Government of the District of Columbia
Office of Zoning

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: August 18, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 27, 2004:

1. Z.C. Order No. 03-21 (Case No. 03-21);
2. Z.C. Order No. 03-17 (Case No. 03-17); and
3. Z.C. Notice of Public Hearing (Case No. 03-27).

Received By

8-18-04
Date

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 03-21
EXHIBIT NO. 47

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ZONING COMMISSION
District of Columbia
CASE NO.03-21
EXHIBIT NO.47

ZONING COMMISSION CASE 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.

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 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 tress 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) caliper[1];

   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.

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[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.

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.

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 _____.