

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 15-20**

**Z.C. Case No. 15-20**

**Sursum Corda Cooperative Association, Inc  
(First Stage PUD and Related Map Amendment  
@ Square 620, Lot 248, 249, 250, 893, 894, and 895)**

**April \_\_, 2016**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission” or “Zoning Commission”) held a public hearing on February 11, 2016, to consider an application for a first stage planned unit development (“PUD”) and related Zoning Map amendment filed by Sursum Corda Cooperative Association, Inc. (the “Applicant”). The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

**FINDINGS OF FACT**

**A. The Applications, Parties, Hearings, and Post-Hearing Filings**

1. On August 17, 2015, the Applicant filed an application with the Commission for review of a first stage PUD and a related Zoning Map amendment from the R-4 District to the C-3-C District for the approximately 6.7 acres bounded by M, First and L Streets and First Place, NW, and which is more particularly described as Square 620, Lots 248, 249, 250, 893, 894 and 895 (collectively, the “Property”).
2. The Applicant owns Lots 248-250, which consists of a total of 5.62 acres. Lot 893 is owned by 76 M, Inc. and consists of 4,950 square feet. Lots 894 and 895 are owned by the District of Columbia (the “District”) and consists of a total of 3,763 square feet. 76 M, Inc. and the District have joined in the application.
3. The Applicant proposes to redevelop the Property with five buildings on five theoretical lots, to be constructed in two or three phases.
4. Overall, the Property will be redeveloped with approximately 1,269,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses. The building heights will range from 62.5 feet to 110 feet. The overall density of the PUD will be 4.62 floor area ratio (“FAR”) including the area for Pierce Street, which is a private street, or 5.24 excluding said street. A density of 8.0 FAR is permitted for a PUD in the C-3-C District.
5. The Applicant requests flexibility from the following requirements of the Zoning Regulations: (i) from Section 2201 to have a total of five 30-foot loading berths

where three 55-foot loading berth and two 30-foot loading berths are required; (ii) for Building 1B, from Section 775.5 to have a side yard of 12 feet, 1 inches where a side yard of 13 feet is required; (iii) from Section 2516 to have five buildings on a single record lot; and (iv) from Sections 2101 and 2201 to construct Building 1C without parking or loading facilities.

6. By report dated October 30, 2015, the District of Columbia Office of Planning (“OP”) recommended that the application be set down for a public hearing. (Exhibit [“Ex.”] 12.) At its public meeting held on November 9, 2015, the Commission voted to schedule a public hearing on the application.
7. The Applicant submitted its prehearing statement for the application on November 24, 2015 (Ex. 18), and a hearing was timely scheduled for the matter for February 11, 2016. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on [REDACTED], 2015. (Ex. 20.) The notice of public hearing was mailed to all owners of property located within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6E on December 18, 2015. (Ex. 21.)
8. At its regularly scheduled public meeting on December 1, 2015, for which notice was properly given and a quorum was present, ANC 6E voted unanimously 7-0-0 to support the application finding that the building heights, density, massing and site layout are appropriate for the Property. (Ex.28C.) At its regularly scheduled public meeting on February 8, 2016, for which notice was properly given and a quorum was present, ANC 6E voted 4-2-1 to support the PUD benefits and amenities package. (Ex. 31.)
9. On January 21, 2015, the Applicant submitted a supplemental prehearing statement. (Ex. 28.) The supplemental statement included updated architectural drawings; information on the current Sursum Corda households and the PUD units reserved for the households; the proposed phasing of development; transportation demand measures; the updated PUD benefits and amenities; and information on the proposed improvement and maintenance of a park on Lot 896 in Square 620 near First and L Streets.
10. On February 1, 2016, OP submitted a report to the Commission recommending approval of the application and the requested areas of zoning flexibility. (Ex. 29.)
11. On February 1, 2016, the District Department of Transportation (“DDOT”) submitted a report finding no objection to the requested PUD subject to the mitigations listed on pages 3 and 4 of the report. (Ex. 31.)
12. On February 11, 2016, the District Department of Energy and Environment (“DOEE”) submitted a report expressing support for the PUD. (Ex. 39.)
13. The parties to the case were the Applicant and ANC 6E.

14. The Commission held a public hearing on the application on February 11, 2016. At the hearing, Mr. Lonnie Duren, President of the Board of Directors for Susrum Corda Cooperative Association, Inc.; Christopher W. Horning, of Klein Horning LLP; Mike Patton, AIA, of Boggs & Partners Architects; Trini M. Rodriguez, of Parker Rodriguez, Inc.; and Daniel VanPelt, P.E., PTOE, of Gorove/Slade Associates testified in support of the Application. Ms. Rodriguez and Mr. VanPelt testified as expert witnesses. Norman M. Glasgow, Jr., Esq. and Leila Batties, Esq. served as counsel to the Applicant.
15. At the public hearing, the Applicant submitted revised sheets for the architectural plans. (Ex. 35A1 – 35A7.) The revised sheets depict the bifurcation of Theoretical Lot 3; the phasing of the perimeter improvements; and provide the calculation of the PUD open space.
16. OP and DDOT testified in support of the application at the public hearing.
17. The record includes letters of support from the DC Housing Authority (Ex. 4E), Mount Airy Baptist Church (Ex. 4G), Southern Baptist Church (Ex. 4H), NoMA Bid (Ex. 4I), Ward 6 Councilmember Charles Allen (Ex. 37), and Mary Ann Henderson, U.S. Department of Housing and Urban Development (Ex. 38).
18. At the public hearing on the application Stephanie Tyler, Bernice Ivery and Barbara Wood, all of whom reside at 76 M Street, NW, testified in opposition to the application, as did the representative for the tenants at 76 M Street, Amber Gruner, with Housing Counseling Services. Sara Pratt and Randall Kessler, representing the Holy Redeemer Catholic Church, testified in opposition to the application.
19. The record was closed at the conclusion of the public hearing, except to receive additional submissions from the Applicant, as requested by the Commission, and responses thereto from ANC 6E.
20. The proposed action was referred to the National Capital Planning Commission (“NCPC”) on [REDACTED], 2016, pursuant to § 492 of the Home Rule Act.
21. On March 3, 2016, the Applicant submitted its post-hearing submission in response to the Commission’s comments at the public hearing. (Ex 48.)
22. The Executive Director of NCPC, by delegated action dated [REDACTED], found that the proposed PUD and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capitol, nor would it adversely affect any other identified federal interests. (Ex. [REDACTED].)
23. The Commission took proposed action to approve the application on March 28, 2016.
24. The Commission took final action to approve the PUD on [REDACTED], 2016.

**B. The PUD Site and Surrounding Area**

25. The Property consists of approximately 6.7 acres bounded by M, First and L Streets and First Place, NW, and which is more particularly described as Square 620, Lots 248, 249, 250, 893, 894 and 895.
26. The majority of the Property (Lots 248-250) is improved with the Sursum Corda residential community. The parcel at 76 M Street (Lot 893) is improved with a four-story apartment house. The apartment house is flanked on both sides by vacant parcels (Lots 894 and 895).
27. The Property is within the boundaries of the Mid City East Small Area Plan (the “SAP”)

**C. Mid City East Small Area Plan (“SAP”)**

28. The SAP was adopted by the Council of the District of Columbia on November 18, 2014. Among the redevelopment opportunities and housing goals in the SAP is support of the redevelopment of Sursum Corda by changing the future land use designation of the Property from Moderate Density Residential and Low Density Commercial to High Density Residential and Medium Density Commercial.
29. The SAP also states that the redevelopment of Sursum Corda should be achieved through a PUD and should meeting the following criteria and encourage the development of a mixed-income neighborhood through:
  - The provision of 199 affordable units within the project at varying levels and types of subsidies not to exceed 60% AMI.
  - The addition of market rate units that will represent at least 66% of the total units developed on site.
  - Reflect the height and scale of existing neighborhood developments, including the recently constructed SeVerna. Development on the Sursum Corda site should step down towards First Street and towards the Mount Airy Baptist Church, and step up towards North Capitol Street.
  - Extend the street grid, including L Street from First Street to North Capitol Street and Pierce Streets between First Street and First Place.
  - Include sustainable development components such as green/park space and other community amenities.

**D. The Applicant**

30. Sursum Corda Cooperative Association, Inc. (“Sursum Corda”) is a private, resident owned, housing cooperative, managed by a board of directors elected by the residents. The Sursum Corda residential community consists of 199 units

constructed in 1968 as an experiment in cooperatively managed low-income housing. Of the 199 units, 136 are currently occupied. Sursum Corda's development partner for this application is Winn Development Company Limited Partnership, an affiliate of the Winn Companies ("Winn"). Founded in 1971, today, Winn is one of the largest multi-family property owners in the country, having acquired and developed in excess of \$2,500,000,000 of real estate holdings.

**E. Existing and Proposed Zoning**

31. The Property is presently in the R-4 District. The R-4 District includes the following development requirements:

- A maximum matter-of-right height of 40 feet and a maximum of three stories. (§400.1.)
- For the conversion of a building or structure to an apartment house, a lot occupancy that is the greater of 60% or the lot occupancy as of the date of the conversion. (§403.2.)
- A minimum rear yard depth of 20 feet. (§404.1.)
- A side yard is not required (except as provided in Sections 405.1 and 405.2) a side yard is not required, but if provided it shall be at least 3" wide per foot of height building, but not less than 8' wide. (§ 405.6.)
- Where an open court is provided for other than a one family dwelling, the width of the court shall be a minimum of 4 inches per foot of height of court, but not less than 10 feet. (§406.1.)
- Where a closed court is provided for other than a one family dwelling, it shall have a minimum width of 4 inches per foot of height of court but not less than 15 feet wide. (§406.1.)
- A closed court shall have an area at least twice the square of the width of court dimension based upon the height of court, but not less than 350 square feet. (§844.4.)

32. The Applicant requests a map amendment to rezone the Property to the C-3-C District. The C-3-C District includes the following development requirements:

- A maximum matter-of-right height of 90 feet with no limit on the number of stories. (§770.1) A PUD in the C-3-C District is permitted a maximum building height of 130 feet. (§ 2405.1.)
- A maximum matter-of-right FAR of 6.5 which may be devoted entirely to a residential or non-residential use or a mix of uses. (§771.2.) A PUD in the C-3-C District is permitted a maximum FAR of 8.0. (§ 2405.1.)

- A maximum lot occupancy of 100%. (§772.1.)
- A minimum rear yard depth of 2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. (§774.1.)
- If provided, a side yard at least two inches wide per foot of building height, but not less than six feet. (§775.5.)
- Where a court is provided for a building or a portion of a building devoted to non-residential uses, at any elevation in the court, the width of the court shall be a minimum of three inches per foot of height, measured from the lowest level of the court to that elevation; provided that in no case shall the width of the court be less than 12 feet. (§776.1.)
- In the case of a closed court for a building on portion of building devoted to non-residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than 250 square feet. (§776.2.)
- Where a court is provided for a building or portion of building devoted to residential uses, at any elevation in the court, the width of court must be a minimum of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet. (§776.3.)
- In the case of a closed court for a building or portion of a building devoted to residential uses, the minimum area must be at least twice the square of the width of court based upon the height of court, but not less than 350 square feet. (§776.4.)
- For an apartment house or multiple dwelling, parking is required at a ratio of one space for each 4 dwelling units. (§2101.1.)
- For a retail or service establishment (except gasoline service station and repair garage), parking is required at a ratio of 1 space for each 750 square feet of gross floor area, in excess of 3,000 square feet. (§2101.1.)
- For loading, an apartment house or multiple dwelling with 50 or more units is required to have one berth at 55 feet deep, one loading platform at 200 square feet, and one service delivery space at 20 feet deep. (§2201.1.)
- For loading, a retail or service establishment (other than a grocery store or drug store) with 5,000 to 20,000 square feet of gross floor area is required to have one berth at 30 feet deep and one loading platform at 100 square feet. (§2201.1.)

**F. Description of the PUD Development**

33. The Applicant seeks approval of a first stage PUD and related Zoning Map amendment in order to redevelop the Property with an affordable mixed-income residential community consisting of five buildings on five lots, to be constructed in two or three phases. Overall, the Property will be redeveloped with approximately 1,296,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses.
34. In accordance with the SAP, the PUD will provide 199 dwelling units at varying income levels and types of subsidies with a blended affordability limits within the PUD not exceeding 60% of the AMI. The affordable units represent approximately 18% of the overall number of units for the PUD. The affordable units will have a blended affordability level not exceeding 60% AMI for the life of the project.
35. The first phase of the PUD will include 136 units on the South Parcel reserved for the Sursum Corda households currently residing at the Property.
36. The PUD will be serviced by five 30' loading berths, five 200-square foot loading platforms and five 20-foot delivery spaces. Flexibility is required to have five 30-foot loading berths where three 55-foot loading berths and two 30-foot loading berths are required.
37. The PUD will have a maximum 746 below-grade parking spaces, representing a parking ratio of .6 space per residential unit.
38. The number of long-term bicycle parking spaces for the PUD will be at a ratio of one space for each three residential units.
39. The PUD will have an overall density of 4.62 FAR. Excluding the area for Pierce Street, which will be a private street, the FAR for the PUD is 5.24. The building heights for the project will range from 62.5 feet to 110 feet.
40. As part of the development, and as recommended in the SAP, Pierce Street will be extended through the Property dividing the Property into a North Parcel and a South Parcel. The South Parcel will be developed as the first phase of the PUD, and will be improved with Lot/Building 1A, Lot/Building 1B, and Lot/Building 1C. The North Parcel will be improved with Lot/Building 2A/2B and Lot/Building 2C/2D. The development program for each building is as follows:
  - a. Lot/Building 1A. Theoretical Lot 1A has approximately 44,725 square feet of land area. It will be improved with Building 1A, which has approximately 184,775 square feet of residential floor area, generating approximately 176 dwelling units. Building 1A has 8 stories and a building height of 72.45 feet as measured from First Street, NW. The FAR for this lot is 4.13.

- b. Lot/Building 1B. Theoretical Lot 1B has approximately 39,607 square feet of land area. It will be improved with Building 1B, which has approximately 194,900 square feet of residential floor area, generating approximately 182 dwelling units. Building 1B has 8 stories and a building height of 78 feet as measured from First Place, NW. The FAR for this lot is 4.92.
  - c. Lot/Building 1C. Theoretical Lot 1C has approximately 27,139 square feet of land area. It will be improved with Building 1C, which has approximately 92,910 square feet of residential floor area, generating approximately 63 dwelling units and approximately 8,315 square feet of non-residential uses. Building 1C has 6 stories and a height of 65.75 feet as measured from First Place, NW. The FAR for this lot is 3.73.
  - d. Lot/Building 2A/2B. Theoretical Lot 2A/2B has approximately 65,395 square feet of land area. It will be improved with Building 2A/2B, which has approximately 404,385 square feet of residential use, generating approximately 348 dwelling units, and approximately 20,840 square feet of non-residential uses. Building 2A/2B has 6 to 11 stories and a height of 110 feet as measured from M Street, NW. The FAR for this lot will be 6.50.
  - e. Lot/Building 2C/2D. Theoretical Lot 2C/2D has approximately 62,261 square feet of land area. It will be developed with Building 2C/2D, which has approximately 419,195 square feet of residential use, generating approximately 362 dwelling units, and approximately 20,265 square feet of non-residential uses. Building 2C/2D has 6 to 10 stories and a height of 106.93 feet as measured from M Street, NW. The FAR for this lot will be 7.06.
41. In the event the Applicant is unable to acquire Lot 893, which is owned by 76 M, Inc., the PUD may be developed in accordance with the alternate plans on Sheet \_\_\_\_ of the architectural drawings at Ex. \_\_\_\_ of the record.

**G. Sursum Corda Households**

- 42. The 136 households currently residing in the Sursum Corda Community, have the following income levels: 88 households at 30% of AMI or lower; 31 households between 31% and 50% AMI; 2 households between 51% and 60% AMI; 2 households on the Property between 61 and 80% AMI; and 13 households over 80% AMI.
- 43. The currently occupied dwellings on the Property have the following unit mix:



			Number of Persons in Unit								
Existing Sursum Corda Units			1	2	3	4	5	6	7	8	9
No. of Units	No. of Bedrooms	Approximate Unit Size (square feet)									
17	Studio		14	3	—	—	—	—	—	—	—
7	1 bdrm	434 s.f.	5	2	—	—	—	—	—	—	—
20	2 bdrm	878 s.f.	8	7	4	1	—	—	—	—	—
34	3 bdrm	1,093 s.f.	7	10	9	3	4	—	1	—	—
31	4 bdrm	1,287 s.f.	9	8	4	5	3	1	1	—	—
13	5 bdrm	1,445 s.f.	1	2	3	3	1	1	1	—	1
14	6 bdrm	1,639 s.f.	2	1	4	4	2	1	—	—	

44. The first phase of the PUD will include 136 units and reserved for the households residing at the Property (the “Sursum Corda Households”) (“Reserved Units”). The Reserved Units will be dispersed throughout the South Parcel and will include the following unit mix:

Reserved Sursum Corda Units		
No. of Units	No. of Bedrooms	Approximate Unit Size
5	Studio	545 s.f.
31	1 bdrm	715 s.f.
53	2 bdrm	1,100 s.f.
27	3 bdrm	1,390 s.f.
10	4 bdrm	1,580 s.f.

The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household.

**H. Project Phasing**

45. The estimated schedule for the development of Phase 1 of the Project and the filing of the Second Stage PUD application for Phase 2 of the Project is reflected in the chart below. The schedule is consistent with the time frames permitted under the PUD regulations, but may be accelerated if feasible.

Stage 1 PUD Approval	June 2016
File and Obtain Stage 2 PUD Application for South Parcel	2017
File Permit Application for South Parcel	2019
Construction for South Parcel Commences	2020
Obtain first C.O. for South Parcel	2021
File Stage 2 PUD Application for North Parcel	2023

**I. Development Incentives and Flexibility**

46. The Applicant requested flexibility from the following areas of the Zoning Regulations:
- a. Loading. The Applicant requested flexibility from Section 2201 to have a total of five 30-foot loading berths where three 55-foot loading berths and two 30 foot loading berths are required. Given the mix of unit types and the amount of retail/commercial uses programmed for the development, the proposed loading facilities are adequate.
  - b. Side Yard Width Requirements. For Building 1B, the Applicant requested flexibility from Section 775.5 to have a side yard of 12 feet, 1 inch where a side yard of 13 feet is required.
  - c. Multiple Buildings on a Single Record Lot. The Applicant requested flexibility to have five buildings on a single record lot in accordance with Section 2516.
  - d. Parking and Loading for Building 1C. The Applicant requested flexibility from Sections 2101 and 2201 to construct Building 1C without parking or loading facilities. The building will have direct access to the parking and loading facilities that will be constructed for the project overall. The amount of parking provided for the PUD, and the number and size of the loading facilities are sufficient to service the overall development.
47. The Applicant also requested flexibility in the following areas:

- a. To be able to provide a range in the number of residential units of plus or minus ten percent (10%) from the 1,131 proposed for the development.
- b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, amenity spaces, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building.
- c. To vary the number, location, and arrangement of parking spaces, provided that the total is not reduced below the number required under the Zoning Regulations.
- d. To vary the sustainable design features of the building, provided the project meets a minimum of LEED Silver certification.
- e. 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 to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit.
- f. To vary the final selection of all exterior signage on the building.
- g. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use; and
- h. To vary the final selection of all exterior signage on the building.

**J. Project Benefits and Amenities**

45. Affordable Housing

The PUD will include the construction of 199 new affordable housing units. Affordable units will be reserved for and available to households with incomes not exceeding 80% AMI, provided that the blended affordability limits for the affordable units within the PUD shall not exceed 60% AMI. The PUD will maintain an overall blended affordability level of 60% AMI for the life of the project.

46. Landscape and Open Space Improvements

- a. The Applicant will seek approvals from the National Park Service, its designee, or the agency with jurisdiction over Lots 896 in Square 620, for

the construction and long-term maintenance of park space at the corner of First and L Streets, as depicted on the plans. If approved, the park space will be constructed during Phase 1 of the PUD. The estimated cost of the construction of the park areas at the corner of First and L Streets and along the eastern boundary of the Property is \$620,000.

- b. The Applicant will create a new pedestrian promenade through the center of the Property from M Street to L Street as shown on the Plans. The southern half of the promenade will be constructed during Phase 1 of the PUD. The northern half of the promenade will be constructed during Phase 2 of the PUD. The estimated cost of the construction of the new pedestrian promenade through the center of the site, from M Street to L Street, is \$725,000.
- c. During Phase 1 of the PUD, the Applicant will construct the extension of Pierce Street, from First Street to First Place. The Applicant will be responsible for the maintenance of the road for the life of the project. The estimated cost of the construction of Pierce Street is \$475,000.

47. Effective and Safe Vehicular and Pedestrian Access

- a. During Phase 1 of the PUD, the Applicant will improve a 30-foot wide strip of the Property frontage along First Street in order to effectively modify the existing sidewalk from a variable 6 to 8 feet in width to a sidewalk that is a minimum of 6 feet with landscaping and street trees. The segment of the frontage from Pierce Street south shall be improved during Phase 1 of the PUD; the segment from Pierce Street north shall be improved during Phase 2 of the PUD. The Applicant shall maintain said improvements for the life of the project, or so long as they are owned/controlled by the Applicant. The estimated cost of said improvement is \$370,000.
- b. During Phase 1 of the PUD, the Applicant will construct the extension of First Place from M Street to L Street. The estimated cost of said improvement is \$575,000.
- c. During Phase 1 of the PUD, the Applicant will improve the north side of L Street in between First Street and First Place in order for it to function as a two-way drive. The estimated cost of said improvement is \$275,000.
- d. The Applicant will cause the installation of a Capital Bikeshare Station in proximity to the Property as part of Phase 1 of the PUD and fund the first year operation of the station. The estimated cost for the installation and the first year of operation is \$92,000.

48. Environmental Benefits

- a. The PUD will achieve a minimum of LEED Silver certification.

- b. Phase 1 of the PUD will include two parking spaces reserved for a car-sharing service. The estimate cost of the reserved parking spaces is \$50,000.
- c. Phase 1 of the PUD will also include two electric car charging stations in the parking garage. The estimated cost of the car charging stations is \$110,000.

49. Employment and Training Opportunities

Prior to the issuance of a building permit for Phase 1 of the PUD, the Applicant shall enter into a First Source Agreement with the Department of Employment Services.

50. Uses of Special Value to the Neighborhood or the District of Columbia

- a. The Applicant agrees to construct 136 units on the South Parcel during the first phase of development for the PUD, which shall be reserved for the households currently residing at the Property (the “Sursum Corda Households”) (“Reserved Units”). The Reserved Units will be dispersed throughout the South Parcel and will include the following unit mix:

<b>Reserved Sursum Corda Units</b>		
<b>No. of Units</b>	<b>No. of Bedrooms</b>	<b>Approximate Unit Size</b>
5	Studio	545 s.f.
31	1 bdrm	715 s.f.
53	2 bdrm	1,100 s.f.
27	3 bdrm	1,390 s.f.
10	4 bdrm	1,580 s.f.

The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household.

51. Other Public Benefits and Development Amenities

- a. The Applicant agrees to contribute \$222,000 to the Boys and Girls Club #2 to support the operation of its programs.

- b. Subject to approval by the National Park Service or agency having jurisdiction over Lots 896 in Square 620, the Applicant agrees to (1) contribute \$28,000 for the installation of playground equipment in the park area near the corner of First and L Streets or (2) install playground equipment valued at said amount in the park area.
- c. The Applicant agrees to contribute to \$60,000 to the Perry School Community Services Center, Inc. to support the operation of its programs.
- d. The Applicant agrees to contribute \$25,000 to the Walker-Jones Parent Teacher Association to assist with funding for school activities and the purchase of classroom equipment.
- e. The Applicant agrees to contribute \$15,000 to the Girls in Action at the Sursum Corda Youth Center, 1175 First Terrace, NW, to support the operation of its programs.
- f. The Applicant agrees to contribute \$25,000 to the Dunbar High School Parent Teacher to assist with funding for school activities and the purchase of classroom equipment.
- g. The Applicant agrees to donate equipment and uniforms valued at approximately \$10,000 to support programming at the RH Terrell Recreation Center.
- h. The Applicant agrees to donate \$15,000 to support programming at the Northwest One Library.

**K. Comprehensive Plan**

- 50. The Future Land Use Map designates the Property for Moderate Density Residential and Low Density Commercial.
- 51. The Mid-City East Small Area Plan recommends that the Property be designated High Density Residential and Medium Density Commercial for the Property. As specified in the Comprehensive Plan, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for focused areas. 10 DCMR § 104.8.
- 52. The High Density Residential designation is used to define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The corresponding zone districts are generally R-5-D and R-5-E, although other zones may apply. 10 DCMR § 225.6.
- 53. As specified in the city's municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 10 DCMR § 104.2. Small Area Plans supplement the Comprehensive

Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. Small Area Plans are prepared for areas in the city where District action was necessary to manage growth, promote revitalization, or to achieve other long-range planning goals. Small Area Plans are adopted by the DC Council by resolutions. 10 DCMR § 104.8.

54. The Implementation Element of the Comprehensive Plan outlines where and under what conditions such plans should be undertaken:

IM-1.2 Small Area Planning

Small Area Plans cover defined geographic areas that require more focused direction than can be provided by the Comprehensive Plan. The intent of such plans is to guide long-range development, stabilize and improve neighborhoods, achieve citywide goals, and attain economic and community benefits. The Comprehensive Plan Area Elements identify where Small Area Plans should be prepared, with an emphasis on the Land Use Change Areas, Enhancement Areas, and business districts shown on the Comprehensive Plan's Generalized Policies Map. As these Small Area Plans are completed, future amendments to the Comprehensive Plan should identify subsequent generations of small area plans. ANC and public involvement in the development of Small Area Plans is desired and expected. 10 DCMR § 2503.1.

IM-1.2.1: Small Area Plans

Prepare Small Area Plans and other planning studies for parts of the city where detailed direction or standards are needed to guide land use, transportation, urban design, and other future physical planning decisions. The focus should be on areas that offer opportunities for new residential, commercial, and mixed use development, or areas with problems or characteristics requiring place-specific planning actions. Use the Comprehensive Plan Area Elements, the Generalized Policies Map, and land use monitoring activities to identify areas in the city where such plans are needed. Citizens shall have the right to petition or suggest small area plans to be proposed by the Mayor. 10 DCMR § 2503.2.

55. Based on these recommendations, the Mid-City East Element of the Comprehensive Plan recommended the preparation of a small area plan for the area around the North Capitol Street/Florida Avenue business district, Mid-City East. Neighborhood groups advocated for the small area plan to also include their residential neighborhoods to guide future redevelopment.

**L. Mid-City East Small Area Plan**

56. The Mid-City East Small Area Plan encompassed neighborhoods around the North Capitol Street/Florida Avenue business district. Sursum Corda, which was addressed in the Northwest One Plan, was also included. In implementing the recommendation of Comprehensive Plan, the Mid-City East Small Area Plan recognized the existing Moderated Density Residential and foresaw its redevelopment by recommending it as a Land Use Change Area on the Generalized

Policy Map and written policies with the appropriate density recommendation left to be determined by further studies with community involvement through a Small Area Plan.

**M. Generalized Policy Map**

57. The Generalized Policy Map designates the area as being within the NOMA/New York Avenue Metro Land Use Change Area. The Plan designates Land Use Change Areas as “area where change to a different land use from what exists today is anticipated. In some cases, the Future Land Use Map depicts the specific mix of uses expected for these areas. 10 DCMR § 223.9.
58. The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities. The Comprehensive Plan’s Area Elements provide additional policies to guide development and redevelopment within the Land Use Change Areas, including the desired mix of uses in each area. 10 DCMR § 223.11.

**N. Office of Planning Reports**

59. On October 30, 2015, OP submitted a report recommending set down of the application. (Ex. 12.) The OP report stated that the application meets the specific recommendations outlined in the SAP for the revitalization and redevelopment of Sursum Corda. The report also recommended that the Applicant provide the following information: (i) detail of the phasing plan, including approximate scheduling and development priorities; (ii) details regarding proposed green building initiatives; (iii) details of the affordable housing program, including a detailed relocation plan; and (iv) transportation plan and TDM measure specifics.
60. On February 1, 2006, OP submitted a report recommending approval of the application, subject to certain conditions. (Ex. 29.) The report stated that the redevelopment would benefit the existing residents and the neighborhood and would continue the revitalization and economic development that has begun in the neighborhood. The proposal is not inconsistent with the Comprehensive Plan and meets the specific recommendations outlined in the SAP.
61. On March 3, 2016, OP filed a post-hearing report, which included information on the (i) former Temple Courts residential community; (ii) the Metropolitan Police Department’s recommendations to the proposed development; and (iii) excerpts from the SAP, as requested by the Zoning Commission. (Ex. 49.)

**O. DDOT Report**

62. On February 1, 2016, DDOT submitted a report finding no objection to the application, subject to numerous conditions. (Ex. 30.) The Applicant is in



agreement with the DDOT conditions as represented in DDOT's testimony at the public hearing.

**P. DOEE Report**

63. On February 11, 2016, DDOE submitted a report expressing support for the project and listed a number additional suggestions on pages 1-2 of the report. (Ex. 39.)

**Q. ANC Support**

64. By letter dated December 1, 2015, ANC 6E voted unanimously to support the application, finding that the building heights, density, massing and site layout are appropriate for the Property. (Ex. 26.) By letter dated February 8, 2016, ANC 6E voted in support of the PUD Benefits and Amenities package. (Ex. 29.)

**R. Applicant's Post-Hearing Submission**

65. On March 3, 2016, the Applicant submitted its post-hearing submission. (Ex.48.) The post-hearing submission addressed the following in response to the Commission's comments at the public hearing: (i) status on 76 M Street property; (ii) LEED certification; (iii) proposed parking count; (iv) schedule of development; (v) amount of affordable housing and affordability levels; (vi) massing and height of PUD, particularly along First Place; (vii) reservation of units for Sursum Corda households and the plan for communicating with Sursum Corda households during the redevelopment of the Property; and (viii) pedestrian safety. The post-hearing submission also included a copy of a report of the inventory of affordable units prepared by Housing Opportunities Unlimited; a copy of the First Source Agreement signed by the Applicant; and the estimated costs of the various improvements proffered in the PUD benefits and amenities package.

## 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 development "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 Commission has the authority to consider this application as a first stage 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 Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.

3. Development of the Property included in this application 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 meets the minimum area requirements of §2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk and density standards of the Zoning Regulations. The mixed use proposed for this development is appropriate for the Property. The impact of the development on the surrounding area is not unacceptable. Accordingly, the PUD should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the development's benefits and amenities are reasonable tradeoffs for the requested development flexibility.
8. Approval of the PUD is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the PUD 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.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission carefully considered ANC 7C's recommendation for approval and concurs in its recommendation.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 et seq. (2007 Repl.)).

## 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 first stage approval of a planned unit development and related map amendment from the R-4 District to the C-3-C District for the approximately 6.7 acres of land between First Street, First Place, L Street, and M Street, NW (Square 620, Lots 248-250 and 893-895), and commonly known as “Sursum Corda”. For the purposes of these conditions, the term “Applicant” means the person or entity then holding title to the PUD site. If there is more than one owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the Property, that party shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an Owner. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

### **A. Project Development**

1. The PUD shall be developed in accordance with the plans titled “Sursum Corda Cooperative,” prepared by Boggs & Partners Architects, dated \_\_\_\_\_, and marked as \_\_\_\_\_ of the record (the “Plans”).
2. In accordance with the Plans, the PUD will have an overall density of 4.62 FAR, including the area for Pierce Street, and 5.24 FAR excluding the area for Pierce Street. The building heights for the project will range from 62.5 feet to 110 feet.
3. The Applicant is granted flexibility from the loading requirements (11 DCMR § 2201.1); the side yard width requirements (11 DCMR § 775.5); and the requirements for the number buildings on a single record lot (11 DCMR § 2516) consistent with the Plans and as discussed in the Development Incentives and Flexibility section of this Order.
4. The Applicant shall also have flexibility with the design of the PUD in the following areas:
  - a. To be able to provide a range in the number of residential units of plus or minus ten percent (10%) from the 1,131 proposed for the development.
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, amenity spaces, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building.
  - c. To vary the number, location, and arrangement of parking spaces, provided that the maximum number of parking spaces for the PUD does not exceed 746 parking spaces and minimum number of parking spaces is not reduced below the number required under the Zoning Regulations.
  - d. To vary the sustainable design features of the building, provided the project meets a minimum of LEED Silver certification.

- e. 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 to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit.
- f. To vary the final selection of all exterior signage on the building.
- g. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use; and
- h. To vary the final selection of all exterior signage on the building.

**B. Public Benefits**

1. Affordable Units

The PUD shall include the construction of 199 new affordable housing units on-site. Affordable units shall be reserved for and available to households with incomes not exceeding 80% AMI, provided that the overall blended affordability limits for the affordable units within the PUD shall not exceed 60% AMI. Further, the PUD shall maintain an overall blended affordability level of 60% AMI for the life of the project.

2. Sursum Corda Households

- a. Reserved Units. The Applicant shall construct 136 residential units on the South Parcel during the first phase of development for the PUD, which shall be reserved for current Sursum Corda households currently residing at the Property (“Sursum Corda Households”)(the “Reserved Units”). Upon application of a raze permit for any of the existing structures on the Property, the Applicant shall certify to the DCRA the list of Sursum Corda Households and their contact information.
- b. Affordability Level. The Reserved Units shall be made available to Sursum Corda Households at their respective income eligibility levels. For those households who qualify for Section 8 vouchers, the household’s contribution to the rent shall be based on the household income and/or changes resulting from the annual income recertification process with the U.S. Department of Housing and Urban Development (“HUD”) and/or the D.C. Housing Authority.

- c. The Reserved Unit Mix. The Reserved Units shall be dispersed throughout the South Parcel and shall include the following unit mix:

<b>Reserved Sursum Corda Units</b>		
<b>No. of Units</b>	<b>No. of Bedrooms</b>	<b>Approximate Unit Size (square feet)</b>
15	Studio	545 s.f.
31	1 bdrm	715 s.f.
53	2 bdrm	1,100 s.f.
27	3 bdrm	1,390 s.f.
10	4 bdrm	1,580 s.f.

The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household.

- d. Communication Plan. The Applicant shall implement the communication plan in Exhibit 48B of the record.
- e. Notice for Susum Corda Households. During construction of the first phase of development of the PUD, the Applicant, or its representative, shall maintain updated contact information for each Sursum Corda Household and shall provide notice, via certified mail or hand delivery, to each household as follows:
- i. Demolition of Existing Structures. Within 10 days of applying for a raze permit for any structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property.
  - ii. Issuance of a Building Permit. Within 7 days of the issuance of the first building permit for the above grade construction (the “Building Permit”), the Applicant shall notify the Sursum Corda Households that the Building Permit has been issued and the date it was issued. Certification of said notice, include a copy of same, shall be

submitted to DCRA within 14 days of the issuance of the Building Permit.

iii. Assignment of Units. No more than 12 months from the issuance of the Building Permit, the Applicant shall notify Sursum Corda Households of the estimated completion date of the first phase of the PUD and the unit that has been assigned to their individual household (including number of bedrooms and unit size). Said notice shall include renderings and floor plans for the development. Each head of household, or designated household member, shall have 90 days from the date of receiving notice of their assigned unit to inform the Applicant of its intention to occupy the Reserved Unit. Certification of said notice, including copies of same, shall be furnished to DCRA no later than 14 months from the issuance of obtaining the Building Permit.

iv. Occupancy Date. After issuance of the Building Permit, the Applicant shall notify those Sursum Corda Households that elect to return to the Property of the occupancy date for their Reserved Unit (the "Occupancy Date Notice"). Each Sursum Corda Household shall have at least one year from the date of the Occupancy Date Notice to (i) walk through a model unit and (ii) enter into an agreement for the occupancy of their Reserved Unit. Certification of the Occupancy Date Notice, including copies of same, shall be furnished to DCRA prior to the issuance of a certificate of occupancy for the first building within the PUD.

f. Report to DCRA. Prior to the issuance of the first certificate of occupancy for the PUD, the Applicant shall submit to DCRA a list of the Sursum Corda Households that elected to occupy a Reserved Unit, the type/size of unit and unit number, and the affordability level for said household.

g. Conversion of Reserved Units. In the event that a Sursum Corda Household (a) elects not to return to the Property to occupy a Reserved Unit or (b) fails to timely enter into an agreement for the occupancy of its Reserved Unit that is also an affordable unit, said unit may be converted to a market rate unit so long as the Applicant sets aside a corresponding amount of gross floor area for affordable units on the North Parcel.

### 3. Landscape and Open Space Improvements

a. The Applicant shall seek approvals from the National Park Service, its designee, or the agency with jurisdiction over Lots 896 in Square 620, for the construction and long-term maintenance of park space at the corner of First and L Streets, as depicted on the plans. If approved, the park space shall be constructed during Phase 1 of the PUD.

- b. The Applicant shall create a new pedestrian promenade through the center of the site from M Street to L Street as shown on the plans. The southern half of the promenade shall be constructed during Phase 1 of the PUD. The northern half of the promenade shall be constructed during Phase 2 of the PUD.
- c. During Phase 1 of the PUD, the extension of Pierce Street, from First Street to First Place. The Applicant shall be responsible for the maintenance of the road for the life of the project.

4. Transportation and Pedestrian Improvements

- a. During Phase 1 of the PUD, the Applicant shall improve a 30-foot wide strip of the Property frontage along First Street in order to effectively modify the existing sidewalk from a variable 6 to 8 feet in width to a sidewalk that is a minimum of 6 feet with landscaping and street trees. The segment of the frontage from Pierce Street south shall be improved during Phase 1 of the PUD; the segment from Pierce Street north shall be improved during Phase 2 of the PUD. The Applicant shall maintain said improvements for the life of the project, or so long as they are owned/controlled by the Applicant.
- b. During Phase 1 of the PUD, the Applicant shall construct the extension of First Place from M Street to L Street.
- c. During Phase 1 of the PUD, the Applicant shall improve the north side of L Street in between First Street and First Place in order for it to function as a two-way drive.
- d. The Applicant shall cause the installation of a Capital Bikeshare station in proximity to the Property as part of Phase 1 of the PUD.

5. Employment and Training Opportunities

Prior to the issuance of a building permit for Phase 1 of the PUD, the Applicant shall enter into a First Source Agreement with the Department of Employment Services.

6. Sustainable Design Elements

- a. Phase 1 of the PUD shall include two parking spaces reserved for a car-sharing service.
- b. Phase 1 of the PUD shall include two electric car charging stations in the parking garage.

7. Support of Neighborhood Uses and Organizations

- a. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$222,000 to the Boys and Girls Club #2 to support the operation of its programs.
- b. Prior to the issuance of a building permit for the PUD, and subject to approval by the National Park Service or agency having jurisdiction over Lots 896 and 897 in Square 620, the Applicant shall either (1) contribute \$28,000 for the installation of playground equipment in the park area near the corner of First and L Streets or (2) install playground equipment valued at said amount in the park area.
- c. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute to \$60,000 to the Perry School Community Services Center, Inc. to support the operation of its programs.
- d. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$25,000 to the Walker-Jones Parent Teacher Association to assist with funding for school activities and the purchase of classroom equipment.
- e. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$15,000 to the Girls in Action at the Sursum Corda Youth Center, 1175 First Terrace, NW, to support the operation of its programs.
- f. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$25,000 to the Dunbar High School Parent Teacher to assist with funding for school activities and the purchase of classroom equipment.
- g. Prior to the issuance of a building permit for the PUD, the Applicant shall donate equipment and uniforms valued at approximately \$10,000 to support programming at the RH Terrell Recreation Center.
- h. Prior to the issuance of a building permit for the PUD, the Applicant shall donate \$15,000 to support programming at the Northwest One Library.

C. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.



2. The PUD shall be valid for a period of two years from the effective date of Zoning Commission Order No. 15-20. Within such time, an application must be filed for a building permit for the construction of the development as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of the development must commence within three years of the effective date of this Order.
  
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On DATE, upon the motion of Commissioner [REDACTED] as seconded by Commissioner [REDACTED], the Zoning Commission APPROVED the application by a vote of [REDACTED] (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On DATE, upon the motion of [REDACTED], as seconded by [REDACTED], this Order was ADOPTED by the Zoning Commission at its public meeting by a vote of [REDACTED].