

*NOTE: This order is amended by Z.C. Order No. 534.

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 484

Case No, 85-15F/84-14P

March 10, 1986

(Catholic Conference " PUD)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on January 16, 1986. At that hearing session, the Zoning Commission considered an application from the National Conference of Catholic Bishops (NCCB) and the United States Catholic Conference (USCC) for second-stage (final) review and approval of a Planned Unit Development (PUD) and related map amendment, pursuant to Sections 7501 and 9101, respectively, of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed on September 17, 1985, requests final approval of a Planned Unit Development and related change of zoning from R-5-A to SP-1 far parcel 133/131. The applicants proposed to construct a single-purpose office building which will house the new headquarters of the NCCB/USCC.
2. The PUD site is located on the east side of 4th Street approximately 540 feet south of the intersection of 4th Street and Michigan Avenue, N.E. The square in which the site is located is bounded by Michigan Avenue to the north, 7th Street, N.E. to the east, 4th Street N.E. to the west and Girard Street, N.E. to the south. The site consists of 217,948 square feet of vacant land. The site is located between the Theological College at 401 Michigan Avenue, N.E. and St. Paul's College at 3015 4th Street, N.E. The site is within the boundaries of the Catholic University master plan approved by the Board of Zoning Adjustment.
3. The subject site is located in the R-5-A District.

4. The R-5-A District permits as a matter-of-right new residential development consisting entirely of single family detached and semi-detached dwellings. With the approval of the Board of Zoning Adjustment (BZA), the R-5-A District permits other new residential development of rowhouses, flats and apartments to a maximum lot occupancy of forty percent, a maximum floor area ratio (FAR) of 0.9, and a maximum height of three stories/forty feet. The BZA must also approve the minimum lot area and lot width for new development of any other use in the R-5-A District.
5. The proposed SF-1 District permits matter-of-right medium density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA, to a maximum height of sixty-five feet, a maximum FAR of 4.0 of which no more than 2.5 FAR may be devoted to other-than-residential uses and a maximum lot occupancy of eighty percent for residential uses.
6. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed or be lesser than the matter-of-right standards identified above, The Commission may also approve uses that are permitted as a special exception by the BZA.
7. The area surrounding the subject site is occupied by institutional and religious uses which include the Catholic University of America, the Shrine of the Immaculate Conception, the Theological College, the Oblate College, the Holy Redeemer College, St. Paul's College, Trinity College, the United States Soldier's Home and the Washington Hospital Center,
8. The subject site is shaped like a trapezoid and measures 582.02 feet on the northern boundary, 771.64 feet on the southern boundary, 323.93 feet on the eastern boundary and 357.05 feet on the western boundary. It has a frontage of approximately 350 feet on 4th Street, N.E., and extends east to a depth of approximately 650 feet. The site is grassy and somewhat hilly with a treed knoll on the 4th Street boundary of the site which forms a visual screen from the street. There are three tennis courts on the site which are in poor condition and are seldom used. The proposed building plan will preserve as much of the existing topography and natural features of the site as possible.
9. The site abuts R-5-A zoned property on all sides. Further to the northeast and southeast of the site is R-4 zoned and developed property. Farther to the east

is C-M-1 zoned property which follows the frontage of the Metrorail tracks. The nearest SP zoned property, located approximately one-half mile to the southwest near Michigan Avenue and First Street, N.W. and is the site of Children's Hospital.

10. The District of Columbia Generalized Land-Use Element of the Comprehensive Plan includes the PUD site in the category of "institutional."
11. The applicants propose to construct a single-purpose office building which will house the new headquarters of the NCCB/USCC. The NCCB/USCC is presently headquartered at 1312 Massachusetts Avenue,, N.W. Those organizations have been at that location for over thirty years. Due to space limitations, they must relocate to a larger facility which can accommodate their present and future needs. They are both nonprofit organizations, and as such, the headquarters building is first permitted in the SP-1 Zone District.
12. The proposed building will contain 169,000 square feet of gross floor area, with a total FAR of 0.65. The height of the building will be sixty-five feet. It will occupy fifteen percent of the lot. Initially, there will be 200 surface automobile parking spaces to the rear of the building. The building will consists of five stories plus a basement.
13. Vehicular access to the site will be from 4th Street, N.E. The entry driveway will be located along the southern boundary of the property leading to a visitor drop-off/entry point and then to the parking area located to the rear of the building. There will be a pedestrian access across the adjoining property to the north, leading to Michigan Avenue, N.E. and the Brookland Metrorail Station.
14. The existing zoning would permit a development of approximately 196,000 square feet of housing for approximately 200 units. Given the location and constraints of the site, however, it is unlikely that the site would ever be used for general, market-rate housing.
15. The effect of approval of the subject application would be to allow for the proposed nonprofit office use but at a density and bulk significantly less than the maximum now permitted as a matter-of-right.
16. The proposed use is consistent with the surrounding land uses which are institutional in nature. The ties between the applicants, the Shrine of the Immaculate Conception, the Catholic University of America, and

other institutions in the area indicate a compatibility of uses for the area.

17. The proposed PUG project will not have any adverse land use impact on the surrounding area. The subject site is surrounded by uses which are institutional in character. The configuration of the building, the preservation of open space on the site and the sensitive landscaping of the site, including the preservation of existing slopes and vegetation, minimizes the impact of the PUD on the area. The building will be compatible in scale, mass and design to that of the surrounding buildings.
18. The applicants propose to develop the property on a single lot of record. All services such as trash collection, snow removal and maintenance of the open areas will be managed and paid for by the applicants.
19. The applicants indicated that the proposed PUD results in the efficient and economical utilization of the site, attractive urban design, provisions of desired open space and adequately assures the protection of the public health, safety, welfare and convenience.
20. The applicants indicated that the proposed PUD is consistent with the existing physical character and land use patterns in the area. It will not adversely impact the various city services and will result in a positive fiscal impact on the District of Columbia. The project will result in the retention of approximately 275 permanent jobs in the District of Columbia and the creation of approximately 165 construction jobs over a two year period. This construction activity will result in an increase in the tax revenues to the District. In addition, general revenue to the District will increase as a result of retaining the NCCB/USCC within the District's jurisdiction.
21. The building's location on the site, its shape, configuration and general massing were dictated by the site's context and location, with emphasis on the 4th Street vista and the nature of the surrounding structures. The logic of the site demands that the building be designed in a "winged" configuration in order to preserve the existing topography and vegetation. The applicants' architect testified that the proposed shade of green glass was selected because it would be complementary to the precast limestone and green roof proposed for the building.
22. The applicants indicated that the project will also be consistent with the District of Columbia Comprehensive Plan Act of 1984 in promoting improvement in land use,

urban design, recreation and open space, economic development, air and water quality noise, solid waste disposal and energy conservation. The proposed PUD will allow the site to be rationally developed with sufficient provision of open space to insure the protection of neighboring properties, The use, bulk and scope of the project through the PUD process will be in complete conformance with the neighborhood.

23. The project will be landscaped in a manner which will preserve to the greatest extent the natural topography and existing trees on the site. The landscape details will be consistent with, and complementary to, the surrounding land uses. The applicants indicated that the landscape plan satisfies the goals and policies of the Urban Design Element of the District of Columbia Comprehensive Plan.
24. The applicants indicated that the adopted Generalized Land Use Map of the Comprehensive Plan depicts the area south of Michigan Avenue in the "institutional" category. The proposed office use of an institutional character and related to the other institutional uses in the area is not inconsistent with the Comprehensive Plan.
25. The transportation network in the vicinity of the site is adequate to handle any new traffic generated by the proposal. There will be no adverse transportation impact on the District or the neighborhood due to the proposed development. The proposed project satisfies the goals and policies of and is consistent with the Transportation Element of the District of Columbia Comprehensive Plan.
26. On May 13, 1985, the Zoning Commission, by Z.C. Order No. 455, granted first-stage (preliminary) approval of a PUD, subject to conditions, guidelines, and standards. The PUD provisions of the Zoning Regulations require the applicants to conform to those development conditions upon filing an application for second-stage (final) PUD review. With respects to those guidelines conditions and standards, the applicants proffer the following:
 - a. The applicants filed an application for final approval of a PUD and an application for rezoning of the subject property from R-5-A to SP-1.
 - b. The final design of the project is based upon the architectural plans and sketches approved by the Zoning Commission as part of the first stage application as modified by the guidelines, conditions and standards contained in Z. C. Order No. 455.

- c. The building will be used for the offices of NCCB/USCC, any successor or affiliated organizations, or other non-profit organizations related to the surrounding institutional and educational uses in the area, such as the Catholic University of America, Trinity College, the Shrine of the Immaculate Conception, and other organizations related to the Catholic Church.
- d. The FAR for the project has increased from 0.61 to 0.65. This slight increase has resulted because of the refinement of the design including using a larger, actual scale in producing the drawings.
- e. The height of the building is sixty-five feet measured from building entry.
- f. The overall lot occupancy of the building is fifteen percent.
- g. The applicants will provide 200 parking spaces, but requests the flexibility to increase parking to 225 spaces if the parking demand justifies such an increase over a reasonable period of time after completion of the building. All of the parking spaces provided will be used for employees and visitors to the building.
- h. All loading and service activity will be located in the rear of the building and will be screened from the street.
- i. The second-stage application includes a detailed landscape plan which contains an inventory of existing trees east of the rear building line and the location of any trees that will be removed.
- j. The Landscape Plan includes the lighting scheme for the site. Lighting will be provided around the building and the parking lot area in order to provide adequate security, but will not infringe on the serenity of the neighborhood.
- k. The second-stage application includes plans for the walkway which have been approved by the owner of the fee simple interest in the land and will be granted by perpetual easement on the date of purchase of the property.

- l. The second-stage application includes a storm water management plan and related grading plan.
 - m. The second-stage application includes detailed plans and elevations for the project, including information regarding building materials, color and other details. The final exterior design of the building has been refined from the alternative design sketches submitted to the Commission as Exhibit 54-B of the record using alternative A of Exhibit 54-B as a starting point in the design's evolution. The final design of the building has generally uniform facades so as to avoid the appearance of two separate buildings.
 - n. The applicants filed one second-stage application for the entire program. The building will be constructed in one phase. There will be no phasing of construction or landscaping.
 - o. No trees have been removed and no landscaping or grading has taken place on the site since the first-stage approval was granted- No site work will take place until final approval of this application is granted.
 - p. The second-stage application was filed within one year of the effective date of Zoning Commission Order No. 455.
27. The applicants proposed two changes in the development conditions of its second stage application since the first stage approval was granted. Those changes include the following as a result of refinement of design:
- a. The FAR of the project has increased from 0.61 to 0.65.
 - b. The gross floor area of the building has increased from 159,239 to 169,000 square feet.
28. The applicants proffered that the second-stage application is in accordance with the intent and purpose of the Zoning Regulations, the PUD process and the preliminary approval as set forth in Zoning Commission Order No. 455.
29. The applicants requested certain flexibility in its final design and plans as follows:

- a. Vary the location and design of all interior components, including partitions, doors, and hallways, provided that such relocations are in compliance with the maximum and minimum standards set by the Commission:
 - b. Make minor adjustments in the facade and window detailing, provided that the maximum and maximum FAR approved by the Commission is not increased:
 - c. Vary the type and location of the lighting fixtures as shown on the landscape and lighting plan, Figures 3.33 and 3.34, of the second-stage application;
 - d. Vary the type of plant materials as shown on the Landscape and Lighting Plan, Figures 3.33 and 3.34, of the second-stage application:
and
 - e. Increase the number of parking spaces from 200 to 225 spaces, if, after a reasonable period of time after completion of the building, the parking demand justifies such an increase*
30. The District of Columbia Office of Planning (OP), by memoranda dated January 6, 1986 and February 7, 1986, and by testimony presented at the public hearing, reported that the second-stage application is in accordance with the guidelines, conditions and standards set forth in Z.C. Order No. 455. The OP indicated that "The guaranteed institutional land use of the property by the NCCB and USCC, building design, and site treatment (landscaping, parking provisions! walkway easement) are considered by the OP as the major amenities and selling points of this PUD application. These amenities will act to harmonize with and solidify the project's relationship with architectural and use characteristics of the religious/academic community nearby." The OP recommended that the application be approved, subject to the conditions in its memorandum dated February 7, 1986.
31. The District of Columbia Department of Public Works (DPW), by memorandum dated December 23, 1985, indicated that it addressed the primary issues in the first-stage PUD application and found that the proposed PUD does not pose any new or significant traffic and/or parking concerns. The only concern raised by the DPW relates to the dimension and design of the truck loading and the trash pick-up area. The DPW noted that the applicants' plans provided for two thirty-foot loading

berths and that the Zoning Regulations require two thirty-foot loading berths, along with a twenty-foot service delivery space. The DPW report recommended that the applicants provide a separate trash pick-up area and the required service delivery space, along with a tracking diagram indicating turning movements. The DPW further noted that the applicants had agreed to provide a modified plan which would address its concerns.

32. The DPW, however, by testimony presented at the public hearing, indicated that it had met with the applicants, subsequent to the filing of its report, to review the revised loading plan. The DPW reported that it was fully satisfied that the plan was in compliance with the requirements of the Zoning Regulations.
33. Advisory Neighborhood Commission - 5C did not submit a report nor appeared at the public hearing.
34. The Edgewood Civic Association (ECA), by letter dated December 13, 1985, stated that the proposed use is compatible with the neighborhood and the surrounding educational and institutional uses. It also stated that the final design of the building is architecturally compatible with the surrounding uses and that the building would complement the surrounding institutional uses and the neighborhood. Further, the ECA noted that the applicants would voluntarily participate in the first-source employment program and would encourage its contractors to do the same.
35. There were no other parties or persons in support nor opposition to the application.
36. The Commission concurs with the recommendations of the Office and Planning.
37. The Commission finds that the applicants have adequately addressed the concerns raised by the DPW, and that the modification to the loading area meets the requirements of the Zoning Regulations and is sufficient to ensure proper and safe turning movements.
38. The Commission expressed concern at the public hearing regarding the glass color proposed for the windows of the building. During the hearing, the Commission indicated that the shade of green as shown in pictures presented by the applicants may become overwhelming and tend to dominate the project. The Commission determined that the color of the glass would be subject to its review before a final selection was made. The selection process will not require further hearing, but only an opportunity for the Commission to review

different glass samples. The Commission noted that it is not its intent to delay the construction of the project, and that building permits could be obtained in the meantime.

39. The Commission also expressed concern at the public hearing regarding access and parking provisions for the handicapped. The Commission finds that the revised parking plans submitted by the applicants on January 29, 1986 satisfies its concerns,
40. As to the request for design flexibility by the applicants, the Commission finds that it is not unreasonable to consider the applicants' request, but is not prepared to grant flexibility for all of the matters raised by the applicants.
41. The Commission expressed concerns related to certain features of the satellite antenna. The Commission believes that it has reasonably addressed its concerns in its decision, in light of the fact that the Commission is presently considering a proposal to amend the antenna provisions of the Zoning Regulations.
42. The Commission finds that the applicants have met the intent and purpose of the Zoning Regulations, the Planned Unit Development process, and the preliminary approval including the related conditions, guidelines, and standards,
43. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated March 6, 1986, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan of the National Capital,

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use 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,

3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.
5. The approval of this PUD application is consistent with the purposes of the Zoning Act.
6. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
7. The approval of this application will promote orderly development 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 Conclusions of Law herein, the District of Columbia Zoning Commission hereby orders APPROVAL of this second-stage application for a Planned Unit Development and change of zoning from R-5-A to SP-1 for parcel 133/131 located on the east side of Fourth Street, N.E. approximately 540 feet south of Michigan Avenue. The approval of this PUD and change of zoning are subject to the following guidelines, conditions, and standards:

1. The planned unit development (PUD) shall be developed in accordance with the plans prepared by Leo A. Daly, Architects, marked as Exhibits No. 9, 12, 24, and 39 of the record, as modified by the guidelines, conditions, and standards of the order.
2. The property shall be used for the offices of the National Conference of Catholic Bishops and the United States Catholic Conference, any successor affiliated organization, or other non-profit organizations which are related to the other institutional and educational uses in the area.
3. The floor area ratio (FAR) for the project shall not exceed 0.65.
4. The height of the building shall not exceed sixty-five feet.
5. The lot occupancy shall not exceed fifteen percent.

6. A maximum of 200 off-street parking spaces shall be provided. If this number of parking spaces proves to be insufficient due to future program changes, the applicant may increase the number of spaces to a maximum 225, The applicant shall obtain the written approval of the Office of Planning and the Department of Public Works prior to the construction of any additional spaces. All parking spaces shall be accessory to the use of the building on the site, and shall not serve other uses in the area.
7. The final design shall include two thirty-foot loading berths, and a twenty-foot service delivery space. There shall be no trash pick up or removal in the loading area.
8. The final design shall include seven handicapped parking spaces as shown on the plans marked as Exhibit No. 39 of the record.
9. The selection of the glass color for the building shall be subject to the final approval of the Commission. The applicant shall submit glass samples to the Commission for approval prior to the installation of the glass in the building and prior to applying for a certificate of occupancy. No certificate of occupancy shall be issued until the Commission has determined the color of glass. This will not delay the applicant in obtaining the necessary District of Columbia approvals, including, but not limited to, subdivision, building permits, or the like, or from beginning construction of the building,
10. The color of the roof material of the building shall be the same as identified in Exhibit No, 24d of the record.
11. The determination of the color of the satellite antenna shall be subject to the effectuation of the proposed antenna regulations which are currently being considered by the Zoning Commission, If the regulations are not in effect by February 10, 1987, the color of the antenna shall be left to the determination of the applicant. The location and screening of the satellite antenna shall be as shown on Exhibit No. 39 of the record.
12. Landscaping shall be provided as indicated in the landscaping and lighting plan submitted as Exhibit No. 24a, b & c, sheet No. 11 of Exhibit No. 9, and as superseded by Exhibit No. 39.
13. The storm water management program for the project shall be executed as outlined in Exhibit No, 34 of the

record, subject to final review by the Department of Public Works.

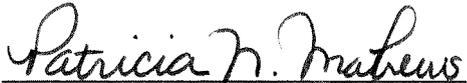
14. The applicant is granted the following flexibility in addition to the flexibility permitted, pursuant to Section 7501.84 of the Zoning Regulations:
 - a. Vary the location and design of all interior components, including partitions, doors, and hallways, provided that such relocations are in compliance with the maximum and minimum standards set by the Commission;
 - b. Vary the type and location of the lighting fixtures as shown on the Landscape and Lighting Plan, Figures 3.33 and 3.34, of the second-stage application; and
 - c. Subject to Condition No. 6 herein, increase the size of the parking lot from 200 to 225 spaces if, after a reasonable period of time after completion of the building, the parking demand justifies such an increase.
15. The change of zoning from R-5-A to SP-1 shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
16. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order, Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.
17. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this Order, or amendments thereof, of the Zoning Commission.
18. When the covenant is recorded in the land records of the District of Columbia, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission,

Vote of the Zoning Commission taken at the public meeting on February 10, 1986: 4-0 (Patricia N. Mathews, John G.

Parsons, George M. White, and Lindsley Williams, to approve with conditions - Maybelle T. Bennett, not voting having recused herself from the case).

This order was adopted by the Zoning Commission at its public meeting held on March 10, 1986 by a vote of 4-0: (John G. Parsons, Lindsley Williams, George M. White, and Patricia N. Mathews, to adopt as amended - Maybelle T. Bennett, not voting having recused herself from the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 21 MAR 1986.



PATRICIA N. MATHEWS
Chairperson
Zoning Commission



CECIL B. TUCKER
Acting Executive Director
Zoning Secretariat

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