

**BEFORE THE ZONING COMMISSION OF THE  
DISTRICT OF COLUMBIA**

**APPLICATION FOR MODIFICATION WITH HEARING  
TO APPROVED DESIGN REVIEW**

**CEDAR TREE ACADEMY PUBLIC CHARTER SCHOOL**

**701 HOWARD ROAD SE  
(Lot 89, Square 5861)**

**October 17, 2025**

## **TABLE OF CONTENTS**

	<b>Page</b>
I. INTRODUCTION .....	1
II. BACKGROUND .....	2
A. The Property and Neighborhood.....	2
B. The Approved Case.....	2
III. THE REVISED PROJECT .....	3
IV. STANDARD OF REVIEW FOR MODIFICATION .....	7
V. THE MODIFICATION IS CONSISTENT WITH THE DESIGN GUIDELINES AND STANDARDS OF THE NHR ZONE .....	7
VI. THE MODIFICATION MEETS THE GENERAL STANDARDS FOR MANDATORY DESIGN REVIEW .....	10
VII. ZONING RELIEF .....	13
A. Rear Yard .....	13
B. Designated Street Design Standards .....	15
C. Vehicular Parking .....	17
D. LEED Gold Certification .....	18
VIII. COMMUNITY AND AGENCY OUTREACH .....	20
IX. CONCLUSION.....	20

## **DEVELOPMENT TEAM**

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## **LIST OF EXHIBITS**

Exhibit A: ZC Order 24-23

Exhibit B: Application Form

Exhibit C: Agent Authorization Letter

Exhibit D: 200-Footer List

Exhibit E: Notice of Intent with Certificate of Notice

Exhibit F: Office of the Surveyor Plat

Exhibit G: Architectural Plans, Sections, Elevations, and Renderings/View Analyses; Photographs of the Property

Exhibit H: Analysis of Consistency with the D.C. Comprehensive Plan and Adopted Policies

## I. INTRODUCTION

This statement and the enclosed documents support the application of Cedar Tree Academy Public Charter School (the “**Applicant**” or “**Cedar Tree**”) to the D.C. Zoning Commission for a modification with hearing (the “**Modification**”) to the approved mandatory design review under ZC Case No. 24-23 (the “**Approved Case**”). In March 2025, the Commission approved the Applicant’s proposal for a new, four-story school building (the “**Approved Project**”) to be located at 701 Howard Road SE (Square 5861, Lot 89) (the “**Property**”) in the North Howard Road (NHR) zone district. A copy of the Commission’s Order (“**Order**”), effective on August 15, 2025, is attached at **Exhibit A**.

Since the Approved Case, there were significant changes to the potential local and federal funding sources for the Approved Project, including reductions and uncertainty to the D.C. Office of the State Superintendent of Education’s (“**OSSE**”) “uniform per student funding formula” and to federal funding through the U.S. Department of Education. The Applicant remains committed to its vision for the school; however, the funding challenges required a reconsideration of the Approved Project to ensure a realistic path forward.

The Applicant is now pursuing a re-design of the Approved Project that will incorporate the existing school building with a new, approximately 27,347 sq. ft. rear addition (the “**Revised Project**”). Despite the changes to design and layout, the Revised Project’s programming and student capacity will remain consistent with the Approved Project.

To achieve the Revised Project, the Applicant requests the following special exception relief:

- Subtitle K § 1001.3 requiring a minimum residential FAR of 2.5;<sup>1</sup>
- Subtitle K § 1001.9 requiring a rear yard of 2.5 inches per foot of building height, but not less than 12 feet;
- Subtitle K § 1004.3(a) requiring buildings with frontage on a designated street to have a ground floor with a minimum clear height of 14 feet;
- Subtitle K § 1004.3(b) requiring buildings with frontage on a designated street to devote 50% of the surface area to display windows or pedestrian entrances;
- Subtitle C § 703.2 from the minimum vehicular parking requirements.

The Applicant also requests area variance relief from the requirements of Subtitle K § 1008.1 as the Revised Project will not achieve LEED Gold certification.

In review of the Modification, the scope of the Commission’s hearing is limited to the impact of the modification on the subject of the original application. *See* Subtitle Z § 704.4. Accordingly, the Commission is not permitted to revisit the original decision. *Id.* As set forth below, the Modification and Revised Project continue to satisfy the criteria by which the Commission must assess design review in the NHR zone, including the NHR zone guidelines of Subtitle K §§ 1005.2-1005.3 and the general design review standards of Subtitle X § 604.1.

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<sup>1</sup> Special exception relief from Subtitle K § 1001.3 was granted in the Order.

## II. BACKGROUND

### A. The Property and Neighborhood

The Property has 77,530 sq. ft. of land area and is located in the NHR zone with frontage on Howard Road SE. The Property is improved with a three-story structure (the “**Existing Building**”) that has housed Cedar Tree’s school since 2013. The Existing Building has approximately 36,000 sq. ft. and 22 classrooms; however, the Existing Building does not have a library, gym, cafeteria, or separate classroom space for specialized subjects such as STEM, art, and music.

The Property has a 37-space parking lot, playground areas, a basketball court and open green space. The Property has two curb cuts from Howard Road – one to a drive aisle for student pick-up/drop-off and another exiting from the parking lot. The Anacostia Metrorail Station is located less than three blocks to the south of the Property on Howard Road. There are also stops for bus lines A8 and W5 located at the Metrorail Station.

The immediately surrounding neighborhood is currently underdeveloped but is envisioned to become a vibrant, mixed-use neighborhood called the “Bridge District.” The Zoning Commission approved two design review cases for new mixed-use developments in the Bridge District under case numbers 21-13 and 22-13. A third design review case in the Bridge District is currently pending under case number 25-07.

### B. The Approved Case

In the Order, the Commission approved design review for the construction of a new four-story school building at the Property, which included 32 classrooms, a gymnasium, cafeteria, library and space for specialized subjects. The Applicant proposed to demolish the Existing Building and reconfigure the site with the Approved Project closer to the Howard Road on the eastern side of the Property. The Approved Project had approximately 77,329 sq. ft. of gross floor area (0.99 FAR) with a maximum building height of 56’10” plus a mechanical penthouse of 12’6”. The Approved Project’s total lot occupancy was 25.34%.

From a transportation perspective, the Approved Project provided a semi-circular driveway with two curb cuts, 33 parking spaces, a loading berth, 40 short-term bicycle spaces and 11 long-term bicycle spaces. The Applicant proposed improvements to adjacent public space along Howard Road, including a widened sidewalk and landscape buffer. The Approved Project also incorporated on-site landscaping and outdoor play space for students to the rear of the Property.

The Approved Case was supported by Advisory Neighborhood Commission 8A (“**ANC**”), the Office of Planning (“**OP**”) and the Department of Transportation (“**DDOT**”). There were five letters of support filed in the case record as well. As part of the Approved Case, the Commission granted special exception relief from Subtitle K § 1001.3, which requires a minimum residential FAR of 2.5. The Approved Project is a school building and, therefore, did not provide any residential FAR.

### III. THE REVISED PROJECT

The Applicant is pursuing the Revised Project due to financing dynamics that rapidly shifted following the Approved Case. As a public charter school, the Applicant's potential funding sources are relatively limited compared to a private development. A public charter school must largely rely on government sources to finance a capital improvement project. In June 2025, OSSE released its "uniform per student funding formula," which resulted in an unforeseen reduction of projected operating funding for the Applicant. The Applicant also intended to seek financing from the U.S. Department of Education for the Approved Project. However, in Spring 2025, there were significant budget cuts to the Department of Education that created additional financing uncertainty for the Applicant.

Nonetheless, the Applicant remains firmly committed to meeting its goals for students and staff, as elaborated in the Approved Case. The Existing Building is outdated and insufficient to meet the needs of the Applicant's current student population or to achieve the Applicant's future expansion goals. The Existing Building has only 22 classrooms with no library, gym, cafeteria or separate classroom space for specialized subjects. Cedar Tree's current enrollment is 399 students in Pre-K3 through 2<sup>nd</sup> grade. Cedar Tree seeks to expand from its current enrollment of 399 students in Pre-K3 through 2<sup>nd</sup> grade to a potential student population of 680 students in a fully developed elementary school serving Pre-K3 through 5<sup>th</sup> grade. As described below, the Revised Project will continue to meet these goals.

#### **General Project and Site Plan Description**

Rather than demolish the Existing Building and construct a new building, the Revised Project proposes a new addition to the Existing Building. A copy of the architectural plan set (the "**Architectural Plans**") is attached at **Exhibit G**. The addition will be constructed toward the rear of the Property, creating an "L-shaped" building around the existing drive aisle and parking area.

The addition will house seven new classrooms, a cafeteria, a kitchen and a two-story gymnasium. The Revised Project also entails minor changes to the interior of the Existing Building to identify offices for staff, a parent center and a library. With 32 total classrooms,<sup>2</sup> the Revised Project remains consistent with the Approved Project. The Revised Project will have two primary entrances: the Existing Building's entrance on the eastern-facing façade and a new entrance on the northern-facing façade of the addition. For Building Code purposes, the addition will also have two egress stairs along the rear lot line.

The Revised Project utilizes the drive aisle and parking area that currently serves the Existing Building. A new loading area will be provided adjacent to the cafeteria, which can be accessed using the drive aisle.<sup>3</sup> To create the loading area, the Revised Project will reduce the

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<sup>2</sup> The Existing Building has 25 classrooms. The Applicant mistakenly referenced only 22 classrooms in the Approved Case.

<sup>3</sup> The Existing Building has no formal loading. Under Subtitle C § 901.6, an addition triggers new loading requirements where it expands existing gross floor area by 25% or more. In such an instance, the additional loading requirement is based on the gross floor area added. While the rear addition exceeds 25% of the Existing Building's gross floor area, the rear addition does not meet the 30,000 sq. ft. threshold to require a loading berth for an education use pursuant to Subtitle C § 901.1. As such, a formal loading berth is not required.

parking count from the existing 37 spaces to 35 spaces. The 35 space lot exceeds the 33 spaces that were proposed for the Approved Project. The Revised Project also has 14 short-term and 4 long-term bicycle parking spaces as well as three showers and three lockers.<sup>4</sup>

The eastern side of the Property will be reserved for student recreational space, including a large playground. The Applicant will preserve a majority of the existing on-site trees and expand the playground options. Bioretention features will be incorporated at the southeastern corner of the Property to meet stormwater requirements. The Applicant also proposes to replace the fencing and provide new landscaping elements along the Property's frontage on Howard Road. From a sustainability perspective, the Revised Project is designed to achieve LEED certification and will incorporate a solar panel array on the roof of the Existing Building, which is designed to provide energy to the rear addition.

The Revised Project will not include changes to the sidewalk as originally contemplated in the Approved Project. There is an existing transformer vault at the northwestern corner of the Property that will continued to be used for the Revised Project. Additionally, there are three special/heritage trees along the existing sidewalk that will be preserved. The existing transformer vault and trees create challenges in expanding the sidewalk. By comparison, the Approved Project proposed to move the transformer vault and remove the trees.

Overall, the Revised Project will have approximately 62,541 sq. ft. of gross floor area (0.80 FAR) and a maximum building height of 42'6" plus a 12'6" mechanical penthouse . The Revised Project's lot occupancy will be 27%. The Revised Project has no rear yard (40 feet for the Project), a 14'10" western side yard, and an 83'4" eastern side yard.

### **Architecture and Design**

As with the Approved Project, the architectural approached for the Revised Project is intended to achieve the Applicant's mission of fostering academic, social, and emotional growth. To meet these goals, the Revised Project employs a playful, modern style through the introduction of color and new materiality. The architectural concept embodies this vision through the interplay of three compositional elements—the *Wrapper*, the *Folding Planes*, and the *Bars*. Together, these elements tie together the Existing Building with the new addition and define spaces for inquiry, repose, gathering, and activity through their spatial relationships and interactions.

The *Learning Bar* extends the existing academic corridor to house additional classrooms, while the *Public Bar* accommodates communal functions such as the cafeteria and gymnasium. This prominent L-shaped form anchors the composition and establishes a strong datum for the overall campus. The new addition features a horizontally oriented cladding palette that echoes the existing building's materials and tones, creating visual continuity across old and new. A new public entrance marks the intersection of the two Bars, emphasizing the connection between academic and social spaces.

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<sup>4</sup> The Existing Building has no formal bicycle parking. Similar to loading, Subtitle C § 802.5 requires additional bicycle parking when gross floor area of an addition is 25% or more of the existing building. However, the additional bicycle parking is based on gross floor area added. At 27,347 sq. ft., the rear addition requires 14 short-term bicycle parking spaces and 4 long-term bicycle parking spaces.



The *Wrapper* envelops portions of the addition in a green material expression that recalls the school’s identity and colors. This outer layer is punctured, peeled, and folded at key locations to highlight entry points, reveal interior functions, and animate the façade with depth and variation. The *Folding Planes*—crafted in colored perforated and corrugated metal panels—introduce a sense of movement and playfulness. Deployed as stair towers, entry canopies, and screen walls, these dynamic elements serve both functional and expressive roles, reflecting the joyful and creative environment they contain.

The Existing Building’s envelope and footprint will largely remain as-is and be connected to the rear addition. The Revised Project proposes cosmetic façade upgrades along the Existing Building’s frontage and by the school entrance in order to harmonize the Existing Building with the rear addition and the neighborhood as a whole. As noted, there will be minor changes within the Existing Building to allow for a library fit-out and designated space for offices and a parent center. The Applicant will also add new solar panels to the roof of the Existing Building, which will be used to provide energy to the rear addition.

To meet 500-year floodplain requirements, the new addition will be constructed on a podium, requiring an internal stair at each level between the Existing Building and the addition. There will also be a new side stair installed on the Existing Building along the western side lot line.

### **Zoning Data**

The chart below summarizes the general zoning parameters in the NHR zone as compared to the proposed Project.

	<b>NHR Zone Standards</b>	<b>Approved Project</b>	<b>Revised Project</b>
FAR	9.0	0.99 (77,329 sq. ft.)	0.80 (62,541 sq. ft.)
Min. Residential FAR	2.5	None (Special Exception Relief)	None (Special Exception Relief)
Lot Occupancy	100%	25.3%	27%
Height	90 ft. (ROW + 20 ft.)	56’10”	42’6”
Penthouse Height	20 ft.	12’6”	12’6”
Front Setback	None Required	7’5”	35’2” (existing)
Rear Setback	2.5 in./1 ft. of height, 12 ft. min. (11.8 ft. for Project)	40 ft.	0 ft. (Special Exception Relief)
Side Yard	None required, 2 in./1 ft. of height, 5 ft. min.	22 ft. (eastern side) 163’4” (western side)	83’4” (eastern side) 14’10” (western side)

	(9.47 ft. for Project)		
Vehicle Parking	37 spaces <sup>5</sup>	33 spaces	35 spaces (Special Exception Relief)
Bicycle Parking	Long-Term: 1 space per 7,500 sq. ft. (4 spaces) Short-Term: 1 space per 2,000 sq. ft. (14 spaces) <sup>6</sup>	Long-Term: 10 spaces Short-Term: 39 spaces	Long-Term: 4 spaces Short-Term: 14 spaces
Bicycle Showers and Changing Facilities	3 showers 3 clothing lockers	4 showers 6 clothing lockers	3 showers 3 clothing lockers
Loading	None required <sup>7</sup>	1 Loading Berth and 1 Service/Delivery Space	None provided
GAR	0.2	0.255	0.2

### **Design Flexibility**

The Applicant is requesting the following design flexibility be incorporated within a final written order:

a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided such variations do not change the exterior configuration or appearance of the building;

b. To vary the final selection of the colors of the exterior materials, based on availability at the time of construction, provided such colors are within the color ranges shown on the Architectural Plans approved by the Commission;

c. To make minor refinements to exterior façade details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, balcony railings and trim, or any other changes, providing such minor refinements do not substantially alter the Architectural Plans approved by the Commission and are necessary to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;

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<sup>5</sup> Under Subtitle C § 701.10 and 701.14, the existing 37 parking spaces must remain as long as the education use and Existing Building are in existence.

<sup>6</sup> Only applies to new addition.

<sup>7</sup> Only applies to new addition.

d. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the D.C. Department of Transportation's Public Space Division; and

e. To vary the final landscaping dimensions and materials as shown on the Architectural Plans based on either (i) availability and suitability at the time of construction, or (ii) in order to satisfy permitting requirements of the D.C. Department of Energy and Environment.

f. To vary the features, means and methods of achieving the required LEED-Certified Certification, including as to the amount of photovoltaic panels.

#### **IV. STANDARD OF REVIEW FOR MODIFICATION**

Pursuant to Subtitle Z § 704.4, the scope of a hearing for a proposed modification is limited to the impact of the modification on the subject of the original application. The Commission shall not revisit the original decision. Therefore, under Subtitle Z § 704.4, the Commission must assess the impacts of the Revised Project on the Commissions findings and conclusions in the Order.

As set forth below, the Approved Project, as modified by the Revised Project, remains consistent with the Commission's findings and conclusions that the Approved Project: 1) meets the design guidelines and standards of the NHR zone and 2) meets the general standards for mandatory design review.

#### **V. THE MODIFICATION IS CONSISTENT WITH THE DESIGN GUIDELINES AND STANDARDS OF THE NHR ZONE**

The Modification and Revised Project remain consistent with the design guidelines and standards of the NHR zone set forth under Subtitle K §§ 1005.2 and 1005.3, as follows:

***Subtitle K § 1005.2(a) – Help achieve the objectives of the NHR zone defined in Subtitle K § 1000.1;***

The Revised Project will help to achieve the objectives of the NHR zone, which is intended for a mixture of residential and commercial uses, including encouraging visitor-related uses like retail and entertainment, with a suitable height, bulk and design of buildings as indicated in the Comprehensive Plan (Subtitle K § 1000.2(a-b, e)). As with the Approved Project, the Revised Project is not specifically a residential or commercial use, but the Revised Project will provide an education use that complements the high-density mixed-use development that is expected on Howard Road.

The Revised Project will construct a modern new addition that will incorporate superior architectural styling (Subtitle K § 1000.2(d)). The Revised Project also modernizes the exterior of the Existing Building along Howard Road by incorporating similar materiality to the addition with a new awning and signage. The proposed changes to the Existing Building are intended to improve the Property's connection with Howard Road by creating a more inviting entrance area in lieu of siting the building closer to Howard Road as proposed in the Approved Project (Subtitle K § 1000.2(f)).

The Revised Project will provide designated locations for long- and short-term bicycle parking, continuing to compliment a potential bicycle track on Howard Road (Subtitle K § 1000.2(f-g)). As with the Approved Project, the Revised Project will serve a primarily “at risk” population that is analogous to the goals of the Inclusionary Zoning program. (Subtitle K § 1000.2(c)).

***Subtitle K § 1005.2(b) – Help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses;***

As with the Approved Project, the Revised Project proposes a public education use that is permitted matter-of-right in the NHR zone, albeit not a preferred use identified in Subtitle K § 1005.2(b). However, the NHR zones identifies other preferred uses – including a public education use – to be located at any building frontage on a designated street. *See* Subtitle K § 1004.2(d). The Revised Project continues to meet this requirement by providing a preferred education use in the entire building frontage on Howard Road.

***Subtitle K § 1005.2(c) – Provide streetscape connections for future development on adjacent lots and parcels, and be in context with an urban street grid;***

The Project does not propose changes to the existing streetscape. Nonetheless, the Property has been improved with a school use for over twenty years and provides safe pedestrian access.

***Subtitle K § 1005.2(d) – Minimize conflict between vehicles, bicycles, and pedestrians;***

The Revised Project will largely maintain existing conditions with respect to vehicular, bicycle and pedestrian access to the site. The Revised Project will incorporate the existing drive aisle, which allows for pick-up/drop-off to occur on site. There is an existing walkway that will provide direct pedestrian access to both the existing entrance and the proposed entrance in the rear addition. The Revised Project also provides short-term bicycle parking adjacent to the existing entrance, thereby limiting potential conflict between bicycles and vehicles in the drive aisle and parking area.

***Subtitle K § 1005.2(e) – Minimize unarticulated blank walls adjacent to public spaces through façade articulation;***

The proposed rear addition will incorporate façade articulation through the use of materiality, such as corrugated perforated metal, a varied color palette and architectural flourishes, including the covered egress stair at the rear of the building. The Revised Project also incorporates some of these architectural elements at the frontage of the Existing Building in order to modernize and eliminate the building’s otherwise unarticulated walls facing Howard Road.

***Subtitle K § 1005.2(f) – Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards; and***

By reusing the Existing Building, the Revised Project presents a more sustainable option as compared to the proposed demolition and new build in the Approved Project. The Revised Project will achieve LEED certification, albeit not at the Gold level. The Revised Project incorporates solar panels on the Existing Building to achieve the on-site renewable energy goals for the addition as set forth in Subtitle K § 1008.2. The Revised Project will also preserve a majority of the on-site trees, provide new landscaping, and provide new bioretention areas to meet stormwater management requirements.

***Subtitle K § 1005.2(g) – Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses.***

The proposed public school use will inherently promote safe and active streetscapes in the neighborhood. The proposed modifications to the Existing Building are intended to better identify the pedestrian entrance to the school building. The Revised Project also proposes new landscaping and replacement fencing along the Property's frontage. With the potential expansion of the Applicant's school capacity, the Property will be naturally activated with more students.

***Subtitle K § 1005.3(a) – Coordination by the applicant with the Department of Employment Services (DOES) regarding apprenticeship and training opportunities during construction and operation at the subject site, and the provision of any internship or training opportunities during construction and operation at the subject site, either with the applicant or with contractors working on the project independent of DOES;***

During the Approved Case, the Applicant engaged a local organization in Ward 8 and a citywide organization that both individually operate a DOES-approved paid apprenticeship and training program for local high school and college students in construction as well as operations and will also refer interns to the Applicant. Accordingly, the Applicant, its general contractor, and Community College Preparatory Academy in Ward 8 are creating an apprenticeship and internship program partnership for individuals in the HVAC industry. CC Prep currently offers HVAC certificate courses.

***Subtitle K § 1005.3(b) – Efforts by the applicant to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the proposed project;***

During the Approved Case, the Applicant hosted a CBE outreach meeting to introduce the project and gauge initial interest from local contractors. Thereafter, local businesses submitted proposals to the Applicant's general contractor for construction subcontracts. The Applicant expects to have construction subcontracts with the local businesses in Wards 7 and 8. As noted in the Approved Case, local businesses will only be included in construction, as the Applicant must operate the public charter school.

***Subtitle K § 1005.3(c) – Efforts by the applicant to provide retail or commercial leasing opportunities to small and local businesses, especially Ward 8 businesses, and efforts to otherwise encourage local entrepreneurship and innovation; and***

While the Applicant strongly supports Ward 8 and its businesses, this requirement is not applicable due to the public school use proposed by the Revised Project.

***Subtitle K § 1005.3(d) - Coordination by the applicant with the State Archaeologist and any plans to study potential archeological resources at the subject site, and otherwise recognize local Anacostia history.***

In connection with the Approved Project, the Applicant met with the State Archaeologist on November 21, 2024. At the direction of the State Archaeologist, the Applicant contracted with Wetland Studies and Solutions, Inc., which prepared a Work Plan for the State Archaeologist's approval. The State Archaeologist later approved the Work Plan, which is applicable to the Revised Project. The Applicant expects to recognize local Anacostia history in an educational design feature for the Revised Project.

## **VI. THE MODIFICATION MEETS THE GENERAL STANDARDS FOR MANDATORY DESIGN REVIEW**

In addition to meeting the design review requirements in the NHR zone, the Applicant is also required to demonstrate compliance with the general standards for mandatory design review pursuant to Subtitle X § 604.1. The Revised Project continues to meet the mandatory design review standards as follows:

### **A. The Revised Project is not Inconsistent with the Comprehensive Plan and Other Public Policies Related to the Property (Subtitle X § 604.5)**

The Revised Project does not materially change the Commission's findings in the Order that the Approved Project is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the Property. Nonetheless, to ensure a complete record in this Modification, the Applicant is enclosing a Comprehensive Plan analysis of the Revised Project, which is attached hereto at **Exhibit H**.

### **B. The Revised Project will not Tend to Affect Adversely the use of Neighboring Property and Meets the General Special Exception Criteria of Subtitle X, Chapter 9 (Subtitle X § 604.6)**

The Revised Project does not materially differ from the Approved Project in terms of meeting the general special exception criteria of Subtitle X, Chapter 9. With respect to harmony with the purpose and intent of the Zoning Regulations, the Revised Project will provide aesthetic improvements to the Existing Building and a new addition that will better align with the architectural character of the surrounding development. With respect to adverse impacts, the Revised Project has less height and FAR than the Approved Project. The Revised Project will increase the number of parking spaces on site and will continue to use the existing drive aisle for efficient pick-up/drop-off procedures.

**C. The Revised Project is Consistent with the Commission’s Standards for Urban Design (Subtitle X § 604.7)**

The Zoning Commission shall review the urban design of the site and building for the following criteria:

***Subtitle X § 604.7(a) – Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:***

- (1) Multiple pedestrian entrances for large developments;***
- (2) Direct driveway or garage access to the street is discouraged;***
- (3) Commercial ground floors contain active uses with clear, inviting windows;***
- (4) Blank facades are prevented or minimized; and***
- (5) Wide sidewalks are provided.***

The Revised Project provides two entrances that are easily accessible from an internal sidewalk for students and staff. The proposed façade treatment for the Existing Building is intended to minimize blank facades and further activate the building’s frontage along Howard Road. The architecture on the rear addition is playful and inviting for students and the public. The existing two curb cuts will continue to be used for pick-up/drop-off maneuvers and to access the parking area. Although the Revised Project does not propose to widen the public sidewalk, the new landscaping and fencing will improve the pedestrian realm.

***Subtitle X § 604.7(b) – Public gathering spaces and open spaces are encouraged, especially in the following situations:***

- (1) Where neighborhood open space is lacking;***
- (2) Near transit stations or hubs; and***
- (3) When they can enhance existing parks and the waterfront.***

As with the Approved Project, the Revised Project will be gated and secured during school hours for safety purposes. Nonetheless, the Revised Project’s cafeteria will provide space for community events after school hours. The Revised Project also incorporates ample open green space along the eastern side of the Property that will contribute to a park-like setting.

***Subtitle X § 604.7(c) – New development respects the historic character of Washington’s neighborhoods, including:***

- (1) Developments near the District’s major boulevards and public spaces should reinforce the existing urban form;***

***(2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and***

***(3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.***

The Revised Project does not alter the Commission's findings as to the requirements of Subtitle X § 604.7(c), which largely pertain to guidelines that do not apply to the Property. As noted in the Approved Case, the neighborhood surrounding the Property is either unimproved or underdeveloped. The Property is not near a major boulevard or notable public space but, rather, is surrounded by a highway and open parkland. This separates the Property from historic Anacostia and any other established neighborhood. As such, there is no urban form or continuity of architectural character that presently exists.

***Subtitle X § 604.7(d) – Buildings strive for attractive and inspired façade design, including:***

***(1) Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and***

***(2) Incorporate contextual and quality building materials and fenestration.***

The proposed rear addition provides attractive and inspired façade design through the use of glass, corrugated metal and colored cementitious panels. The resulting architecture is modern, playful and inviting for students and staff. The addition's ground level reinforces the pedestrian realm with a three-story glass facade above the entrance. The glass extends toward the eastern side of the addition for views into the cafeteria. The exterior rear stair provides an architectural flourish by incorporating the perforated metal material that appears elsewhere on the façade. While the Existing Building will largely remain as-is, the Revised Project includes façade upgrades that will modernize and animate the frontage of the building.

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

The Revised Project will incorporate landscaping along Howard Road and maintain a majority of existing trees along the eastern side of the Property. The Revised Project will also have modern stormwater management features, including several bioretention areas, in accordance with current regulations.

***Subtitle X § 604.7(f) – Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:***

***(1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit;***

***(2) The development incorporates transit and bicycle facilities and amenities;***



*(3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*

*(4) Large sites are integrated into the surrounding community through street and pedestrian connections; and*

*(5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

Although the Revised Project does not propose the same level of public space improvement as the Approved Project, the Revised Project continues to meet the guidelines of Subtitle X § 604.7. The existing sidewalk adjacent to the Property provides safe pedestrian access to the Revised Project, as it has for current students at the Existing Building. The Revised Project will provide new short- and long-term bicycle parking with the short-term bicycle parking located directly adjacent to the primary school entrance to allow for safe and easy access. The Revised Project will include a replacement of the existing fencing to ensure children can play safely on the playground and green space along the Property's western side.

## **VII. ZONING RELIEF**

Under Subtitle K § 1006.1, the Commission may hear and decide additional requests for special exception relief, including from the development standards of Subtitle K § 1001 and the designated street design standards of Subtitle K § 1004. As part of this Modification, the Applicant requests the following special exception relief:

- Subtitle K § 1001.3 requiring a minimum residential FAR of 2.5;<sup>8</sup>
- Subtitle K § 1001.9 requiring a rear yard of 2.5 inches per foot of building height, but not less than 12 feet;
- Subtitle K § 1004.3(a) requiring buildings with frontage on a designated street to have a ground floor with a minimum clear height of 14 feet;
- Subtitle K § 1004.3(b) requiring buildings with frontage on a designated street to devote 50% of the surface area to display windows or pedestrian entrances;
- Subtitle C § 703.2 from the minimum vehicular parking requirements.

Additionally, the Applicant requests area variance relief from the requirements of Subtitle K § 1008.1 as the Revised Project will not achieve LEED Gold certification.

The Revised Project meets the standard for the above relief, as follows:

### **A. Rear Yard**

Pursuant to Subtitle K § 1001.9, the NHR zone requires a rear yard of 2.5 inches per foot of building height, with a minimum of 12 feet. Based on the proposed building height of 42'6",

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<sup>8</sup> As reflected in the Order, the Commission granted relief for the Approved Project from the minimum residential FAR requirements of Subtitle K § 1001.3. The Revised Project does not modify the basis for this relief.

the Revised Project must provide a rear yard at the minimum of 12 feet. The Project will have no rear yard and, therefore, special exception relief is requested.

1. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The rear yard relief is driven by the location of the addition, which must be sited to the rear of the Existing Building. A portion of the Revised Project complies with the rear yard setback requirement of 12 feet, with only the egress stair at the southwest corner of the addition being within the required rear yard. To that end, the unique shape of the Property's rear lot line creates a condition where the southeastern corner of the addition is setback between 9 feet and 13 feet from the rear lot line. Absent rear yard relief, the addition would be narrowed considerably, thereby reducing space dedicated to the classrooms and other support functions in the rear addition.

It should also be noted that there was likely an intent for Subtitle K § 4905.2 to exempt public schools in the NHR zone from the rear yard requirement where the rear lot line abuts public open space, a recreation area or a reservation. Despite Chapter 49 being entitled "Public Schools," and being located under Subtitle K for all Special Purpose Zones, including the NHR zone, Subtitle K § 4900.1 states the provisions of the Chapter only apply to the "RC-1" through "RC-3" zones. Yet, the RC zones (Reed-Cooke) are no longer in existence. Therefore, Chapter 49 could be a scrivener's error with the entire Chapter intended to apply to public schools in any Special Purpose Zone.

2. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

There are no active uses to the rear of the Property. The land that abuts the rear of the Property is open green space owned by the federal government and the I-295 highway ramp. The Revised Project is constructed well below the maximum height in the NHR zone, thereby limiting the massing within the required rear yard. Additionally, the eastern side of the Revised Project provides a 9- to 13-foot setback or is otherwise unimproved.

3. The Revised Project Meets Special Conditions for Rear Yard Relief

To grant special exception relief in the NHR zone, the Commission must find the conditions of Subtitle K § 1006.3 have been met. The Revised Project meets the conditions, as follows:

*(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;*

The Revised Project is not a residential use and, therefore, this condition is met.

*(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;*

The Revised Project is not an office use and, therefore, this condition is met.

*(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards; and*

There are no adjacent buildings to the rear of the Revised Project. As noted above, the Property abuts open green space and the I-295 highway to the rear.

*(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas.*

There are no parking or loading areas to the rear of the Revised Project.

4. The Relief Results in a Design that Still Complies with the Purposes of the NHR Zone

In addition to the general special exception standard, and any conditions, the Commission must find the relief results in a design that still complies with the purposes of the NHR zone. *See* Subtitle K § 1006.1. The rear yard relief does not impact the Revised Project's compliance with the purposes of the NHR zone. Rather, the relief allows for a required egress stair to be located by the rear lot line, a necessary element for the Revised Project to comply with building code requirements. Absent relief, the egress stair would have to be pushed to the north, reducing critical programming space in the rear addition.

**B. Designated Street Design Standards**

Since the Existing Building has frontage on a designated street – Howard Road – the Revised Project must comply with the design standards set forth under Subtitle K § 1004.3. The Applicant is requesting special exception relief from subsections (a) and (b) of the designated street design standards.

Under Subtitle K § 1004.3(a), the Revised Project's ground floor must have a minimum clear height of 14 feet for a depth of at least 36 feet from the building line on the designated street. Under Subtitle K § 1004.3(b), the Revised Project's ground story must have at least 50% surface area facing a designated street dedicated to display windows or pedestrian entrances with clear low-emissivity glass, and the view must not be blocked for 10 feet from the building face.

The relief is needed because the Revised Project will incorporate the Existing Building, which will largely remain as-is and is not compliant with Subtitle K §§ 1004.3(a-b). The Existing Building's ground floor is only 8'6" from floor-to-ceiling, less than the 14 feet required by Subtitle K § 1004.3(a). Additionally, the Revised Project includes only minor changes to the exterior of the Existing Building, which is currently clad in vinyl siding, not display windows.

1. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The Revised Project is subject to the NHR zone requirements due to the proposed rear addition. Whereas, only minor changes are proposed to the Existing Building's façade, which was constructed well before the NHR zone and its design requirements were created. Yet, the designated street design standards apply to a building's "frontage" on a designated street. For the Revised Project, this means the design standards apply to the Existing Building, as the rear addition does not have "frontage" on Howard Road.

As detailed above, the Applicant is pursuing the Revised Project due to financing challenges in constructing the Approved Project. To account for these budgeting realities, the Revised Project aims to incorporate the Existing Building with limited changes, but still meet the Applicant's programming and expansion goals through the rear addition. Given these over-arching goals of the Revised Project, meeting the design standards of Subtitle K §§ 1004.3(a-b) would require substantial changes to the Existing Building, including raising of the existing slabs and a remodel of the façade from vinyl to glass. These changes would make the Revised Project infeasible.

2. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The relief is from a design standard and, therefore, is not likely to affect the use of neighboring property. With the exception of rear yard, the Revised Project otherwise complies with the physical development standards of the NHR zone. Further, the Existing Building was constructed in 2002, and the Applicant's school has been part of the neighborhood for over a decade. The Revised Project aims to allow the Applicant's school to remain in the community

3. The Relief Results in a Design that Still Complies with the Purposes of the NHR Zone

The Revised Project endeavors to meet the central tenets of the NHR zone. The Revised Project proposes modest changes to the Existing Building's frontage in order to modernize the façade and create a stronger architectural connection to the surrounding neighborhood. The façade changes incorporate a new awning and the green paneling and perforated metal detailing that appears in the rear addition.

Since the rear addition will be new construction, there is greater latitude to meet the purpose of the NHR zone. The rear addition will meet the requirements of Subtitle K § 1004.3(b) by providing over 50% of the ground floor façade with display windows.<sup>9</sup> The glazing is continued up three stories around the entrance area to the rear addition to reinforce this design standard. Elsewhere, the rear addition aims for a modern, playful approach with similar architectural stylings to the Approved Project. In totality, the Revised Project will be consistent with the prevailing architecture in the neighborhood.

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<sup>9</sup> The rear addition must have the same floor-to-ceiling heights as the Existing Building; therefore, the rear addition could not provide the 14-foot clear height on the ground level as envisioned under Subtitle K § 1004.3(a).

### C. Vehicular Parking

The Existing Building was constructed pursuant to the Zoning Regulations of 1958 and is served by 37 parking spaces. Under Subtitle C §§ 701.10 and 701.14, required parking spaces cannot be reduced or removed so long as the structure and use they serve remains in existence. Therefore, despite the Revised Project being proposed under the Zoning Regulations of 2016, the Revised Project must maintain the existing 37 parking spaces.<sup>10</sup> Special exception relief is needed because the Revised Project will remove two parking spaces to provide a loading area, which will reduce the total count to 35 parking spaces.

#### 1. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The Applicant requests a modest reduction of two spaces for the Revised Project. The parking provided well exceeds the 8 parking spaces that would be required for the Revised Project under the Zoning Regulations of 2016.<sup>11</sup> The proposed parking also exceeds the 33 spaces that would have served the Approved Project.

As part of the Approved Case, the Department of Transportation (“DDOT”) found that the proposed 33 parking spaces were *more than* “practically needed” but that the Applicant had mitigated the potential impacts of excess parking through a transportation demand management plan that encourages walking, taking transit, and bicycling to and from the school rather than driving. The Revised Project’s 35 parking spaces are only a modest increase from the 33 spaces in the Approved Project, and the Applicant will continue to propose the transportation demand management plan in the Order.

#### 2. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The 35 parking spaces are sufficient to meet the needs of the Applicant’s teachers, staff and families. As noted, DDOT found 33 spaces to be more than what is needed to serve the Approved Project; therefore, 35 spaces are sufficient to serve the Revised Project, which has less square footage than the Approved Project. The Property is in close proximity to the Anacostia Metrorail Station, which will provide an alternative form of public transportation to access the Revised Project. The Applicant’s transportation demand management plan will also encourage alternative forms of public transportation.

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<sup>10</sup> Under Subtitle C § 704.1, the rear addition triggers an additional vehicular parking requirement because it expands gross floor area by more than 25% over the Existing Building. The new parking requirement is based only upon the gross floor area of the addition, which is 26,541 sq. ft. A public education use requires 0.25 spaces per 1,000 sq. ft., which is a 7 space requirement for the addition; however, due to proximity to Metrorail, this requirement is reduced by 50% to 4 spaces. Under ZR-58, the parking requirement for a public school use was 2 spaces per 3 teachers and staff. Based on the current levels of 89 teachers and staff, the Existing Building has a parking requirement of 59 spaces. Accordingly, there is a parking “credit” of 22 spaces that is sufficient to meet the new 4-space requirement.

<sup>11</sup> The Revised Project – both existing and new buildings – is 62,541 sq. ft., which results in a 16 space requirement. The Property is also within ½ mile of the Anacostia Metrorail station and, therefore, is entitled to reduce the parking requirement by 50%. Accordingly, under ZR-16, the Revised Project would have a parking requirement of 8 spaces.

### 3. The Revised Project Meets the Special Conditions for Parking Relief

The Revised Project meets several of the special conditions for parking relief pursuant to Subtitle C § 703.2. Under Subtitle C § 703.2(a), the Revised Project will largely maintain the existing drive aisle and parking area that serve the school. Two spaces are being removed to provide a new loading area, as the Existing Building does not have loading. Since the parking area is not being physically expanded, there are “physical constraints” to providing more parking. Further, parking cannot be provided on another lot because the Applicant does not own another private property within 600 feet of the Property.

Under Subtitle C § 703.2(b), the Revised Project is particularly well-served by mass transit, as the Property is within 500 feet of the Anacostia Metrorail Station. There are also stops for bus lines A8 and W5 located at the Metrorail Station. Further, under Subtitle C § 703.2(e), the nature of the public school use is expected to generate less demand for parking than the minimum standards require. The Revised Project is “grand-fathered” under the ZR-58 parking requirements, which required significantly more parking than under ZR-16. To that end, the current parking requirement under ZR-16 is a more accurate reflection of the expected demand, and the proposed 35 spaces well exceed the current requirement of 8 spaces.

Additionally, the Revised Project meets the special requirements of Subtitle C § 703.3. Under Subtitle C § 703.3(a), the reduction of 2 spaces is proportionate to the reduction in parking demand, as reflected in the significantly lower parking ratio under the current Zoning Regulations. Under Subtitle C § 703.3(b), the Applicant cannot provide additional spaces on site, as the Revised Project is not altering the physical size of the parking area. The Applicant also seeks to preserve the eastern side of the Property for student recreation space. And, under Subtitle C § 703.3(c), the Applicant is only seeking relief for the number of parking spaces.

#### **D. LEED Gold Certification**

Under Subtitle K § 1008.1, the NHR zone requires a new or substantially improved building to earn LEED v.4.1 Gold certification for new construction. While the rear addition will be LEED-certified, the Revised Project will not achieve LEED Gold. Since Subtitle K § 1006.1 does not specifically reference special exception relief from this subsection, the Applicant is requesting area variance relief.

Under D.C. Code § 6-641.07(g)(3) and 11 DCMR § X-1000.1, the Commission is authorized to grant an area variance where it finds that:

- (1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) The owner would encounter practical difficulties if the Zoning Regulations were strictly applied; and
- (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995).

Applicants for an area variance must demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

The Revised Project meets the area variance standard as follows:

1. Exceptional or Unique Condition

The Revised Project is affected by an exceptional or unique condition because it incorporates the Existing Building. The Existing Building was constructed in 2002 before the creation of the NHR zone and the sustainability requirements of Subtitle K § 1008.1. Notably, the Existing Building did not achieve LEED certification, which was first released only four years before the Existing Building was constructed.

2. Practical Difficulty

The construction of a new addition to the Existing Building, which is not LEED certified, creates practical difficulties in meeting the requirements of Subtitle K § 1008.1. Specifically, to achieve LEED Gold certification for new construction, the Revised Project must meet certain conditions in a variety of disciplines, including location/transportation, water efficiency, energy usage, materials, and indoor environmental quality. However, several of the disciplines are reliant on conditions within the Existing Building, including water use reduction, energy performance and indoor air quality.

Further, Subtitle K § 1008.1 only applies to “each building constructed or substantially improved.” Therefore, only the new addition is obligated to achieve LEED Gold certification. The Revised Project entails minor changes to the interior of the Existing Building, with the scope of those changes below the “substantially improved” threshold for the applicability of Subtitle K § 1008.1. Yet, the new addition’s ability to be certified as LEED Gold is directly tied to the Existing Building, which is not LEED certified. This creates practical difficulties in achieving LEED Gold certification for the Revised Project.

3. No Substantial Detriment to the Public Good or Zone Plan

The Revised Project will substantially improve the Property while providing a new facility for the Applicant’s students and staff. Despite not achieving LEED Gold, the Revised Project endeavors to incorporate sustainability measures, including new solar panels that will achieve the on-site renewable energy requirements of Subtitle K § 1008.2 for the new addition. The Revised Project will also provide stormwater management measures.

The relief will not be a detriment to the zone plan, as the requirements of Subtitle K § 1008.1 were intended for new construction, not additions to existing buildings. As outlined above, the Revised Project does not fit neatly into this requirement and, therefore, would not set a broader precedent in the neighborhood.

## **VIII. COMMUNITY AND AGENCY OUTREACH**

In connection with the Approved Case, the Applicant presented to ANC 8A at its public meetings in October 2024, November 2024, and January 2025. ANC 8A ultimately voted unanimously to support the Approved Project. For the Modification, the Applicant attended ANC 8A's public meeting on September 2, 2025 to discuss the Revised Project. Following the filing of this Modification, the Applicant will contact ANC 8A to present at its next available meeting.

## **IX. CONCLUSION**

In conclusion, this Modification and the Revised Project meet the Zoning Commission's standards to modify the Approved Project pursuant to Subtitle Z § 704.4 and Subtitle K § 1005. We thank you for your attention to this Modification and look forward to presenting the Revised Project to the Zoning Commission at a public hearing.

Sincerely,  
COZEN O'CONNOR



Eric J. DeBear