressed concerns regarding the compatibility of the proposed structure with neighboring structures.
- 47. The school will not cause any unacceptable impact on traffic, provided the traffic management plan described above is utilized. For instance, the school buses will be stacked for drop-off and pick-up of students on interior driveways, which are screened from the view of the residential neighborhood.
- 48. Whether there should be a working hospital within Reservation 13 is a question for the District Government to decide, not this Commission. When deciding an application for a PUD, the Commission's inquiry is limited to whether the development merits the zoning flexibility sought when taking into account any adverse impacts that might result. An application may not be denied because members of the public believe that a property owner is not making the best use of its land. This is particularly true when the land is publicly owned. Determining of the best use of public land is a matter of public policy that goes beyond this body's legislative mandate.
- 49. The Zoning Commission finds that the impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities is acceptable given the significance, quantity and quality of public benefits cited above. The school will have no unacceptable adverse impact on the surrounding area. The use will serve as a buffer between the intensive uses to the north and the residential uses to the west. The Applicant's proffered amenities and public benefits sufficiently offset any potential adverse effects of the project.

Response to Issues and Concerns of ANC 6B

50. The Commission cannot, as ANC 6B requests, condition its approval on the Applicant placing funds in escrow for the purpose constructing a portion of Burke Street and for the planting of trees. To do so would be tantamount to compelling the Applicant to add an amenity it has chosen not to offer. As the Commission has stated before:

The Commission's evaluation of the amenities and public benefits of [a] proposed PUD is limited to those described in the application. If these are insufficient, the application must be denied. It is not the role of the Commission to remedy an inadequate showing by ordering the provision of additional benefits and amenities. And it certainly is beyond the Commission's powers to require more amenities if those described in the application are adequate when balanced against the zoning relief requested.

International Monetary Fund HQ2, Z.C. Case No. 01-13C (49 DCR 6680).

51. As to the Applicant's use of the temporary driveway, this Order is being made conditioned upon proof that the Applicant has control over the area. The Commission's only concern is that such control remains in place for so long as the school remains in operation. Whether the District and the Applicant choose to extend that period is a matter between those parties. It is not for the Commission to second-guess the District's business decisions.
52. With respect to the ANC's recommendation regarding the redesign of the driveway to make a retaining wall unnecessary, the Zoning Commission finds that there is no evidence of record that indicates a retaining wall is unnecessary and, to the contrary, the construction of a retaining wall appears to be necessary from a review of the survey, site photographs, and Applicant's plans, all of which depict a steep slope at the southeastern part of the site.
53. The Commission cannot lawfully require the Applicant to install traffic control signs on public streets, as the ANC suggests. To do so would violate 18 DCMR § 2102, which not only prohibits persons, other than the D.C. Department of Transportation, from installing signs "which attempt to direct the movement of traffic", but declares such unauthorized signs to be "public nuisances" that are subject to removal without notice. The Commission encourages ANC 6B to work with the D.C. Department of Transportation to see that all necessary signs are officially sanctioned and installed.
54. The Zoning Commission disagrees with the ANC's contention that it should withhold final design approval until design guidelines are approved for all of Reservation 13. While a separate application for all of Reservation 13 has been submitted to the Commission, as of the date of this Order it has not been decided or even heard by the Commission. The Commission has before it a complete application including testimony that addresses all of the relevant criteria for granting a planned unit development and

related map amendment. The Commission is not compelled to delay its determination when it possesses sufficient evidence to deliberate on the proposal before it.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits (11 DCMR § 2400.1). The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2).
3. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this Application as a consolidated PUD and map amendment. The Zoning Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
4. The development of the PUD project proposed by St. Coletta carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
5. The proposed PUD does not meet the parking requirements contained in § 2104.1(a) in that the proposal contemplates a twenty-five percent (25%) parking space reduction where the site is within 800 feet of a residential zone. Thus, the Commission must grant zoning flexibility from this requirement and does so in this Order.
6. The proposed PUD does meet the minimum area requirements of § 2401.1 of the Zoning Regulations. The St. Coletta PUD is within the applicable height, bulk, and density standards of the Zoning Regulations for the SP-1 District. The project will, in fact, include less density on the site than is permitted as a matter-of-right in the SP-1 District. The construction of a school is an appropriate use for this site, serving as a buffer between the large institutional structures to the north, the existing residential neighborhood to the west, and the residential neighborhood planned within Reservation 13. As set forth in the Findings of Fact, the proposed development has been appropriately designed to respect the neighborhood in terms of height and mass and is complementary to nearby buildings and homes.
7. As stated in the Findings of Fact, the Commission finds that the project is acceptable in all proffered categories of public benefits and project amenities.

8. Approval of the subject PUD is appropriate because the proposed development is consistent with the present character of the area.
9. Approval of the PUD proposed by St. Coletta and adoption of zoning is not inconsistent with the Comprehensive Plan or the Master Plan for Reservation 13.
10. The Zoning Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the "issues and concerns" contained within the affected ANC's recommendation. The Zoning Commission has carefully considered the ANC's issues and concerns. However, as discussed in the Findings of Fact, the Commission is not persuaded by the ANC's proposal to modify the proffered amenities or to hold the design approval for the project in abeyance. The Commission is persuaded by ANC concerns regarding traffic management and the Applicant's use of land south of the PUD site, and has conditioned its approval on a Traffic Management Plan that requires the Applicant to obtain control over this land.
11. The Application for a PUD and Zoning Map amendment will promote orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

DECISION

In consideration of the Findings of Fact and Conclusion of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for consolidated review of a PUD and related Zoning Map amendment for part of Lot 800 in Square E-1112. The approval of the subject PUD is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the plans prepared by Michael Graves Architect, dated August 29, 2003, and marked as Exhibit A in Applicant's pre-hearing submission, as supplemented by the post-hearing submission, and as modified by guidelines, conditions, and standards herein.
2. The project shall be the development of a school for students with cognitive disabilities consisting of approximately 99,000 square feet of gross floor area. The PUD shall be constructed to a maximum density of 0.43 FAR and to a height not to exceed fifty-three (53) feet (exclusive of architectural embellishments that shall not exceed fifty-eight (58) feet).
3. The project shall provide classroom space for up to 250 students with cognitive disabilities and a day support/supportive employment program for up to twenty-five (25) adults with cognitive disabilities.
4. The PUD shall include 106 parking spaces, including six (6) spaces that will be designated for handicapped persons.

5. Applicant shall have flexibility with the design of the PUD in the following areas:

- i. To substitute comparable planting species depicted on the landscaping plan in the event of unavailability of plant materials and to vary the landscaping as shown on Exhibit 2.d., submitted as Applicant's post-hearing submission, except those trees planted in the right of way shall be a minimum size of four (4) caliper and other trees shall be a minimum size of two and one-half (2.5) caliper¹;
- ii. To make minor refinements to the heights of parapets and roofs within the heights allowed pursuant to paragraph 2 above, provided such refinements conform to the overall configuration and appearance of the design as reflected on the plans referred to in paragraph 1 above;
- iii. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, elevators, mechanical rooms, and toilet rooms, provided the exterior of the building is not substantially altered;
- iv. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, provided the overall quality of the materials as reflected on the plans referred in paragraph 1 above is not diminished and the exterior of the building is not substantially altered; and
- v. To make minor adjustments:
 - (1) In the façade detailing and fenestration consistent with the design as reflected on the plans referred to in paragraph 1 above (but not including the addition or deletion of any windows or any substantial alteration of the size of any windows);
 - (2) In the location and appearance of signage, provided that such signage shall be generally consistent with the approved plans;
 - (3) To make minor adjustments in the project grading and utilities plans in order to minimize site disturbance;
 - (4) To vary the arrangement of parking spaces; and
 - (5) To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, railings and trim, or any other changes to comply with the D.C. Building Code or that are otherwise necessary to obtain a final building permit.

¹ While the Applicant proffered plantings of these two sizes, the Commission strongly encourages the Applicant to consider planting trees of five (5) caliper in the right-of-way and between three (3) and four (4) caliper at the PUD site.

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6. Applicant shall enter into First Source Employment Agreements with the Department of Employment Services for both the construction of the school and for the school's operation, and provide an executed copy of each to the Zoning Commission record.
7. Applicant shall allow the school's meeting space, gymnasium, studio space, and atrium hallway to be made available to the public for scheduled community events and usage in a manner consistent with the operational requirements of Applicant, and generally in accordance with Exhibit 2.i. submitted as Applicant's post-hearing submission.
8. Applicant shall institute and maintain a Transportation Management Program which shall include the following:
 - i. Encouragement of ridesharing: The school will designate a staff person to serve as the school's Employee Transportation Coordinator who will organize and maintain a ride sharing program. Ten parking spaces will be reserved for those persons who participate in the ridesharing program;
 - ii. Encouragement of the use of public transportation: Applicant shall disseminate metro-transit system information and implement a Metrocheck Farecard subsidy program;
 - iii. Encouragement of the use of bicycles: Applicant shall designate secure storage space for bicycles at the school;
 - iv. Modification of the exit driveway so that busses will make a right turn on to 19th Street: Applicant shall install "right turn only" signs at the exit driveway on school grounds and notify all organizations providing bus transportation services to the school that Burke Street cannot be used as an egress route from the school grounds; and
 - v. Use of valet parking and existing parking lots in the vicinity of the school for special events: Notification to visitors who attend special events of the parking restrictions and enforcement measures taken by the District of Columbia along area residential streets.
9. No building permit shall be issued for the construction of any improvements pursuant to this PUD and the approved map amendment shall not become effective until (i) Applicant has recorded a covenant in the land records of the District of Columbia, between Applicant and the District of Columbia, which is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"); and (ii) Applicant has executed an agreement between Applicant and the District of Columbia, which is satisfactory to the office of the Corporation Counsel, that authorizes the use of land south of the PUD site for vehicular egress, sidewalks, landscaping and related purposes as permitted by such agreement. The covenant referred to in (i) above shall bind Applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.

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10. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until Applicant has filed a copy of the covenant with the records of the Zoning Commission.
11. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of the order. Within such time, an application must be filed for a building permit as specified in 11 DCMR §§ 2408.8 and 2409.1. Construction shall begin within three (3) years of the effective date of this order.
12. Pursuant to the provisions of the Human Rights Act of 1977, D.C., the Applicant is required to comply fully with the provision of D.C. Law 2-38, as amended, codified at D.C. Code § 2-1401.01 et seq. In accordance with the Human Rights 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, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of Applicant to comply shall provide grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

Vote of the Zoning Commission taken at its public meeting on February 6, 2004: by a vote of 3-0-2 to **APPROVE** (Anthony J. Hood, John G. Parsons, and Peter G. May to approve; James H. Hannaham, not present, not voting; and Carol J. Mitten having recused herself, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on _____.

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