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VIA HAND DELIVERY

Zoning Commission
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D C 20001

Re Zoning Commission Case No 04-13
PUD and Map Amendment at 1200 R Street, N.W

Dear Commissioners·

On behalf of Logan Phase II, LLC, the Applicant in the above-referenced case ("Applicant"), we are submitting herewith the following information requested by the Commission at its December 2, 2004, hearing.

1 Church Community Room

In response to issued raised by the Zoning Commission, the Applicant and the Office of Planning met to discuss the parameters of the Metropolitan Baptist Church community room and measures to ensure its successful integration with the residential component of the PUD and the adjacent community As a result of those discussions, OP agreed that the condominium regime created for the PUD and its governing documents were the appropriate mechanism to ensure operational controls on the community room. The 63 residential units, the community room, and the parking spaces would each be individually owned and each would have a proportionate share of the voting rights within the condominium Should any operations of the community room become objectionable, the owners could institute controls through action by the condominium's Board of Directors Accordingly, there is no need for a time-limit on the approval of the church community room to evaluate any potential adverse impacts on the residents

Because the church community room is being offered as a benefit of the PUD, the Commission also raised questions regarding the disposition of the benefit should the church decide to relocate its programs and sell the space The Applicant, Metropolitan Baptist Church and the Office of Planning agreed that the space could be sold and converted to one to three residential units, thereby substituting one type of benefit for another.

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District of Columbia
CASE NO.04-13
EXHIBIT NO.35

Through their discussions, the Applicant, the Church and the Office of Planning have further clarified the uses of the community room. The space will include a multi-function room for approximately 80 people to be used as a chapel for small weddings, funerals and other religious services and events; a museum showcasing Metropolitan Baptist Church's history in the District of Columbia; approximately three small ministry offices (or such office space as may be required for the church to conduct its affairs) for Christ-centered counseling and therapy programs for individuals and small groups The offices and multi-purpose space will also host literacy programs for citizens of the Shaw Community and the District of Columbia at-large, community development programs such as housing counseling and financial literacy programs for small groups, and other such programs and initiatives which are consistent with the church's historic contribution to community welfare and growth as well as other community outreach venues that are typical of urban church efforts. The space will also include a reception area, a closet, a small kitchenette, and restrooms The multi-purpose room will be able to seat approximately 80 people, an additional 5 people at the stage area, and another 1-2 persons per office for a maximum total capacity of approximately 91 persons.

The Church Community Room will be made available for use by residents of the building and community organizations at least two days per month Additional times may be arranged through the Church as the room is available Any programs operated in the community room will end by 11 00 p m in deference to the residential component of the project. Further, in order to ensure the greatest amount of privacy for the residents, the community room will be accessible through the Vermont Avenue entrance

2 Supplemental Drawings

Drawing A-5 The exterior stairs along R Street NW have been coordinated with the elevations. The elevation remains the same and the floor plan unchanged The revised plan also shows the layout of the church community room, whose functions are described in greater detail below

Drawing A-6. As in A-5, the exterior stair locations have been shown and coordinated with the elevation The guardrail above the rear retaining walls has been called out

Drawing A-11a This document is the Applicant's "sample board " It contains photos of the proposed facade materials samples (brick, mortar, cast stone, and metal panels) and correlates them to the elevation

Drawing A-12· This document has been revised to show the 3'-6" high guardrail to be mounted on top of the retaining walls which will stop just above grade

3 Proposed Draft Order

Finally, the Applicant submits herewith its proposed Findings of Facts, Conclusions of Law and Order in this case

Respectfully submitted,

HOLLAND & KNIGHT LLP

By. _____
Mary Carolyn Brown

Attachment

cc. Stephen Mordfin, OP (by hand)
Madeliene Dobbins, Metropolitan Baptist Church

APPLICANT'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 04-13
Case No. 04-13
Consolidated Planned Unit Development for
the Property Located at 1200-1224 R Street, N.W.
Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 45 in Square 277

January 13, 2005

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on January 13, 2005, to consider an application from Logan Phase II, LLC (the "Applicant"), for consolidated review and approval of a planned unit development ("PUD") and related map amendment to rezone the property from the R-4 to the R-5-B District The application was filed on behalf of and with the consent of Metropolitan Baptist Church, Elery Dunn, and Marie B. Carter, and Yvonne Rosenberg, the contract sellers of the PUD site. At the time of the hearing, the church had sold its property to the Applicant The Commission considered the application pursuant to chapters 24 and 30 of the D C. 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 Applications, Parties and Hearing

1 On May 20, 2004, the Applicant filed an application with the Zoning Commission for consolidated review and approval of a PUD for the property located at Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 45 in Square 277, at 1200-1224 R Street, N.W., Washington, D C The project site has a street frontage of approximately 253 feet on R Street and approximately 109 feet on Vermont Avenue Consisting of approximately 23,251 square feet of land area, the PUD site is located in the R-4 District. The Applicant also requested a map amendment to rezone all of the property except Lot 45 from the R-4 to the R-5-B District The application was later amended to include Lot 45 in the rezoning request

2 At its public meeting held July 12, 2004, the Zoning Commission requested additional information from the Applicant. At its public meeting held September 13, 2004, the Zoning Commission voted to schedule a public hearing on the application.

3. After proper notice, the Zoning Commission held a hearing on the application on December 2, 2004. The parties to the case were the Applicant and Advisory Neighborhood Commission 2F, the ANC in which the property is located

4. There were no parties in opposition. The record contains one letter in opposition from the resident at 1645 13th Street, N W , who expressed concern about overbuilding in the Logan Circle neighborhood, construction of another "high-rise" building, and parking shortages. The resident did not appear at the hearing.

5. By letters dated August 25, 2004, and November 28, 2004, Jack Evans, Councilmember for Ward Two, expressed his strong support for the project, noting that: a) the project is critical for continued residential development and stabilization of the Logan Circle area, b) the provision of housing and affordable housing, and parking for sale to the neighborhood are significant benefits of the PUD; c) the design is consistent with the adjacent historic district, and d) the overall benefits and amenities are exceptional to warrant a waiver of the minimum area requirements for a PUD in the R-5-B District.

6 ANC 2F submitted a report and testified as a party in strong support of the application at the hearing. The ANC noted that the benefits and amenities of the PUD are exceptional in quality to satisfy not only the PUD standards but a waiver from the minimum PUD area requirements as well

7. At the close of the hearing, the Commission held the record open to receive the following additional items: (i) additional architectural drawings to correct inconsistencies between the elevations and plans, particularly with respect to the stairs, (ii) an architectural drawing showing the retaining wall and guard rail and the rear elevation; (iii) photographs of the building materials, (iv) a more detailed explanation of the church community programs as a public benefit and how the room is integrated with the condominium association; mechanisms for controlling any adverse impacts, the life expectancy of the church programs, and plans for the space if the church programs relocate The Applicant submitted the requested materials on December 21, 2004

8 At its meeting held January 13, 2005, the Zoning Commission took proposed action by a vote of _____ to approve with conditions the applications and plans that were submitted to the record

9 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. NCPC, by action dated _____, found the proposed PUD and related map amendment would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

10. The Zoning Commission took final action to approve the modified application on _____.

Waiver of Minimum PUD Area Requirements

11 The minimum area requirement for a PUD in the R-4 District is one acre, or 43,560 square feet. The PUD site, however, is only 23,251 square feet of land area. Thus, the Applicant requested a forty-seven percent waiver of the minimum area requirement. Pursuant to section 2402.2, the Zoning Commission may waive up to fifty percent of the area requirement if it finds (i) that the development is of exceptional merit and in the best interest of the city; and (ii) if eighty percent of the gross floor area of the project is devoted exclusively for dwelling units and accessory uses thereto when the project is located outside the Central Employment Area. Here, the project is located outside the Central Employment Area and 100 percent of the building will be devoted to exclusively to dwelling units and accessory uses thereto. Moreover, the project is one of exceptional merit in that it exceeds the Office of Planning policy guideline for affordable housing and will provide an environmentally-enhancing "green" roof, as described in greater detail below Accordingly, the Zoning Commission finds that the Applicant meets the test for a reduction in the minimum area requirement

THE PUD Project

Overview

12 The proposed PUD is a four-story condominium building consisting of 62,996 square feet of gross floor area The building will contain 63 units, of which five will be devoted to affordable housing The PUD will provide 89 parking spaces, of which 20 will be sold to the community The project will also include a church community room consisting of 3,479 square feet of space Six of the remaining 69 spaces will be allocated for use by the church community room

13 The site is presently improved with a non-conforming corner commercial use, two and three-story apartment houses, church offices, row dwellings and a vacant lot. The buildings on Lots 14-23 will be demolished to allow for the new construction. The rowhouse on Lot 45 will be renovated as a separate three-unit building within the PUD.

14. The area surrounding the PUD site is characterized by moderate density residential uses, with row houses and garden apartments as the predominant uses Chuches are also located across R Street to the north and along Vermont Avenue, N W. The site also abuts some of the small commercial businesses that are intermittently located along 12th and 13th Streets

Project Design and Components

15 The PUD project has been designed to achieve a high quality composition of residential uses in a cohesive urban setting The design breaks down the R Street elevation to mimic the rowhouse character of the surrounding area Projecting bays modulate the length of the building along R Street, while various materials differentiate between the partially exposed cellar and the main floors of the structure. The building will be constructed to a height of 50 5 feet with an overall floor area ratio ("FAR") of 2 68, whereas 3.0 FAR permitted under the PUD guidelines for the R-5-B District.

16. The main entrance to the building will be located in the center of the R Street elevation Several of the first floor units along R Street will have separate entrances accessed by individual exterior stairs, which mirror the typical Washington square bay rowhouse. A secondary entrance is located on Vermont Avenue A separate door at the western end of the R street elevation provides access to the garage only, for those area residents leasing parking spaces only in the building Controlled key access to the garage will ensure the safety of those parking in the building and residents of the new development

17. The garage entrance is located at the rear of the building off a ten-foot alley accessed from Vermont Avenue The service and delivery area for the building is also located off the alley Extensive landscaping will surround the building in an undulating pattern as a contrast to the square-bay front of the building. A three-foot decorative iron fence, reminiscent of the type found in the surrounding late-nineteenth century neighborhoods, will enclose the lawn of the property.

18 As condition of sale of its property to Logan Phase II, LLC, Metropolitan Baptist Church required the Applicant to provide the church approximately 3,600 square feet of space for use as a community room The space as configured contains 3,479 square feet and will be sold to the church as a condominium unit and governed by the same condominium regime created for the residential units Metropolitan Baptist Church will be the owner of this space and will have control and use of the room However, the Church Community Room will be made available for use by residents of the building and community organizations at least two days per month. Additional times may be arranged through the Church as the room is available.

19 Metropolitan Baptist Church will use the Church Community Room to maintain some of its urban ministries in the Shaw community The space will include a multi-function room for approximately 80 people to be used as a chapel for small weddings, funerals and ~~other religious services and events; a museum showcasing Metropolitan Baptist Church's~~ history in the District of Columbia, approximately three small ministry offices (or such office space as may be required for the church to conduct its affairs) for Christ-centered counseling and therapy programs for individuals and small groups The offices and multi-purpose space will also host literacy programs for citizens of the Shaw Community and the District of Columbia at-large, community development programs such as housing counseling and financial literacy programs for small groups, and other such programs and initiatives which are consistent with the church's historic contribution to community welfare and growth as well as other community outreach venues that are typical of urban church efforts The space will also include a reception area, a closet, a small kitchenette, and restrooms The multi-purpose room will be able to seat approximately 80 people, an additional 5 people at the stage area, and another 1-2 persons per office for a maximum total capacity of approximately 91 persons.

Matter of Right Development Under Existing Zoning

20 The subject site is located in the R-4 District The R-4 District is a moderate height and density area that permits row dwellings and similar residential uses The maximum height

permitted in the R-4 District is 40 feet with a limitation of three stories. There is no prescribed maximum FAR for residential development in the R-4 District.

Matter of Right Development Under Proposed Zoning

21. The Applicant seeks to rezone the PUD site from R-4 to R-5-B The R-5-B District is a moderate height and density area that permits all types of urban residential development, including single family dwellings, semi-detached houses, row dwellings, and apartments. The maximum height in the R-5-B District is 50 feet with no limitation on the number of stories. The density for all buildings and structures on a lot may not exceed 1 8 FAR. The PUD standards for the R-5-B District allow a height increase to a maximum of 60 feet and a maximum density of 3.0 FAR.

Development Flexibility and Incentives

22. The Applicant requested the following areas of flexibility from the Zoning Regulations.

    a Lot Occupancy and Side Yard Requirements The Applicant proposes a lot occupancy of 72 percent where only 60 percent is permitted Similarly, the project provides a side yard of 7 feet, 3 inches instead of the required 12.6 feet, based on a calculation of three inches for every foot of building height (see 11 DCMR § 405 6). The deviation from these standards coverage is dictated by constraints of the site, and the desire to conform to urban streetscape patterns of the neighborhood, as requested by the community The site fronts on three streets· 12th Street, Vermont Avenue and R Street, N W An ten-foot alley also abuts the site to the south For zoning purposes, the front of the building is located on R Street and the rear of the building is along Vermont Avenue (see 11 DCMR § 404 2) The building setback along the alley elevation creates a side yard under the zoning regulations The Applicant originally designed the building to provide a conforming side yard, however, it left a gap along the Vermont Avenue streetscape The community expressed its concern that this gap severely detracted from the urban fabric of the Logan Circle neighborhood and specifically requested that the building be redesigned to extend the Vermont Avenue elevation further south. This change in design also increased the portion of the site occupied by the project Under the PUD guidelines, the Applicant could have designed the project to reach a height of 60 feet, without an increase in density, to comply with the lot occupancy and side yard provisions Again, however, in order to conform to the character of the surrounding neighborhood and the express wishes of the community, the Applicant reduced the height to 50 5 feet without reducing the number of new residential units As a result of this redesign, however, the project does not meet the minimum requirements for side yard and lot occupancy Because the unusual characteristics of the site, the PUD is surrounded on four of its five sides by public right-of-ways, and thus the light and air of the residents will not be unduly affected Based on the above, the Commission finds that the proposed deviation from the side yard and lot occupancy requirements is appropriate

b Loading Requirements The zoning regulations require apartment buildings with more than 50 units to provide a truck loading berth with a depth of 55 feet. Instead, the PUD proposes a loading berth of 30 feet. The Zoning Commission has previously found in other larger PUDs that, based on reports of traffic engineers, a 55-foot loading berth has proved unnecessary for a residential building of this size. *See, for example,* Z.C. Order No 03-26, 14th & V PUD, August 5, 2004 The units in the proposed PUD are modest in size, averaging approximately 880 to 1050 square feet each, and are marketed primarily to first-time home buyers with one or two persons per household. Based on statistics submitted for much larger PUDs, such households will only generate a need for smaller trucks or transport vehicles. Surveys of condominium projects ranging from 58 to 300 units indicate that the arrival of a large tractor-trailer is a rare occurrence and that the absence of a 55-foot loading berth for residential use did not create any adverse impacts Further, truck rental facilities have confirmed that a 14- or 15-foot van or small truck is most frequently used for moving purposes Consequently, the Commission finds that a smaller loading berth will not adversely affect traffic circulation patterns or loading issues in the immediate vicinity of the proposed PUD.

c Church Community Room. The PUD proposes to include a church community room to host literacy and counseling programs for the benefit of the community and provide meeting space for neighborhood organizations Section 216 of the Zoning Regulations allows church programs in residentially zoned districts through special exception relief provided certain criteria are met The Applicant is requesting flexibility from section 216 7, which limits approval to a three-year period Because Metropolitan Baptist Church will own the community room, it intends to offer community services for the duration of its ownership, as long as demand warrants and provided that the services do not create any adverse impacts on the neighboring properties because of noise or traffic. The Church Community Room is discussed in greater detail below

Public Benefits and Amenities

23 The following benefits and amenities will be created as a result of the PUD Project:

a Housing. The single greatest benefit to the area, and the city as a whole, is the creation of new housing and home ownership opportunities consistent with the goals of the Zoning Regulations, the Comprehensive Plan and the Mayor's housing initiative The project will provide 63 condominium units, or 62,996 square feet of gross floor area devoted to housing and affordable housing under the proposed R-5-B District, which is approximately 21,144 square feet more than is permitted as a matter of right in the R-4 District if the site were vacant Under the proposed R-5-B zoning, the Applicant will also be able to house significantly more residents in the 63 condominiums, or approximately 60 percent more units than the site presently accommodates Currently, the site has 39 residential units, at least 15 of which are apartment units, a housing type not permitted under the

existing R-4 District If the entire site were vacant, the Applicant could only build 22 units (11flats) under the existing zoning.

b Affordable Housing Five of the proposed 63 units in the PUD project, consisting of 5,833 square feet of gross floor area including a core factor (approximately 5,293 net square feet), will be available for sale as affordable housing to residents with an annual income of 80 percent of the adjusted mean income (AMI) This represents twenty-five percent of the additional square footage achieved through the rezoning of the property, which is well in excess of the fifteen percent policy guideline recommended by the Office of Planning. Significantly, four of the five units are two-bedroom, two-bathroom units, which will more readily accommodate families with children The Commission finds this level of affordable housing to be an exceptional benefit of the PUD

c Urban Design, Architecture, and Landscaping The proposed new building has been sensitively designed to complement and respect the surrounding neighborhood The overall composition reinforces the broad and lively elements of the Logan Circle neighborhood, and respects the scale, massing, architectural design and context of the neighboring 14th Street Historic District. The exceptional quality of the building's design emanates not just from its architectural detailing, but its features of urban design and land planning With respect to land planning, the project transforms a dilapidated block of obsolete buildings and several non-conforming uses into a cohesive new residential development that increases the number of housing units in direct response to the Mayor's goals for additional housing The project responds to its unique trapezoidal, corner lot by conforming the massing of the building to the street angles, creating distinct but complementary facades along Vermont Avenue and R Street

d Environmental "Greenroof" Technology One of the most significant improvements to the project is the introduction of a high-elevation "Greenroof." Part of an innovative low impact environmental technology, a Greenroof is a rooftop planted with pollution-reducing vegetation that also enhances the energy efficiency of a building. It is the third high-elevation Greenroof in the city, and among the first residential buildings to adopt this technology based on statistics maintained by D C. Greenworks. Approximately 50 percent of the rooftop will be planted with low-growing succulent plants of various species. Preliminary reports on Greenroofs in other American and European cities suggest that storm water runoff and rooftop temperatures will be reduced significantly at the PUD site, which will help improve water quality in area rivers and the Chesapeake Bay Reduced temperatures also result in less air pollution, particularly on Code Orange and Red days in the summer. The inclusion of a Greenroof on the residential PUD project will complement the environmental efforts of other pioneering projects, and is a significant and innovative public amenity of the project It promises to encourage other residential developments to adopt these environmentally-friendly and energy-saving measures

e. Transportation/Parking. Of significant value to the immediate neighbors of the PUD site is the provision of 20 parking spaces for sale to residents within a two-block radius of the project The Logan Circle and Shaw neighborhood suffer from a severe parking shortage. The Applicant's sale of these 20 spaces will help alleviate this chronic problem of the community. A condominium lot will be created for each one of the parking spaces in order to allow for the sale of the spaces

f Historic Preservation In recognition of the neighboring Greater 14th Street Historic District, the Applicant has committed to fund twenty signs to identify the historic area The signage is instrumental in informing residents of the benefits and obligations of living in an historic district, including the need to obtain any necessary historic preservation review prior to making any exterior changes to their property

g Uses of Special Value to the Neighborhood The Applicant will contribute $20,000 to the D C Department of Transportation to facilitate the implementation of the 11th Street streetscape plan The 11th Street Streetscape Plan will benefit not only the community, which will benefit directly from the improvements, but also those that travel on 11th Street as its improved appearance will be visible to all that use it The Applicant has coordinated with DDOT to ensure the funds are earmarked for those specific improvements.

h Church Community Room The church community room is an important benefit to the community by virtue of the programs to be conducted by the Metropolitan Baptist Church. The church will own the space, and operate from the room adult literacy classes for community residents, and ministries dedicated to addressing psychological and emotional health via Christ-centered counseling and therapy ~~A small chapel in the space will also provide occasional religious services for~~ members of the congregation Additionally, the space will house a small museum showcasing the history of the Metropolitan Baptist Church on R Street, N W., in the Shaw community. The church will also offer the space to the community at large for meetings at least twice a month, or more as demand warrants. In order to ensure the greatest amount of privacy for the residential component of the project, the community room will be accessible through the Vermont Avenue entrance The condominium documents for the property will establish controls and restrictions on the use of the space to ensure the greatest protection from any adverse impacts on the residents In the event the church programs become obsolete for this site, or the church otherwise determines to cease operating at this site, the space will be offered for sale as one to three condominium units, consistent with the recognition of housing as an important project amenity and community benefit.

Compliance With the Comprehensive Plan

24 The project is not inconsistent with the Comprehensive Plan as follows.

a The Generalized Land Use Map for the District of Columbia The proposed development is consistent with the Generalized Land Use Map, which designates Square 277 for moderate density residential uses, which is characterized predominantly by row houses and garden apartments. Consistent with these land use categories, the proposed PUD will consist of a 63-unit condominium building and community room. The overall density will be 2 68 FAR.

b Housing Element. The proposed PUD significantly promotes the Housing Element set forth in the Comprehensive Plan. The new development is specifically designed to combine market-rate housing with affordable housing units and provide a venue for community programs. Not only will the PUD replace several smaller, obsolete housing units with modern dwellings and a community room, it will also provide an additional 20 parking spaces for use by community residents. Additionally, the new residential project is easily accessible to transportation and retail stores along the 14th Street corridor, and employment opportunities in the immediate area and downtown Washington

c Urban Design Element The master plan for the proposed development enhances and supports the major urban design goals of the Comprehensive Plan. The architect's facile design creates a contemporary building that incorporates traditional elements of the Washington rowhouse form This sensitive composition respects the urban character of the neighborhood and contributes to the vitality of the urban streetscape

d Land Use Element. The proposed PUD responds to the goals of the Land Use Element by addressing obsolete housing units by replacing them with a high quality, efficient residential building The superior design of the proposed development will enhance and revitalize this segment of Ward 2, thereby ~~stimulating economic and employment opportunities~~.

e. Transportation Element The PUD fosters the policies of the Transportation Element and makes the proposed development attractive by not only providing sufficient parking spaces for each unit in excess of the Zoning Requirements, but by responding to the parking shortage in the area by offering an additional twenty spaces for area residents in direct response to community concerns

f Ward 2 Elements of the Comprehensive Plan

(i) *Ward 2 Economic Development* The proposed PUD furthers the Ward 2 Economic Development element by creating additional residential opportunities in the ward while increasing income and property tax revenues to the District.

(ii) *Ward 2 Housing Element* The proposed development furthers the goals of the Ward 2 Housing Element through the development of high-quality housing in a mixed-use area that is in close proximity to public transportation

(iii) *Ward 2 Transportation Element*· Parking within the ward is identified as a major problem due to evening visitors, student parking, and the lack of parking provisions for many residential dwellings. The proposed development will fulfill the goal of providing sufficient parking by creating 89 new parking spaces for the site, twenty of which will be available for sale to area residents to alleviate parking congestion in the immediate vicinity

(iv) *Ward 2 Urban Design Element*· The proposed development fulfills the Ward 2 goals for urban design by enhancing the physical character of the area through an appropriate design and complementing the materials, height, scale and massing of the surrounding neighborhood.

(v) *Ward 2 Residential Land Use Element.* The Project supports the Residential Land Use element of the Comprehensive Plan by establishing a new residential use that will significantly enhance the character of the neighborhood The proposed PUD substantially furthers the goals of this element through the provision of both market rate and affordable housing units

Office of Planning Report

25 By report dated November 18, 2004, the Office of Planning ("OP") recommended approval of the consolidated PUD application, finding that the benefits and amenities were not only commensurate with the relief requested, but were of exceptional merit to warrant a waiver of the minimum area requirements for the PUD. OP conditioned its approval on limiting signage for the church space to four square feet in size, and limiting approval of the church community room to a period of three years. as suggested by section 216.7, in order to assess any potential adverse impacts on the residential community Based on questions raised by the Commission at the hearing, however, and in further consultation with the Applicant and post-hearing submissions submitted to the record, OP revised its three-year limitation recommendation Instead, OP concurred that the church programs could be adequately monitored and controlled through provisions in the condominium documents to ensure that residents of the building and community were protected from any potential adverse effects Further, should the church community room outlive its useful life, OP concluded that the church should be permitted to convert and sell the space for use as one to three additional residential units, thus exchanging one benefit for another recognized benefit under the PUD regulations

26. In response to OP's recommendations, the Commission finds as follows:

a. The church community room is an important benefit to the community by virtue of its ministry and counseling programs, adult literacy classes, museum, and meeting space for the community at large. The Zoning Commission finds that any potential adverse impacts of the church's use of this space can be adequately controlled through the condominium documents for the project. Moreover,

should the church programs outlive their useful life at this location, the benefits of this space can be preserved by converting it to residential use

b The church community room need not be evaluated in the context of section 216, which allows church programs in residentially zoned districts through special exception relief provided certain criteria are met. Under section 2405.7 of the PUD regulations, the Zoning Commission has reserved the option to approve any use that is permitted as a special exception and that would otherwise require the approval of the Board of Zoning Adjustment, and the Commission is not be required to apply the special exception standards normally applied by the Board. Based on the commitments of the church and the controls to be instituted under the condominium documents, the Commission finds it unnecessary to impose a three-year limit on the use of the church community room. Nevertheless, should the church determine to abandon its programs at this site, the PUD project will need to be modified to accommodate any change in use. The Commission finds that conversion of the space to residential use would be appropriate at such time and would constitute an appropriate benefit in keeping with the overall purpose of the PUD The Commission further finds it appropriate to restrict signage at the property to one sign, no more than four square feet in size, to be located at outside the Vermont Avenue entrance to the property.

CONCLUSIONS OF LAW

1 Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides 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

2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and 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.

3 The development of this PUD project 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.

4. The PUD project exhibits exceptional merit by virtue of its affordable housing, whereby 25% of the bonus density earned as a result of rezoning the site is dedicated to affordable housing, and by virtue of its innovative Greenroof technology. Accordingly, the

Applicant has met its burden of proof to warrant a 47% reduction in the minimum area requirement for a PUD in the R-5-B District

5. The PUD as approved by the Commission, including its approval pursuant to Section 2405 3, complies with the applicable height, bulk and density standards of the Zoning Regulations The residential uses for this project are appropriate for this site, which is located in the Shaw residential neighborhood Accordingly, the project should be approved The impact of the project on the surrounding area is not unacceptable As set forth in the findings of fact, the proposed development has been appropriately designed to respect the residential character of the neighborhood and the adjoining 14th Street Historic District in terms of height and mass and is complementary to adjacent buildings

6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

7 The project benefits and amenities, particularly the provision of housing, affordable housing, and the Greenroof, are reasonable for the development proposed on the site. The PUD responds to both the surrounding residential developments and the neighboring historic district

8. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area

9 Approval of this PUD and change of zoning to the R-5-B District is not inconsistent with the Comprehensive Plan

10. The Commission is required under D C Code Ann. § 1-309 10(d)(3)(A) (2001) to give great weight to the affected ANC's recommendation The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.

11 The applications for a PUD and map amendment will promote the 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.

12. The applications for a PUD and map amendment are subject to compliance with D C. Law 2-38, the Human Rights Act of 1977

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review of a Planned Unit Development for the property located at Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 45 in Square 277, at 1200-1224 R Street, N.W., Washington, D C , and **APPROVAL** of the application for a map amendment to rezone that same property from the R-4 to R-5-B District. This approval is subject to the following conditions.

1 The PUD shall be developed in accordance with the plans prepared by Eric Colbert and Associates dated_____, and marked as part of Exhibit __ in the record, as supplemented in the record at Exhibits ___, as modified by the guidelines, conditions and standards herein

2. The project shall be a residential development constructed to a maximum height of 50.5 feet and a density of 2 68 FAR. The PUD shall consist of approximately 62,996 square feet of gross floor area.

3. The project shall provide a minimum of 63 residential units, of which five will be available for sale as affordable housing to residents with an annual income of $50,000, pursuant to eligibility requirements and enforcement mechanism to be developed in accordance with D C Department of Housing and Community Development recommendations. The units to be reserved for affordable housing are as follows.

Unit #3, lower level	2 BR, 2 BA	1,169 sf
Unit #14, lower level	1 BR + den, 1BA	811 sf
Unit #10, first level	2 BR, 2 BA	1,136 sf
Unit #11, first level	2 BR, 2 BA	1,136 sf
Unit #1, second level	2 BR, 2BA	1,041 sf
TOTAL		5,293 sf (net)

4. Approximately 3,479 square feet of space on the cellar level shall be owned by the Metropolitan Baptist Church and shall be used as a Church Community Room The Church shall own the space, which will be a unit within the condominium regime created for the project and which will have a proportionate share of voting rights within the condominium The Applicant shall include the following conditions in the condominium documents created for the project to control the community room space.

a. The community room shall include a multi-purpose assembly room with a seating capacity of 85 people (including the stage area), a small kitchenette, a church museum, approximately three ministry offices or such other office space as may be necessary for the church to conduct its affairs, and a reception area. The community room may be used for small weddings, funerals or other religious services and events; literacy programs for citizens of the Shaw community and the District of Columbia at-large, community development programs such as housing counseling and financial literacy programs, and other such programs and initiatives which are consistent with the church's historic contribution to the community welfare and growth, as well as other community outreach venues that are typical of urban church efforts, and all other uses allowed in the R-5-B District as a matter-of-right and as a church program The Church shall have the flexibility to reconfigure this space to meet its program need identified above

b The Metropolitan Baptist Church shall make the community room available at least two times a month to residents of the building and other community

organizations. Additional times may be arranged through the Church as the room is available

c. Any programs conducted in the community room shall end no later than 11 00 p m Other conditions governing the operation (but not restricting the permitted uses) of the room may be included in the condominium documents as deemed appropriate by the Board of Directors of the Condominium.

d The Metropolitan Baptist Church may install one sign, four square feet in size, at the Vermont Avenue entrance of the project to identify its presence in the building.

e. Any substantial change of uses in the community room, as determined by the Zoning Administrator, shall require approval by the Zoning Commission as a modification to the PUD, including any conversion of the space to another use, including housing.

5. The PUD shall include a minimum of 89 parking spaces, of which six shall be dedicated for use by the community room Twenty of the remaining 83 spaces shall be offered for sale to residents in the community Each parking space shall be created as a separate unit within the condominium regime The condominium documents shall restrict sale of the twenty community spaces to residents within a two-block radius of the project, and shall provide enforcement mechanisms to ensure the twenty spaces are used only by eligible residents

6 The Applicant shall incorporate a Greenroof into its project to cover approximately 50% of the rooftop, as shown in the architectural plans and as described in the submissions to the record

7. Prior to the issuance of a certificate of occupancy for the project, and in coordination with the D C Historic Preservation Office, the Applicant shall commit funds to the D C. Department of Transportation to install of 20 signs to identify the Greater 14th Street Historic District

8. Prior to the issuance of a certificate of occupancy for the project, the Applicant will contribute $20,000 to the D C. Department of Transportation to facilitate the implementation of the 11th Street Streetscape Plan

9. The Applicants shall have flexibility with the design of the PUD in the following areas·

a to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided the variations do not change the exterior configuration of the building;

b to vary the location and arrangement of parking spaces,

c. 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, without reducing the quality of the materials; and

d. to make minor refinements to exterior details and dimensions, including cornices, 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.

10 No building permit shall be issued for this planned unit development until the Applicants have recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) Such covenant shall bind the Applicants and all successor in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission

11. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicants have filed a copy of the covenant with the records of the Zoning Commission

12 The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409 1. Pursuant to the Human Rights Act of 1977, D C Code § 1-2531 (1991), the Applicants are required to comply fully with the provisions of the Act, and this order is conditioned up full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits if the Applicants fail to comply with any provision of the Human Rights Act

On January 13, 2005, the Zoning Commission approved the application by a vote of _____ (John G. Parsons, Anthony J Hood, Kevin Hildebrand, Gregory Jeffries, and Carol J. Mitten).

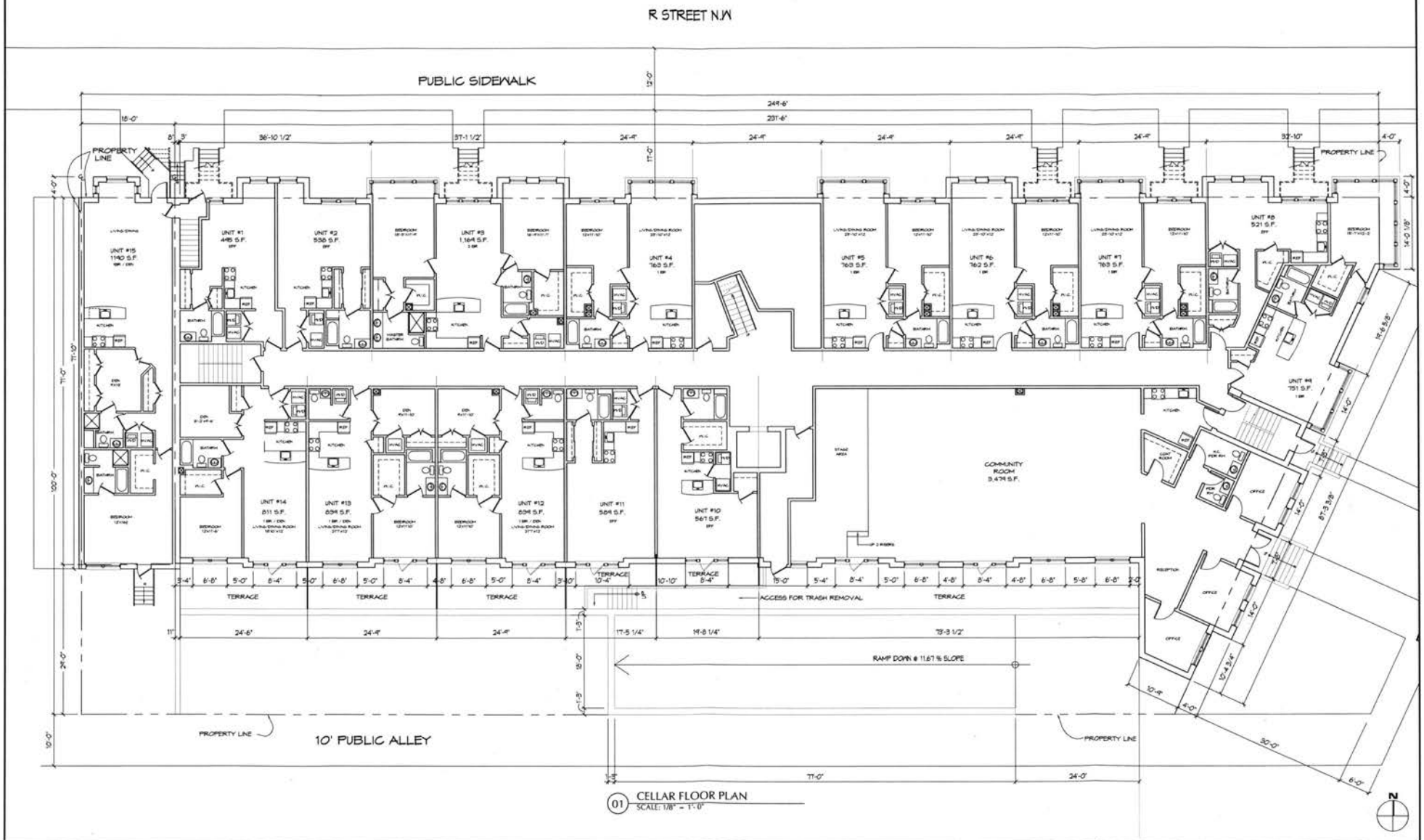
The order was adopted by the Zoning Commission at its public meeting on _____, 2005, by a vote of ____ .

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

CAROL J. MITTEN
Chairman,
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning

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ARCHITECT: ERIC COLBERT & ASSOCIATES
717 5TH STREET, N.W. WASHINGTON, D.C. 20001

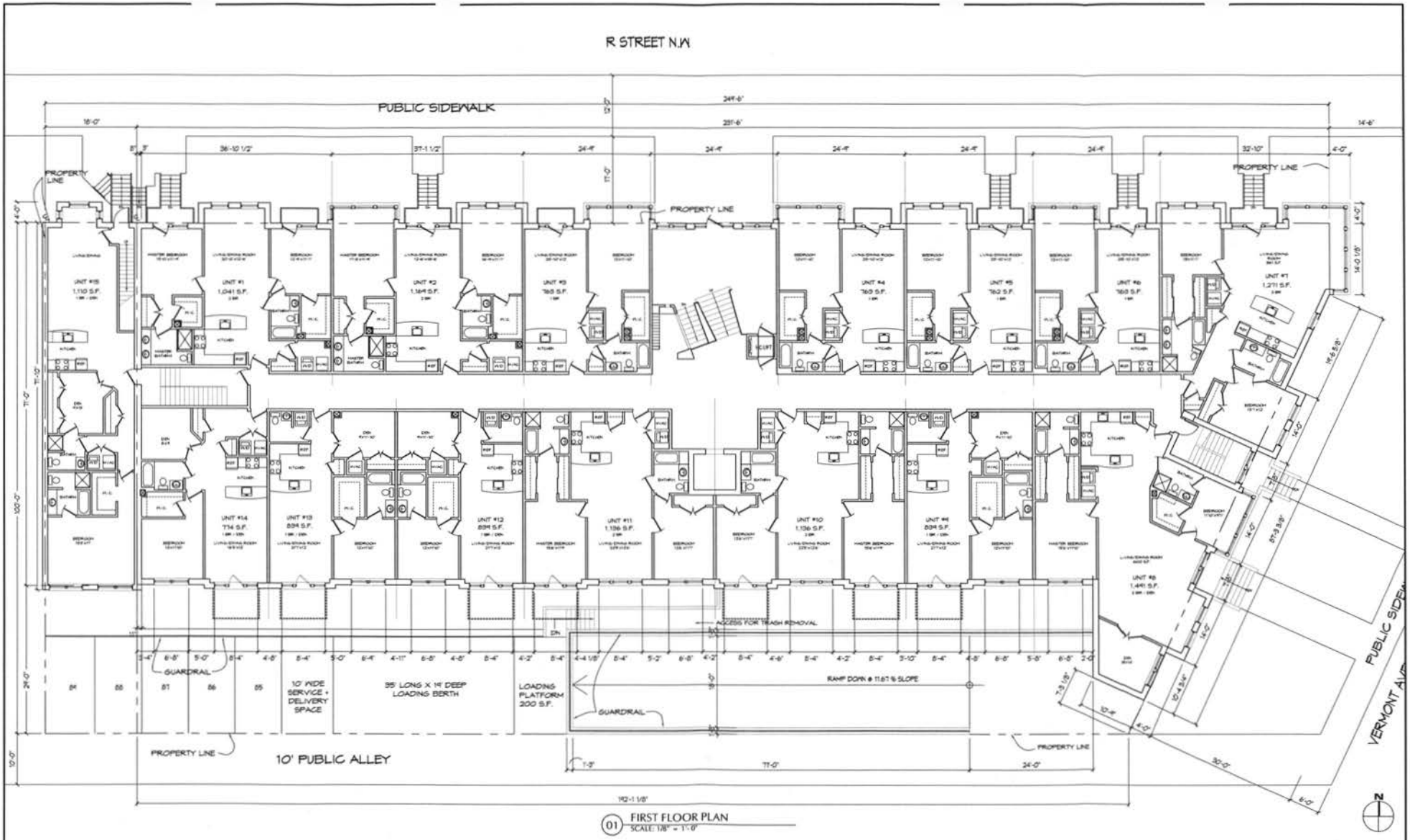
CLIENT: LOGAN PHASE II, LLC
5272 RIVER ROAD, SUITE 400, BETHESDA, MARYLAND 20816

PROJECT: 1200 R STREET

APR. 05, 2004
APR. 27, 2004
OCT. 1, 2004
DEC. 14, 2004

A-5

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01 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 5TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: LOGAN PHASE II, LLC
5272 RIVER ROAD, SUITE 400, BETHESDA, MARYLAND 20816

PROJECT: 1200 R STREET

APR. 05, 2004 DEC. 14, 2004
APR. 27, 2004
OCT. 05, 2004
DEC. 03, 2004

A-6

P:\515-1200 R\515-A-06 FIRST FLOOR.dwg, 12/20/2004 3:46:58 PM



LIGHTER BRICK = RICHTEX
STYLE = 140, SIZE = MODULAR

LIGHTER MORTAR = FLAMENCO # C-31



DARKER BRICK = YANKEE HILL
STYLE = MAROON SMOOTH, SIZE = MODULAR

DARKER MORTAR = FLAMENCO # C-88A



CAST STONE = PRECAST OF VIRGINIA
AW03



SAMPLE OF WINDOWS + STEEL HEADER





01 NORTH ELEVATION (R STREET, NW)
SCALE: 1/16" = 1'-0"

MATERIALS "SAMPLE BOARD"

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: LOGAN PHASE II, LLC

PROJECT: 1200 R STREET

A-11a



01 SOUTH ELEVATION
SCALE: 1/16" = 1'-0"