

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Karen Thomas, development Review Specialist
JLS
Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation

DATE: July 14, 2021

SUBJECT: ZC 17-08A, Modification of Significance, Square 5194, Lot 827 (formerly Lot 824) Providence Place

I. APPLICATION AND RECOMMENDATION

Providence Place I, LP (the Applicant) requests a Modification of Significance pursuant to Subtitle Z 704 to Z.C. Order No. 17-08 for modification of approved plans to include flexibility from the vertical clearance requirement (14 feet) of its approved loading berth. The Applicant seeks approval of a vertical clearance of 12 feet 6 inches due to structural changes which occurred during the building's construction.

On June 24, 2021 at its regularly scheduled public meeting, the Zoning Commission granted a limited waiver from 11 DCMR Z § 300.7 to permit filing of the subject application less than 45 days from the date of filing of its Notice of Intent (NOI). ([17-08 Exhibit 48A](#)).

OP recommends **setdown** of the requested modification related to Condition A of the Order 17-08 (addition in **bold and underlined**), to include the requested flexibility as follows:

- **Flexibility from Subtitle C §905.2 to permit a vertical clearance height of the loading berth at 12 feet 6 inches, where 14 feet is required.**

A hearing is requested pursuant to Subtitle Z § 704, which would be limited to the impact of the modification on the approved PUD; without revisiting its original decision. (Z § 704.4).

II. OVERVIEW AND BACKGROUND

ZC Order 17-08 dated November 27, 2017, approved a consolidated Planned Unit Development (PUD), and related Map Amendment to allow development of the former parking lot on the site of the Progressive National Baptist Church (PNBC). The original PUD was approved in the alternative¹ for a 4-story, 93-unit apartment building. The residences are dedicated to residents at 60% MFI and up to 35 units are dedicated as replacement housing for residents of the former Lincoln Heights and Richardson Dwellings. The project is almost completed, with leasing currently being advertised.

¹Order 17-08, **Description of the PUD**, Item #32, Page 5.

III. ANALYSIS: Modification of Significance

Flexibility from Subtitle C§ 905.2 pursuant to X § 303

To accommodate the proposed change loading flexibility is sought by the Applicant pursuant to Subtitle X §§ 303.1 and 303.11:

303.1 As part of the PUD process, the Zoning Commission may grant relief from any building development standard or other standard referenced in the zone reference table with the exception of use regulations. Housing and arts credits are considered use regulations and are not eligible for flexibility through the PUD process.

303.11 The amount of flexibility from all other development standards not addressed by this section shall be at the discretion of the Zoning Commission.

The development has satisfied the matter-of-right standards for a loading berth under C § 905 except 905.2, which states that “All loading berths shall ...have a minimum vertical clearance of fourteen feet (14 ft).” The partially completed building has a completed loading berth which is now encumbered by structural drop panel of concrete, laid directly above the loading berth’s entrance space thereby reducing its required clearance height from 14 feet to 12 feet 6 inches.

Exhibit 3F provides the applicant’s loading management plan, which would include clearance height signage for trucks taller than 12 feet 6 inches, as well as management and scheduling of deliveries for move ins/outs with larger trucks. The applicant also proposes loading for trucks taller than 12 feet within public space. OP would coordinate between the applicant and the District Department of Transportation to confirm the feasibility of on-street loading for larger trucks shown in the applicant’s plan (attached) prior to the public hearing.

The requested flexibility is not an unreasonable request when the cost of retrofitting the structural encumbrance is balanced against the PUD benefits and amenities. The approved and almost completed apartment building would remain consistent with the approved PUD and the Commission’s findings of consistency with the Comprehensive Plan would not be altered. Design changes to the exterior or vehicular access are not proposed with this application.

IV. AGENCY COMMENTS

Comments from the District Department of Transportation will be requested prior to the public hearing.

V. ANC COMMENTS

ANC 7C has been notified of the filing as noted in Exhibit 7 of the record.

ATTACHMENT

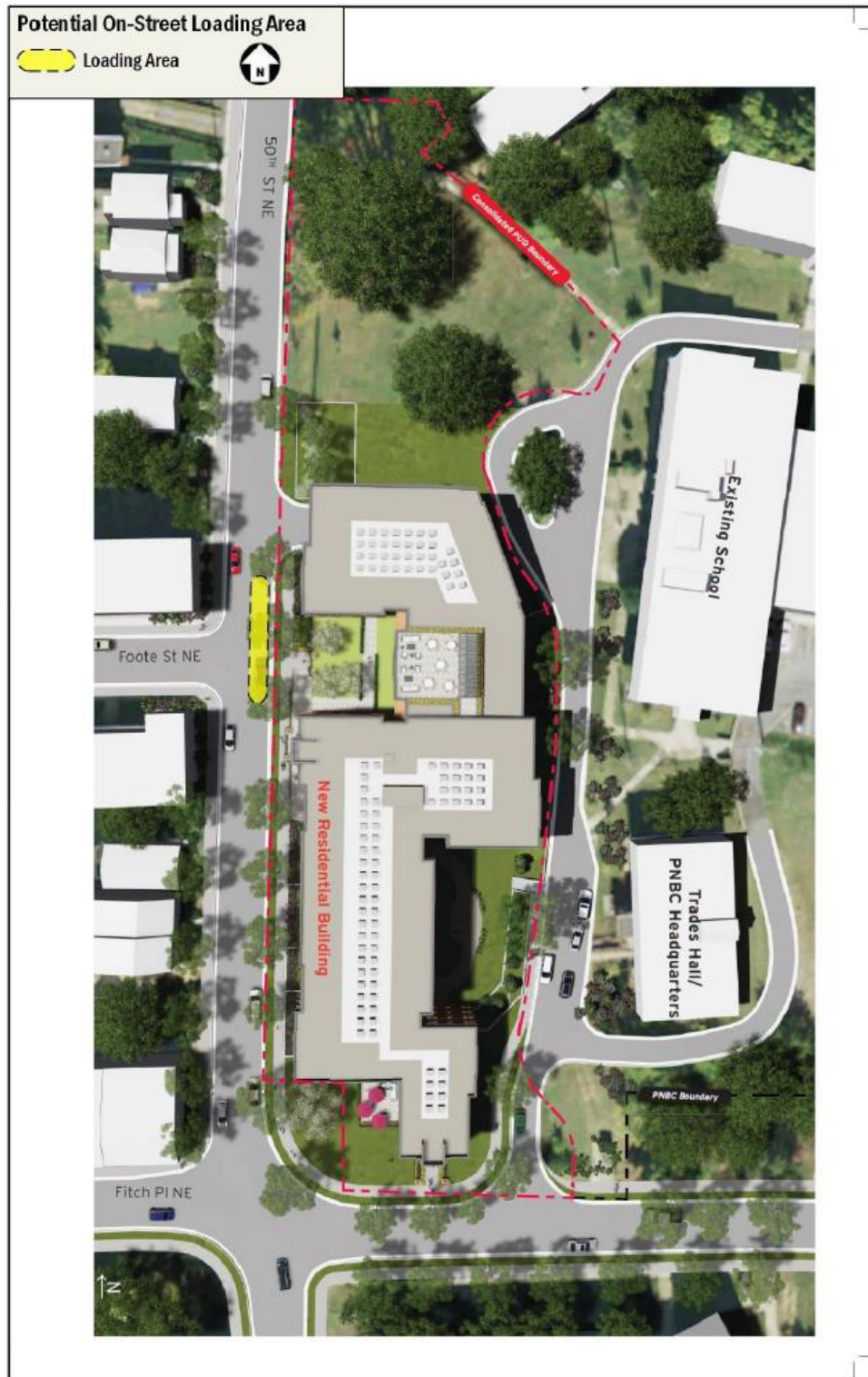


Figure 1: Potential On-Street Loading Areas for Trucks taller than 12'-6"
ZC 17-08A EXHIBIT 3F – PROPOSED LOADING AREA