

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Leila M. Jackson Batties
202.419.2583
leila.batties@hklaw.com

Christopher S. Cohen
202.740.3797
christopher.cohen@hklaw.com

June 9, 2021

VIA EMAIL

Zoning Commission for the
District of Columbia
441 4th Street, NW, Suite 210S
Washington, D.C. 20001
zsubmissions@dc.gov

**Re: Providence Place PUD (ZC Order No. 17-08)
Request for Limited Waiver to File Modification of Significance Within 45
Days of Notice of Intent**

Dear Members of the Zoning Commission:

On behalf of Providence Place I, LP (the “**Applicant**”), we respectfully request that the Zoning Commission (the “**Commission**”) exercise its authority under 11-Z DCMR § 101.9 to waive the 45-day period required prior to filing an application for a Modification of Significance pursuant to 11-Z DCMR § 300.7. Granting the requested waiver will allow the Applicant to file an application to modify the above-referenced planned unit development (“**PUD**”) within forty-five (45) calendar days of mailing its Notice of Intent (“**NOI**”). As demonstrated herein there is good cause for the Applicant’s request, and the waiver will not prejudice the rights of any party.

PUD BACKGROUND

By Zoning Commission Order No. 17-08, effective March 9, 2018, the Commission approved a consolidated PUD and related Zoning Map amendment from RA-1 to RA-2 for the PUD site. *See Attachment A*. The approved PUD permits the construction of an apartment house with approximately 100 residential units, of diverse bedroom types, all of which will be reserved for households with incomes not exceed 60% of the area median income (the “**Project**”). Of the 100 units, 35 will be replacement units for the Lincoln Heights/Richardson Dwellings communities controlled by the DC Housing Authority.

The subject property is located on the east side of 50th Street, NE, between Nannie Helen Burroughs Avenue and Fitch Place in Ward 7, and is known for assessment and taxation purposes

ZONING COMMISSION
District of Columbia
CASE NO.17-08A
EXHIBIT NO.3H

as Lot 827, Square 5194. The PUD is situated along the western edge of the Progressive National Baptist Convention (“PNBC”) campus.

PROPOSED MODIFICATION OF SIGNIFICANCE

The Project is currently under construction and is expected to be completed in the third quarter of 2021. The Applicant recently discovered that a concrete drop panel does not allow for the 14’ vertical clearance required for a 12’ x 30’ loading berth, pursuant to Subtitle C § 905.2, without significant and costly design changes. Therefore, the Applicant seeks to modify the PUD to include flexibility from Subtitle C § 905.2 in order to permit a vertical clearance of 13’- 4”. Because the desired modification involves “additional relief or flexibility from the zoning regulations not previously approved”, the Applicant must file a Modification of Significance in accordance with Subtitle Z § 704. *See* 11-Z DCMR § 703.6.

The requested flexibility from the loading requirements will not undermine the intent or design of the PUD or otherwise adversely impact the surrounding neighborhood. The traffic consultant for the PUD will confirm that a vertical clearance of 13’- 4” is sufficient to accommodate the U-Haul type trucks that would commonly service the Project.

WAIVER FROM SUBTITLE Z § 300.7

The Applicant seeks a limited waiver from Subtitle Z § 300.7 of the Zoning Regulations, which states:

***At least forty-five (45) calendar days prior to filing** an application under this chapter, **including a modification of significance**, the applicant shall mail written notice of its intent (NOI) to file the application to the affected ANC and to the owners of all property within two hundred feet (200 ft.) of the perimeter of the property in question. (Emphasis added.)*

Subtitle Z § 101.9 authorizes the Commission to waive its rules where the exercise of such a waiver would also not prejudice the rights of any party nor is otherwise prohibited by law. In the present case, on June 8, 2021, the Applicant mailed the NOI to all owners within 200 ft. of the Property. *See Attachment B*. The only parties to the original case were the Applicant and Advisory Neighborhood Commission (“ANC”) 7C. Therefore, the Applicant also sent the NOI to the Chairperson of ANC 7C and the Single Member District Representative for the subject property on June 8, 2021. Additionally, the Applicant will present the modification request to ANC 7C at the first available opportunity. Because the Project is under construction, there is a relative sense of urgency for the Applicant to file the PUD modification of significance as soon as practicable.

CONCLUSION

In light of the foregoing, coupled with the limited scope of the desired PUD modification, allowing the Applicant to file the Modification of Significance application within 45 days of mailing the NOI would not be inappropriate in this case. Accordingly, the Applicant respectfully requests that

the Commission waive the 45-day period required by 11-Z DCMR § 300.7, and allow the Applicant to file its request for a Modification of Significance as soon as practicable.

We very much appreciate your consideration of this matter.

Very truly yours,

HOLLAND & KNIGHT, LLP



Leila M. Jackson Batties



Christopher S. Cohen

Attachments

cc: Ms. Sharon Schellin, Secretary to the Zoning Commission (via email, w/ attachments)
Commissioner Antwan Holmes, Chair ANC 7C (via e-mail, w/ attachments)
Commissioner Patricia Malloy, SMD 7C01 (via e-mail, w/ attachments)

ATTACHMENT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 17-08
Z.C. Case No. 17-08
Providence Place I LP
(Consolidated PUD and Related Map Amendment @ Square 5194, Lot 824)
November 27, 2017

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on October 19, 2017, to consider an application for a consolidated planned unit development ("PUD") and a related zoning map amendment filed by Providence Place I, LP ("Applicant") on behalf of the Progressive National Baptist Convention, Inc. (“PNBC”). The Commission considered the application pursuant to Subtitle X, Chapter 3 and Subtitle Z 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 Subtitle Z, Chapter 400. For the reasons stated below, the Commission hereby **APPROVES** the application.

FINDINGS OF FACT

The Application, Parties, Hearings, and Post-Hearing Filings

1. On April 6, 2017, the Applicant filed an application with the Commission for consolidated review of a PUD and a related Zoning Map amendment from the RA-1 zone to the RA-2 zone for a parcel situated on the western edge of the PNBC campus (“Property”). The PNBC campus is located at the southeast corner of the intersection of Nannie Helen Burroughs Avenue and 50th Street, south of Marvin Gaye Park, and is more particularly described as Square 5194, Lot 824. The PUD site is presently improved with a surface parking lot.
2. The Applicant proposes to redevelop the Property with approximately 100 residential units, comprised of one-bedroom, two-bedroom, three-bedroom, and four-bedroom units, all of which will be reserved for households with incomes not exceeding 60% of the area median income (“AMI”). Of the 100 units, 35 will be replacement units for the Lincoln Heights and Richardson Dwellings communities controlled by the DC Housing Authority. Eight of the nine three-bedroom units and all of the four-bedroom units will be replacement units. The project will have a maximum building height of approximately 31 feet, 10 inches; a density of approximately 1.88 floor area ratio (“FAR”); and 48 below-grade parking spaces (“Project”).

3. Alternatively, the Applicant proposes the Project consists of approximately 93 units, with 35 replacement units for Lincoln Heights and Richardson Dwellings communities. Under the alternative proposal, seven three-bedroom units and three four-bedroom units will be set aside as replacement units.
4. By report dated June 1, 2017, the District of Columbia Office of Planning (“OP”) recommended that the application be set down for a public hearing. (Exhibit [“Ex.”] 10.) At its public meeting on June 12, 2017, the Commission voted to schedule a public hearing on the application.
5. The Applicant filed its prehearing submission on July 17, 2017, and a public hearing was timely scheduled for the matter. (Ex. 16-16G.) On August 9, 2017, the notice of public hearing was sent to all owners of property located within 200 feet of the Property; Advisory Neighborhood Commission (“ANC”) 7C, the ANC in which the Property is located; Commissioner Patricia Malloy, the Single Member District Representative for ANC 7C01, and to Councilmember Vincent Gray, whose ward includes the Property. A description of the proposed development and the notice of the public hearing in this matter were published in the *DC Register* on August 18, 2017.
6. On September 7, 2017, the Applicant filed its Comprehensive Transportation Review (“CTR”). (Ex. 23-23A.)
7. On September 29, 2017, the Applicant filed its supplemental prehearing submission. (Ex. 26-27C.) The supplemental prehearing submission included: (i) revised architectural plans and elevations; (ii) response to outstanding issues from the setdown of the application; (iii) a restatement of the public benefits and project amenities; and (iv) resumes of additional witnesses.
8. On October 5, 2017, OP submitted a hearing report. (Ex. 28.) The OP hearing report recommended approval of the application. (Ex. 28, p. 1.)
9. On October 10, 2017, the District Department of Transportation (“DDOT”) submitted a hearing report. (Ex. 30.) The DDOT hearing report indicated no objection to the application subject to the conditions set forth in Finding of Fact (“FF”) No. 74 of this Order.
10. On October 19, 2017, the Applicant filed additional architectural drawings depicting an alternate design for the building, which eliminates the five-story portion of the building. (Ex. 33-33A). The alternate design is in response to a determination that the portion of the building that is five stories will result in budget difficulties for the all affordable project. At the hearing, the Applicant requested flexibility to construct either the five-story building shown in the original plan or the four-story building shown in the alternate plan.
11. ANC 7C submitted a resolution in support of the Project indicating that at its regularly scheduled and duly noticed public meeting of June 8, 2017, at which a quorum of commissioners was present, ANC 7C voted 7-0 to support the application. (Ex. 13.) The

resolution stated that ANC 7C supports the application including the Applicant's proposal for 100 units of affordable housing.

12. The parties to the case were the Applicant and ANC 7C.
13. The Commission convened a public hearing on the application on October 19, 2017. At the public hearing, the Applicant presented the following witnesses: Rex Cole on behalf of the Applicant; Dr. Carson Eugene Wise, Sr. on behalf of PNBC; Cheryl O'Neil of Torti Gallas Urban architects for the Project; Erwin Andres, of Gorove/Slade transportation consultant for the Project. Based upon their professional experience and qualifications, the Commission qualified Ms. O'Neil as an expert in planning and architectures, and Mr. Andres as an expert in transportation planning and engineering;
14. Karen Thomas of OP; Jonathan Rogers of DDOT; and Commissioner Patricia Malloy, the single Member District Representative for ANC 7C01, testified in support of the application at the public hearing.
15. At the conclusion of the public hearing, the Commission closed the record and took proposed action to approve the application.
16. On October 26, 2017, the Applicant submitted its proposed findings of fact and conclusions of law. (Ex. 38-38A.)
17. On October 31, 2017, the Applicant sent correspondence to ANC 7C and Commissioner Patricia Malloy explaining the alternate building design and the proposed changes to the DDOT recommendations. (Ex. 39.)
18. On November 6, 2017, the Applicant filed its Post-Hearing Submission, which included a full set of architectural drawings for the alternate design and a statement regarding the Applicant's additional community outreach. (Ex. 40-40A.)
19. On November 6, 2017, Ms. Angie Rodgers, Director of New Communities Initiative for the Deputy Mayor for Planning and Economic Development submitted a letter in support of the Project. The letter clarified questions related to the role of the Project in meeting the core principles of the District's New Communities Initiative in the redevelopment of the Lincoln Heights and Richardson Dwellings public housing properties. (Ex. 41.)
20. On November 13, 2017, ANC 7C submitted a second report stating that at its regularly scheduled and duly noticed public meeting of November 9, 2017, at which a quorum of commissioners was present, ANC 7C voted 7-0 to support the application. (Ex. 44.)
21. The proposed action was referred to the National Capital Planning Commission ("NCPC") on October 23, 2017, pursuant to § 492 of the Home Rule Act. (Ex. 36.)
22. NCPC did not submit a report in this case.

23. The Commission took final action to approve the PUD on November 27, 2017.

The Property and Surrounding Area

24. The Property consists of approximately 70,712 square of land area and is situated on the western edge of the PNBC campus which is located at the southeast corner of the intersection of Nannie Helen Burroughs Avenue and 50th Street, south of Marvin Gaye Park.
25. In addition to the facilities and structures on the PNBC Campus, the Property is surrounded by a mix of residential uses, educational facilities, and recreational facilities. The Property is well served by several Metrobus routes, including six routes within 0.2 miles of the Property.
26. The Applicant requested a Zoning Map amendment to rezone the Property from the RA-1 zone to the RA-2 zone. As detailed in FF Nos. 57-70, the Commission finds that the requested map amendment is consistent with Future Land Use Map designation Moderate-Density Residential.

The Applicant

27. Providence Place I, LP is a partnership between Progressive National Baptist Convention, CDC and APC Urban, LLC. PNBC owns the Property and has its headquarters on the campus directly across from the PUD site.
28. APC Urban, LLC is a joint venture between Atlantic|Pacific Communities, a national affordable housing development firm based in Miami, and UrbanMatters Development Partners, LLC, a District of Columbia Certified Business Enterprise specializing in the development and preservation of mixed-income communities.

Existing and Proposed Zoning

29. The Property is presently zoned RA-1. The RA-1 zone is intended to permit flexibility of design by permitting all types of urban residential development. (11-F DCMR § 300.1(a).) As a matter-of-right, property in the RA-1 zone can be developed with a maximum density of 0.9 FAR and 1.08 with Inclusionary Zoning (“IZ”). (11-F DCMR § 302.1.) The maximum matter-of-right building height in the RA-1 zone is 40 feet, with no limit on the number of stories. (11-F DCMR § 303.1.) The maximum lot occupancy is 40%. (11-F DCMR § 304.1.)
30. The Applicant proposes to rezone the Property to the RA-2 zone, which permits the following development standards:
 - Height: 50 feet with no limit on the number of stories; 60 feet for a PUD; (11-F DCMR § 303.1; 11-X DCMR § 303.7.)

- Density: 1.8 FAR; 2.16 FAR with IZ; and 2.59 FAR for a PUD; (11-F DCMR § 302.1; 11-X DCMR § 303.3.)
- Lot Occupancy: The maximum lot occupancy for residential use is 60%; (11-F DCMR § 304.1.)
- Rear Yard: The minimum rear yard is a distance equal to four inches per one foot of principal building height but not less than 15 feet; (11-F DCMR § 305.1.)
- Side Yard: No side yard is required; however, if a side yard is provided, it shall be no less than four feet; (11-F DCMR § 306.2.)
- Parking for Residential, multiple dwelling unit: one per three dwelling units in excess of four units; (11-C DCMR § 701.5.)
- Bicycle Parking for Residential Apartment: one space for each three dwelling units (long term); one space for each 20 dwelling units (short term); (11-C DCMR § 802.1.)
- Loading for Residential More than 50 Units: one loading berth and one service/delivery space; and (11-C DCMR § 902.2.)
- Green Area Ratio (“GAR”): The minimum required GAR for the RA-2 zone is 0.4. (11-F DCMR § 307.1.)

Description of the PUD Project

31. As shown on the architectural drawings originally submitted as part of the PUD application, the Applicant proposes to redevelop the Property with a five-story apartment house consisting of approximately 132,776 square feet of gross floor area, generating approximately 100 units, all of which will be reserved for households with incomes not exceeding 60% of the AMI. Thirty-five of the units will be replacement units for the Lincoln Heights and Richardson Dwellings communities located immediately north of the Property. The building includes a partially below-grade parking garage with 48 parking spaces and associated loading facilities, which will be from 50th Street.
32. In the alternative, the Applicant proposes to redevelop the Property with a four-story building with approximately 93 units. Even so, the building will include 35 replacement units for the Lincoln Heights and Richardson Dwellings communities. The unit mix for these replacement units in the Alternate Plans includes seven three-bedroom units and three four-bedroom units. (Ex. 40-40A.)
33. The alternate design is in response to a determination that the portion of the building that is five stories will result in budget difficulties for the project. As a result, the Applicant is proposing a design that eliminates the five-story portion of the building, and instead

maintains four stories across the project. The design intent and materials of the building will remain unchanged. However, the roof patio on the lower-level roof is relocated to the southern corner of the courtyard on Foote Street, and a screen wall is proposed around the roof patio that maintains the existing character of the 50th Street façade.

34. The Project includes a significant amount of public space improvements, including shade trees and ground plane planting, decorative planters for seasonal display, street lights, and bicycle racks. Also, the Project will include both long-term and short-term bicycle spaces consistent with the requirements of the Zoning Regulations. As a result of the redevelopment of the Property, the perimeter of the Property will be improved to promote a pedestrian-friendly environment with an activated streetscape. All adjacent curb ramps and crosswalks will be improved to current DDOT accessibility standards if they do not currently comply.
35. The same level of architectural detailing is used on all four sides of the building. Moreover, the massing and design of the Project is intended to enhance the residential character of the immediate area and the PNBC campus overall. The Project includes the creation of a new public entrance to the PNBC campus on Fitch Place, and will significantly improve the fabric of the PNBC campus and 50th Street by redeveloping a large, underutilized site.
36. The open area identified as the rear yard at the northern end of the Property will remain as open space.
37. The east-facing courtyard of the proposed apartment house responds to the Trades Hall/PNBC Headquarters building, elevating its importance and highlights it as a special structure. The apartment house is situated on an uphill portion of the Property, helping to preserve the identity of the campus as a collection of buildings surrounded by the natural landscape, particularly from the most prominent view from Nannie Helen Burroughs Avenue. The significant topography is utilized to create a building mass that is integrated with the scale of the existing buildings on the PNBC campus. The building height steps down along the 50th Street frontage and from 50th Street to Campus Drive, creating a building mass integrated with the scale of the PNBC campus as well as a mass that steps down along 50th Street, responding to the road grade and scaling down the height. An additional west-facing courtyard is created along 50th Street that further breaks down the building mass and terminates the view corridor of Foote Street with a special feature. The character of the exterior façades picks up on the Arte Moderne style of the existing dormitory and chapel on the PNBC campus, using a more modest interpretation of the style that is sympathetic to the existing campus buildings, but does not compete with them. The exterior materials of the apartment house are complimentary to the existing buildings on the PNBC campus, enhancing the identity as a cohesive ensemble.
38. The PUD will be certified under the *Enterprise Green Communities* standard and will use Enterprise Green Communities certification to meet the applicable Green Building Act Requirements. The Green Building Act states that the Enterprise Green Communities standard was developed for affordable housing, and shall be used for projects with at

least 15% District financing. The Enterprise Green Communities Checklist for the Project is included on Sheet A14 of the architectural drawings. (Ex. 27A2.)

39. As suggested by the Commission and the Department of Energy and Environment (“DOEE”), the Applicant will incorporate solar panels on the building as shown on Sheet A21 of the architectural plans submitted on September 29, 2017 (Ex. 27A2) and Sheet A49 of the alternate plans submitted on November 6, 2017 (Ex. 40A).

Development Flexibility

40. The Applicant has requested flexibility in the following areas:
- a. To be able to provide a range in the number of residential units – plus or minus 10% – so long as all of the residential units are reserved for households with incomes not exceeding 60% of the MFI and at least 35 units are reserved as replacement units for the Lincoln Heights/Richardson Dwellings properties controlled by the DC Housing Authority. The mix of units for the replacement units (specifically, the proportion of one-bedroom, two-bedroom, three-bedroom and four-bedroom units) shall be as reflected in the architectural drawings;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - c. To vary the final selection of the exterior materials within the color ranges of the 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: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not significantly alter the design in order to comply with all applicable District of Columbia Building Code;
 - d. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the DDOT Public Space Division; and
 - e. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans.

Project Benefits and Amenities

41. Urban Design and Architecture; Landscaping and Open Space; Property Planning & Efficient & Economical Land Utilization (§ 305.5(a) – (c)). The massing and design of

the Project is intended to enhance the residential character of the immediate area and the PNBC campus. The Project includes the creation of a new public entrance to the campus on Fitch Place, which will enhance the prominence and visibility of the Trades Hall, and improve automobile and pedestrian access to the campus. Moreover, the Project will significantly improve the fabric of the PNBC campus and 50th Street by redeveloping a large, underutilized site.

42. The new building is situated on an uphill portion of the Property, helping to preserve the identity of the PNBC campus as a collection of buildings surrounded by the natural landscape, particularly from the most prominent view along Nannie Helen Burroughs Avenue. The east-facing courtyard of the apartment house responds to the Trades Hall/PNBC Headquarters building, elevating its importance and highlights it as a special structure. The significant site topography is utilized to create a building mass that is integrated with the scale of the surrounding buildings on the PNBC campus and on 50th Street. The building height steps down both along the 50th Street frontage, and from 50th Street to Campus Drive, creating a building mass integrated with the scale of the PNBC campus and the existing apartment buildings and new townhouses along 50th Street. The frontage facing the campus is predominately three stories, creating a building mass compatible with the Trades Hall/PNBC Headquarters building and existing school building. Stepping down along 50th Street, the apartment house responds to the road grade while a second west-facing courtyard further articulates the street frontage and provides a unique spatial feature that terminates the view corridor of Foote Street. A secondary residential entrance, new sidewalks, grass strip with street trees and low retaining walls with extensive plantings, together with the attractive building frontage, improve the character and quality of 50th Street. The new PNBC campus entry, as well as the primary pedestrian building entry, are articulated with a unique bay feature, which creates new features along Fitch Place and will enliven the street with new pedestrian activity.
43. Car parking, bicycle parking, and all of the loading and service spaces are located in a partially below-grade garage, removing them from public view. Access to the garage is provided at the northernmost end of the building on 50th Street.
44. The character of the exterior façades picks up on the Arte Moderne style of the existing dormitory and chapel on the PNBC campus, using a more modest interpretation of the style that is sympathetic to the existing buildings on the campus, but does not compete with them. Streamlined horizontal readings in masonry detailing and window patterns, corner windows, and articulated vertical bays and features at the two building entries are components of the style utilized to create a nuanced, human-scaled façade. The exterior materials, including the brick and siding in the upper story, are complimentary to the existing buildings on the PNBC campus, enhancing the identity as a cohesive ensemble.
45. The PUD includes a range of unit types, including one-bedroom, two-bedroom, three-bedroom and four-bedroom units. The three-bedroom and four-bedroom units will accommodate larger families and are carefully located to provide access to appropriate amenities, such as the private outdoor space either on ground-level patios or the upper-

level balconies. Additional amenity spaces include primary and secondary residential lobbies, a business and fitness center, and a community room that will be made available to building residents and the broader community, including PNBC. The roof terrace on the lower northernmost roof level will be made available to all of the building residents, and will provide spectacular views of the District's skyline.

46. Historic Preservation (§ 305.5(e)). The Property is situated at the western edge of the PNBC campus, across from the campus' Trades Hall/PNBC Headquarters building. This building was one of the early classroom/administration buildings for the Nannie Helen Burroughs School, originally known as the National Training School for Woman and Girls. The building is designated as a National Historic Landmark. Civil rights and suffrage advocate, Nannie Helen Burroughs founded the school in 1906, and remained active in its leadership until her death in 1961.
47. In light of the historic significance of the PNBC campus, the Applicant has agreed to file a historic designation application for the portion of the PNBC campus that includes the extant resources associated with the National Training School for Women and Girls. The resources included within the landmark designation would include the Trades Hall, chapel, dormitory, and the Lincoln Memorial Arch, but will not include that portion of the campus included in the PUD application. The historic designation application will be filed with the Historic Preservation Office prior to the issuance of a certificate of occupancy for the apartment house that is the subject of this application.
48. Affordable Housing (§ 305.5(g)). The PUD's most significant benefit is the creation of new housing, including additional affordable housing units, consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. If the Property was developed as a matter of right, the Applicant would be required to set aside the greater of 10% of the gross floor area dedicated to residential use including penthouse habitable space, or 75% of its achievable bonus density to inclusionary units for households with incomes not exceeding 60% of MFI. However, the PUD will be an all affordable building with 35 of the units serving as replacement units for the Lincoln Heights and Richardson Dwellings communities. This is a significantly greater amount of affordable housing, and at deeper levels of affordability, than would have been required if the Property was developed as a matter of right. The charts below indicate that none of the affordable housing will be subject to the IZ requirements set forth in Subtitle C, Chapter 10 of Title 11 DCMR. This is because the Applicant will be requesting that the Zoning Administrator grant an exemption from those requirements pursuant to 11-C DCMR § 1001.6. The Commission makes no finding as to whether the exemption should be granted, and notes that if the request is denied, the requirements of Chapter 10 of Title 11-C DCMR as well as the IZ Act as defined at 11-B DCMR § 100.1 will apply.
49. Specifically, if the Applicant constructs the building reflected in the architectural drawings originally proposed for the PUD (100 units), the Applicant shall provide affordable housing in accordance with the chart below:

Residential Unit Type	Floor Area/ % of Total*	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	101,047/100%	100	Up to 60% of MFI			
Affordable Non-IZ**	10,105/10%	10	Up to 60% of MFI	Life of the Project	Rental	
Affordable Non-IZ	40,732/40%	35	Up to 60% of MFI	99 years	Rental	Replacement units
Affordable Non-IZ	50,210/50%	55	Up to 60% of MFI	40 years	Rental	

* Refers to the residential gross floor area, but the floor area may be adjusted, subtracting the building core factor.

** If the IZ exemption is denied, these units will be Inclusionary Zoning units instead of Affordable Non-IZ units.

50. If the Applicant constructs the building reflected in the alternate plans (93 units), the Applicant shall provide affordable housing in accordance with the chart below:

Residential Unit Type	Floor Area/ % of Total*	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	94,277/100%	93	Up to 60% of MFI			
Affordable Non-IZ**	9,428/10%	10	Up to 60% of MFI	Life of the Project	Rental	
Affordable Non-IZ	40,317/43%	35	Up to 60% of MFI	99 years	Rental	Replacement units
Affordable Non-IZ	44,532/47%	55	Up to 60% of MFI	40 years	Rental	

* Refers to the residential gross floor area, but the floor area may be adjusted, subtracting the building core factor.

** If the IZ exemption is denied, these units will be Inclusionary Zoning units instead of Affordable Non-IZ units.

51. Employment and Training Opportunities (§ 305.5(h)). Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Therefore, the Applicant has entered into a First Source Employment Agreement with the Department of Employment Services. (Ex. 35.) In addition, the Applicant has entered into a Small Business Enterprise (“SBE”) Agreement with the District Department of Small and Local Business Development to ensure that a preference is made to District-based firms pursuing District government issued procurement opportunities. (Ex. 34A.)

52. Building Space for Special Uses (§ 305.5(j)). The Applicant is providing a community room in the building that will be made available to the broader community, including PNBC.
53. Environmental Benefits (§ 305.5(k)). The Applicant will incorporate solar panels on the building as shown on the updated roof plan on Sheet A21 of the architectural plans submitted on September 29, 2017 and on Sheet A49 of the alternate plans submitted on November 6, 2017. (Ex. 27A2, 40A.)
54. The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. It will employ environmentally sustainable strategies as called for in the Green Communities standard such as surface water management with extensive bioretention features, native and soil appropriate plantings, natural ventilation features, Energy Star rated appliances, low VOC finishes, water conserving plumbing fixtures, and Energy star rated residential unit light fixtures.
55. Streetscape Plans (§ 305.5(l)). As shown on sheet L100 of the Plans, the PUD includes landscaped and improved streetscapes surrounding the Property. The improved sidewalks along 50th Street and Fitch Place will provide for a better pedestrian experience through the use of street trees, enhanced lighting, and paving, all of which will reactivate the areas adjacent to the Property.
56. Uses of Special Value to the Neighborhood or the District as a Whole ((§ 305.5(q)). The proposed development is important to the implementation of the "Physical Plan" element of the *Lincoln Heights and Richardson Dwellings New Communities Initiative Revitalization Plan*, which was approved by the City Council on December 19, 2006, pursuant to Resolution No. 16-923. Among other things, this plan calls for 215 off-site replacement units for the Lincoln Heights and Richardson Dwellings properties, in order for those properties to be redeveloped with new mixed-income residential communities.

Comprehensive Plan

57. The Commission finds that the PUD advances the purposes of the Comprehensive Plan; is consistent with the Future Land Use Map and Generalized Policy Map; complies with the guiding principles in the Comprehensive Plan; and furthers a number of the major elements of the Comprehensive Plan.
58. Purposes of the Comprehensive Plan. The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. (D.C. Code §1-245(b) (¶ 1-301.62).) The Commission finds that the Project

significantly advances these purposes by promoting the social, physical, and economic development of the District through the provision of a high-quality residential development that will increase the housing supply, improve the District's natural and architectural assets, promote economic growth and jobs for District residents, and improve the surrounding community. The Project will achieve community goals by providing significant new affordable housing, and will do so through the construction of aesthetically pleasing new buildings that respect the character of the surrounding neighborhood without generating any adverse impacts.

59. Future Land Use Map. According to the District of Columbia Comprehensive Plan Future Land Use Map, the Property is designated as Moderate-Density Residential. The Moderate-Density Residential designation is used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone Districts are generally consistent with the Moderate Density Residential category; the R-5-B Zone District and other zones may also apply in some locations. The R-5-A and the R-5-B Zone Districts correspond to the RA-1 and RA-2 zones, respectively, under the Zoning Regulations of 2016. The Applicant seeks a map amendment for the Property from the RA-1 zone to the RA-2 zone.
60. The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. (*See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28.) Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. (*Id.*) By definition, the Map is to be interpreted broadly. (*Id.*) Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through planned unit developments) may result in heights that exceed the typical ranges cited here. (*Id.* at § 226.1(c).) The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. (*Id.* at § 266.1(d).)
61. Thus, in evaluating the proposed map amendment, the Property should be viewed in context and not as an isolated parcel. When taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the Property from the RA-1 zone to the RA-2 zone in order to construct an apartment house for households with incomes not exceeding 60% AMI and replacement units for Lincoln Heights and Richardson Dwelling, is consistent with the Comprehensive Plan's designation of the Property, particularly given the fact that the RA-2 zone (previously, the R-5-B Zone District) is

specifically identified as a corresponding zone district in the Moderate-Density Residential land use category.

62. Generalized Policy Map. The Generalized Policy Map of the Comprehensive Plan designates the Property as a Neighborhood Conservation Area and a Neighborhood Enhancement Area. The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. (10A DCMR § 223.5.) The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development fits in and responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood; the unique and special qualities of each area should be maintained and conserved; and overall neighborhood character should be protected as development takes place. (10A DCMR § 223.5.)
63. The Commission finds that the proposed map amendment for the Property from RA-1 to RA-2 will continue to protect and strengthen the existing residential uses in the area while creating a new, high-quality residential community that responds to the existing character, natural features, and infrastructure of the surrounding neighborhood and the PNBC campus.
64. Guiding Principles and Major Elements of the Comprehensive Plan. The Commission further finds that the PUD is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities, as discussed in the paragraphs below.
65. Managing Growth and Change. The Commission finds that the PUD is consistent with the guiding principles of the Managing Growth and Change Element. In order to manage growth and change in the District, the Comprehensive Plan encourages diversity and asserts that the District “cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families [and prioritize] sustaining and prompting safe neighborhoods... and housing for families.” (10A DCMR § 217.2.) Diversity also means maintaining and enhancing the District’s mix of housing types... [with] housing developed for households of different sizes, including growing families as well as singles and couples.” (10A DCMR § 217.3.) The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (10A DCMR § 217.6.)
66. The PUD is fully consistent with each of these goals. Redeveloping the Property into a vibrant, residential development with approximately 100 affordable units that range in size from one-bedrooms to four-bedrooms will attract a diverse population of residents, including families. The development also takes advantage of a large, vacant site, which

will further help to restore the neighborhood fabric and improve the PNBC campus overall.

67. Creating Successful Neighborhoods. The Commission finds that the PUD is consistent with the guiding principles of the Creating Successful Neighborhoods Element. One of the guiding principles for creating successful neighborhoods is to protect, maintain, and improve residential neighborhoods. (10A DCMR § 218.1.) The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. (10A DCMR § 218.3.) Public input in decisions about land use and development is an essential part of creating successful neighborhoods, from development of the Comprehensive Plan to implementation of the Plan's elements. (10A DCMR § 218.8.) The PUD furthers these goals because it protects and improves the existing residential neighborhood while producing new affordable housing on a large, vacant site. The Applicant has engaged neighborhood stakeholders, and will continue to do so as part of the PUD process, in order to ensure that redevelopment of the Property is positively received by the neighborhood.
68. Connecting the City. The Commission finds that the PUD is consistent with the guiding principles of the Connecting the City Element. The PUD will help implement a number of the guiding principles of this citywide element. Consistent with 10A DCMR § 220.2, the PUD will include streetscape improvements to encourage better mobility and circulation in and around the Property. The access points for the required parking and loading facilities will appropriately balance the needs of pedestrians, bicyclists, transit users, automobiles, and delivery trucks, as well as the needs of residents and others to move around and through the city. (*Id.*) Moreover, and consistent with 10A DCMR § 220.3, the PUD's streetscape improvements will help reinforce and improve this section of the city by creating a walkable, pedestrian-friendly and well-designed streetscape that improves public safety and encourages all modes of transportation.
69. Building Green and Healthy Communities. The Commission finds that the Project is consistent with the guiding principles of the Building Green and Healthy Communities Element. One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (10A DCMR § 221.3.) The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. It will employ environmentally sustainable strategies as called for in the *Enterprise Green Communities* standard such as surface water management with extensive bioretention features, native and soil appropriate plantings, natural ventilation features, Energy Star rated appliances, low VOC finishes, water conserving plumbing fixtures, and Energy star rated residential unit light fixtures.
70. The Commission also finds that the PUD furthers the objectives and policies from various elements of the Comprehensive Plan, including the Land Use, Transportation, Housing, Environmental Protection, Economic Development Element, Urban Design

Citywide elements, Infrastructure Element and the Far Northeast and Southeast Area Element, as set forth in the Applicant’s Statement in Support and the OP Reports. (Ex. 2, 10, 28.)

Office of Planning Reports

71. On June 2, 2017, OP submitted a report to the Commission recommending that the application be set down for a public hearing. (Ex. 10.) The OP report stated that the Project “is not inconsistent with the Comprehensive Plan or with the Lincoln Heights and Richardson Dwellings New Communities Revitalization.” (Ex. 10, p. 3.) The report also stated that “[r]edeveloping a portion of the Progressive National Baptist Church headquarters campus as a residential development with approximately 100 affordable units with a range of 1- to 4-bedrooms will attract a diverse population of residents, including families.” (Ex. 10, p. 8.) The report also recommended that the Applicant provide the following: (i) status of the Property’s proposed historic designation; (ii) clarification of whether the open space areas on the Property would be precluded from future development; (iii) CTR and Transportation Demand Management (“TDM”) measures; (iv) refinement to the flexibility requests; (v) information on whether the project would be LEED-Gold; and (vi) consideration of the provision of a green roof and solar panels.
72. On October 5, 2017, OP submitted a hearing report reiterating that the application is not inconsistent with the Comprehensive Plan recommended approval of application. (Ex. 28.) OP stated that “...the proposed PUD meets this criterion and would not be inconsistent with the Comprehensive Plan’s Generalized Future Land Use Map designation of moderate density residential, the Generalized Policy Map designations of neighborhood conservation and enhancement, and the Guiding Principles of the Framework Element. It also is consistent with the Land Use, Transportation, Housing, Urban Design, Environmental, Historic Preservation, and Open Space Elements; as well as the policies of the Far Northeast and Southeast Area Element.” (*Id.* at 5.)
73. The Commission finds that the Applicant sufficiently answered all of the outstanding questions posed by OP in its Prehearing Statement, Supplemental Prehearing Statement, and at the public hearing. (Ex. 16-16G, 27-27C.)

DDOT Report and Testimony

74. On October 10, 2017, DDOT submitted a hearing report. (Ex. 30.) The DDOT hearing report indicated no objection to the application subject to the Applicant:
 - a. Continuing the pedestrian connection along 50th Street, N.E. to the bus stops along Nannie Helen Burroughs Avenue, N.E;
 - b. Continuing the sidewalk internal to the Property along the existing rear drive rather than terminating it at the building’s edge; and

- c. Constructing a six-foot-wide sidewalk and four-foot-wide tree box to extend the building length along 50th Street, N.E. and along Fitch place extending from the intersection of Fitch Place, N.E. and 50th Place, N.E. to Nannie Helen Burroughs Avenue, N.E.; and
 - d. Enhancing the TDM measures to include the following elements:
 - i. Offer each apartment an annual Capital Bikeshare membership for a period of three years; and
 - ii. Work with goDCgo in order to implement the TDM Management plan proposed in the CTR.
75. At the public hearing, the Applicant agreed to all of DDOT's conditions, except the Applicant indicated that it could not construct the sidewalk internal to the Property.
76. The list of TDM measures approved by DDOT was also revised at the public hearing to exclude the requirement that the Applicant unbundle the cost of residential parking from the cost of lease or purchase of each unit, given the affordability level for the Project.
77. At the public hearing, Johnathan Rogers of DDOT testified that DDOT was agreeable to the Applicant's revised TDM measures and stated that "DDOT has no issues with the change in the mitigations that were proposed or modified by the Applicant. With respect to the internal sidewalk, while DDOT finds there to be value in that internal sidewalk to connect to the rest of the pedestrian network that's internal to the site, we understand the challenges of implementing that." (10-19-17 Transcript, p. 33.)

ANC Reports

78. On June 8, 2017, ANC 7C, the ANC in which the Property is located, submitted a report in support of the Project indicating that at its regularly scheduled and duly noticed public meeting of June 8, 2017, at which a quorum of commissioners was present, ANC 7C voted 7-0 to support the application. (Ex. 13.)
79. On November 13, 2017, ANC 7C, submitted a second report in support of the Project indicating that at its regularly scheduled and duly noticed public meeting of November 9, 2017, at which a quorum of commissioners was present, ANC 7C voted 7-0 to support the application. (Ex. 44.)
80. Commissioner Patricia Malloy, the Single Member District Representative for ANC 7C-01, which includes the Property, testified in support of the application at the public hearing and requested additional information regarding the alternate design for the PUD and the Applicant's response to DDOT's comments. On October 31, 2017, the Applicant submitted a letter to the ANC and Commissioner Malloy that explained the alternate building design and the Applicant's proposed changes to the DDOT recommendations. (Ex. 39.)

Interagency Review

81. OP circulated the application to DDOT, DOEE, the Department of Housing and Community Development (“DHCD”), DC Office of Aging, DC Public Schools, DC Water and DC Fire and Emergency Service for their review of the Project. (Ex. 28, p. 12). Other than DDOT, there are no comments in the record from any of the aforementioned agencies.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. (11-X DCMR § 300.1.)
2. Under the PUD process of the Zoning Regulations, the 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, density, lot occupancy, parking and loading, 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 11-X DCMR, Chapter 3 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, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The residential use for the Project is appropriate for the Property. The impact of the Project on the surrounding area is not unacceptable. Accordingly, the Project should be approved.
5. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
6. The Applicant's requests for flexibility are consistent with the Comprehensive Plan. Moreover, the PUD benefits and amenities are reasonable tradeoffs for the requested development flexibility.

7. Approval of the PUD is appropriate because the Project is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the Project will promote the orderly development of the Property 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.
8. 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 reports in this case and, as explained in this decision, finds its recommendation to grant the application persuasive.
9. 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. ANC 7C's report expressed no issues or concerns. Because the ANC expressed no issues or concerns, there is nothing for the Zoning Commission to give great weight to. (*See Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The Commission carefully considered the ANC 7C's position supporting approval of the application and concurred in its recommendation of approval.
10. 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 consolidated review and approval of a planned unit development and related Zoning Map amendment from the RA-1 to the RA-2 zone for Square 5194, Lot 824. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

A. Project Development

1. The Project shall be developed in accordance with the architectural drawings titled "Providence Place" dated Revised September 29, 2017 (Ex. 27A1-Ex. 27A5), and as modified by the guidelines, conditions, and standards of this Order (the "Plans"). The Applicant shall have flexibility to construct the Project in accordance with the alternate plans, dated November 6, 2017 (the "Alternate Plans"). (Ex. 40A).
2. 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 – to be plus or minus 10% of the 100 units depicted in the Plans or the 93 units depicted in the Alternate Plans, so long as all of the residential units are reserved for households with incomes not exceeding 60% of the MFI and at least 35 units are reserved as replacement units for the Lincoln Heights/Richardson Dwellings properties controlled by the DC Housing Authority. The mix of units for the replacement units (specifically, the proportion of one-bedroom, two-bedroom, three-bedroom, and four-bedroom units) shall be as reflected on the Plans and Alternate Plans;
- b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
- c. To vary the final selection of the exterior materials within the color ranges of the 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: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not significantly alter the design in order to comply with all applicable District of Columbia Building Code;
- d. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the DDOT Public Space Division; and
- e. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans.

B. Public Benefits

- 1. **Prior to the issuance of a final Certificate of Occupancy for the Project**, the Applicant shall file a historic designation application for portions of the PNBC campus not included in the PUD application. The historic designation application shall include Trades Hall, the chapel, dormitory and the Lincoln Memorial Arch.
- 2. The Applicant shall provide affordable housing as set forth in this condition:
 - a. The charts that follow identify two scenarios, based upon whether the Applicant chooses to construct the Project in accordance with the Plans (100 units/101,047 GFA) or the Alternate Plans (93 units/94,277 GFA). The charts assume that the Applicant will be granted an exemption from the Inclusionary Zoning regulations (“the IZ Regulations”) set forth in

Subtitle C, Chapter 10 of the Zoning Regulations, pursuant to 11-C DCMR § 1001.6 (“IZ Exemption”). However, the Commission takes no position as to whether the IZ Exemption should be granted;

- b. If the Applicant constructs the building reflected in the Plans, the Applicant shall provide affordable housing in accordance with the chart below:

Residential Unit Type	Floor Area/ % of Total*	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	101,047/100%	100	Up to 60% of MFI			
Affordable Non-IZ**	10,105/ 10%	10	Up to 60% of MFI	Life of the Project	Rental	
Affordable Non-IZ	40,732/4%	35	Up to 60% of MFI	99 years	Rental	Replacement units
Affordable Non-IZ	50,210/50%	55	Up to 60% of MFI	40 years	Rental	

* Refers to the residential gross floor area, but the amount of floor area may be adjusted to subtract the building core factor.

** If the IZ exemption is denied, these units will be Inclusionary Zoning units, instead of Affordable Non-IZ units.

- c. If the Applicant constructs the building reflected in the Alternate Plans, the Applicant shall provide affordable housing in accordance with the chart below:

Residential Unit Type	Floor Area/ % of Total*	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	94,277/100%	93	Up to 60% of MFI			
Affordable Non-IZ**	9,428/10%	10	Up to 60% of MFI	Life of the Project	Rental	
Affordable Non-IZ	40,317/43%	35	Up to 60% of MFI	99 years	Rental	Replacement units
Affordable Non-IZ	44,532/47%	55	Up to 60% of MFI	40 years	Rental	

* Refers to the residential gross floor area, but the amount of floor area may be adjusted to subtract the building core factor.

** If the IZ exemption is denied, these units will be Inclusionary Zoning units, instead of Affordable Non-IZ units.

- d. Each control period shall commence upon the issuance of the first certificate of occupancy;
 - e. As indicated on each chart, with respect to the residential gross floor area that is subject to the 40-year control period, the Applicant shall construct 35 units, which shall be reserved as replacement units for the Lincoln Heights and Richardson Dwellings communities. If the Applicant constructs the PUD in accordance with the Plans, then the unit mix for these replacement units shall include eight three-bedroom units and three four-bedroom units. If the Applicant constructs the PUD in accordance with the Alternate Plans, then the unit mix for these replacement units shall include seven three-bedroom units and three four-bedroom units;
 - f. Should the IZ Exemption be granted, the affordable housing requirements of this condition shall be stated in the covenant required by 11-C DCMR § 1001.6(a)(4); and
 - g. Should the IZ Exemption be denied, the Applicant shall nevertheless provide affordable housing in accordance with this condition, unless the IZ Regulations impose more restrictive standards. The Applicant shall record the covenant required by the Inclusionary Zoning Act as to 10% of the residential gross floor of the building, and shall execute the monitoring and enforcement documents required by 11-X DCMR § 311.6 as to the remaining residential gross floor area.
3. **Prior to the issuance of a building permit for the Project**, the Applicant shall submit to the Zoning Administrator a copy of the executed SBE Agreement with DSLBD and a copy of the executed First Source Employment Agreement with DOES.
 4. **For the life of the Project**, the community room second-floor amenity space in the building shall be made available for use by the broader community, including PNBC.
 5. The Applicant shall include solar panels on the building as depicted on Sheet A21 of the Architectural Plans submitted September 29, 2017 (Ex. 27A2) or Sheet 49 of the Alternate Plans submitted on November 6, 2017 (Ex. 40A).
 6. **Prior to the issuance of a final Certificate of Occupancy for the Project**, the Applicant shall furnish a copy of its *Enterprise Green Communities* certification application to the Zoning Administrator demonstrating that the building has been designed to meet the *Enterprise Green Communities* standard for residential buildings, as shown on the *Enterprise Green Communities* Checklist on Sheet A14 of the Plans. (Ex. 27A2.)

7. **Prior to the issuance of a final Certificate of Occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has installed the streetscape and landscape improvements consistent with the Landscape Plan sheet dated February 10, 2017. (Ex. 27A5.) All sidewalks and elements in public space shall be built to DDOT standards and shall be subject to DDOT approval.

C. Transportation Mitigations

1. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall construct a six-foot-wide sidewalk and four-foot-wide tree box to extend the building length along 50th Street, N.E. and along Fitch Place, N.E. extending from the intersection of Fitch Place, N.E. and 50th Street, N.E. to Nannie Helen Burroughs Avenue, N.E.
2. **During the operation of the building**, the Applicant shall provide a Transportation Management Program, as set forth in the TDM section of the Comprehensive Transportation Review and as supplemented by the Applicant at the public hearing. The TDM Plan shall include the following: (Ex. 23A)
 - a. The Applicant shall identify a TDM Leader (for planning, construction, and operations) at the building, who shall act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader shall work with residents to distribute and market various transportation alternatives and options;
 - b. The Applicant shall provide TDM materials to new residents in the Residential Welcome Package materials;
 - c. The Applicant shall meet Zoning requirements to provide bicycle parking facilities at the proposed development. This includes 34 secure long-term parking spaces located on-site and a minimum of six short-term parking spaces around the perimeter of the site (in the form of three bicycle racks);
 - d. The Applicant shall provide a bicycle repair station to be located in the secure long-term bicycle storage room;
 - e. The Applicant shall provide an on-site business center to residents with access to copier, fax, and internet services;
 - f. The Applicant shall install a Transportation Information Center Display (electronic screen) within the residential lobbies containing information related to local transportation alternatives;
 - g. The Applicant shall offer each unit's first incoming resident(s), an annual membership to either Capital Bikeshare or a car sharing service for a period of three years. A proactive marketing strategy shall be provided to ensure that residents are aware of this benefit; and

- h. The Applicant shall work with goDCgo in order to implement the TDM management plan proposed in the CTR.

D. 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 this Order within which time an application shall be filed for a building permit. Construction must begin 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.
4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On October 19, 2017, upon the motion of Vice Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

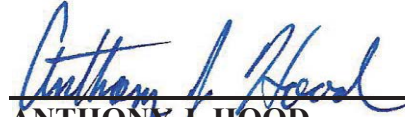
On November 27, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its

public meeting by a vote of 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to approve; Michael G. Turnbull not present, not voting).


In accordance with the provisions of 11-Z DCMR § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 9, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

ATTACHMENT B

June 8, 2021

NOTICE OF INTENT TO FILE A ZONING APPLICATION

**Application to the
District of Columbia Zoning Commission
for a Modification to an approved
Planned Unit Development**

Lot 827, Square 5194¹

Providence Place I, LP (“**Applicant**”), on behalf of Progressive National Baptist Convention, Inc. (“**PNBC**”), hereby gives notice of its intent to file an application for a modification to an approved planned unit development (“**PUD**”) with the District of Columbia Zoning Commission (the “**Commission**”) under Subtitle Z of the District of Columbia Zoning Regulations, 11 DCMR. The Applicant will also request a waiver from 11-Z DCMR § 300.7, which requires that the modification application be filed no earlier than 45 days from the date of this notice.

The property that is the subject of this modification application consists of Lot 827 in Square 5194, along 50th Street, NE in Ward 7 (the “**Property**”). The Property is generally bounded by Nannie Helen Burroughs Avenue to the north, the remainder of the PNBC campus to the east, Fitch Place to the south, and 50th Street to the west. An apartment house with 100 affordable units is currently under construction on the Property.

The apartment house under construction on the Property was approved as a PUD pursuant to Zoning Commission Order No. 17-08. The approval also included a related Zoning Map amendment from the RA-1 to RA-2 zone. The Applicant seeks to modify the PUD to include flexibility to permit a vertical clearance of 13 feet, 4 inches, where 11-C DCMR § 905.2 requires a minimum of 14 feet.

For additional information regarding the proposed PUD modification application, please contact Leila M. Jackson Batties of Holland & Knight LLP at (202) 419-2583.

cc: D.C. Zoning Commission
D.C. Office of Planning
Advisory Neighborhood Commission 7C

¹ Lot 827 is a part of the former Lot 825. By virtue of the Disclaimer for Theoretical Assessment and Taxation Lot dated February 11, 2021, Lot 825 was divided into Lots 827 and 828. Lot 825 is part of the former Lot 824, which was divided into Lots 825 and 826 by the Office of Tax and Revenue on April 9, 2018.

Certificate of Notice

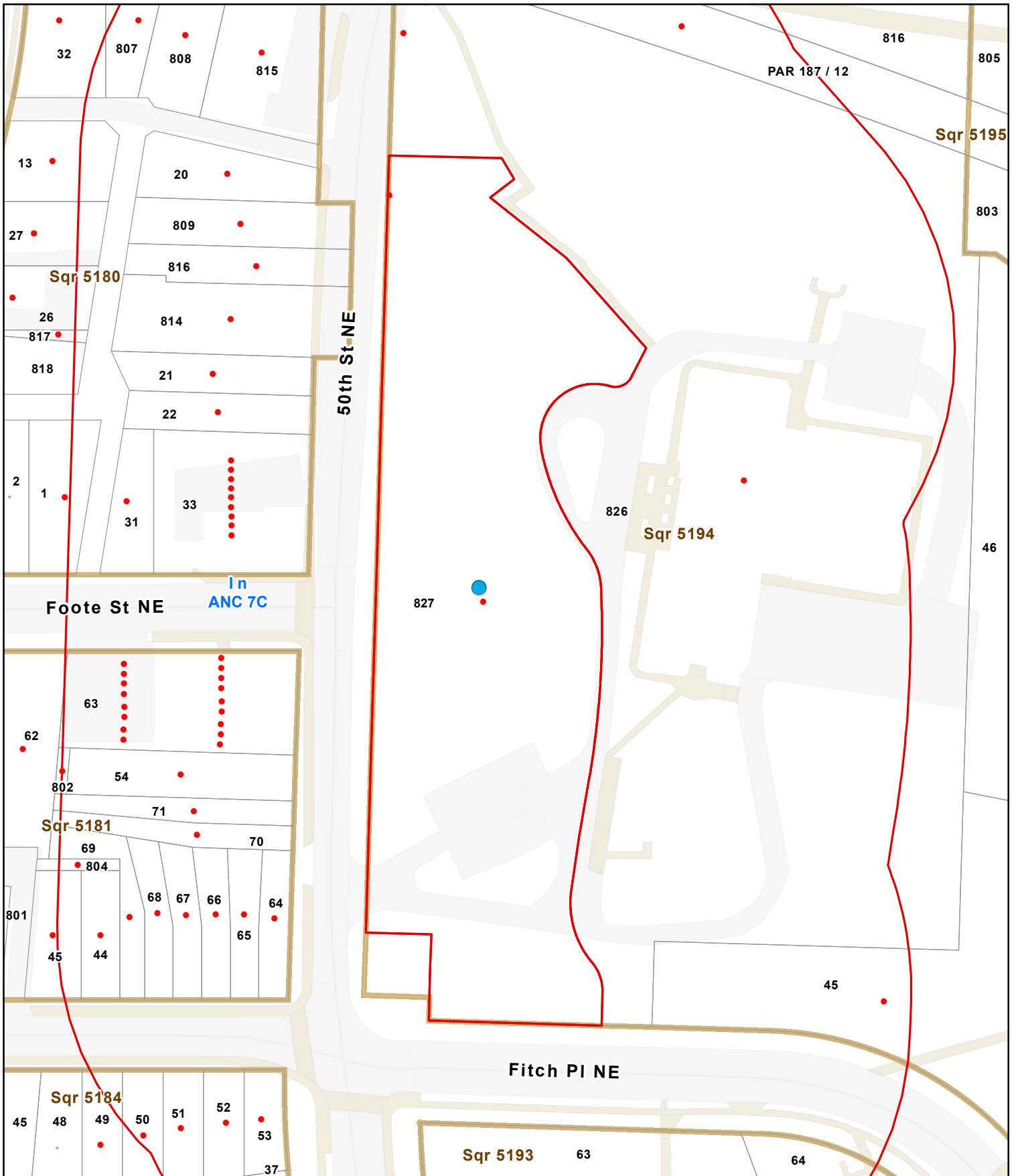
I **HEREBY CERTIFY** that a copy of the Notice of Intent to file a zoning application for modification to an approved Planned Unit Development (“**PUD**”) and related Zoning Map amendment for property located at Lot 827 in Square 5194 (the “**Property**”), was mailed to the owners of all property within 200 feet of the perimeter of the Property and to the Affected Advisory Neighborhood Commission (“**ANC**”) 7C on June 8, 2021.

A copy of the Notice of Intent and the list of property owners within 200 feet of the Property are attached hereto.



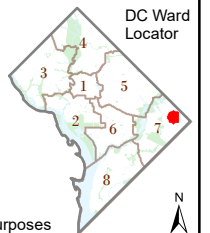
By: Leila M. Jackson Batties

Date: June 8, 2021



Subject Property ID(s):
5194 0827

- Subject Property
- Radius
- Ownership Lots
- DC Squares
- ANC Boundary



LUIS E. ROA
628 50TH STREET, N.E.
WASHINGTON, D.C. 20019-5449

HENRY S. WASHINGTON & SONS
4927 NANNIE HELEN BURROUGHS
AVE.
WASHINGTON, D.C. 20019-4818

BONITA JOHNSON
612 50TH STREET, N.E.
WASHINGTON, D.C. 20019-5419

FRANCIS FABRIZIO
2530 Q STREET, N.W.
WASHINGTON, D.C. 20007

SARANNE DIX
42 GALVESTON STREET, S.W.
WASHINGTON, D.C. 20032-1998

HAROLD V. LITTLE
605 49TH PLACE N.E.
WASHINGTON, D.C. 20019-4874

BRENDA D. RAMSEY
601 53RD STREET, S.E.
WASHINGTON, D.C. 20019-5902

4935 NHB AVE NE LLC
4935 NANNIE HELEN BURROUGHS
AVENUE
WASHINGTON, D.C. 20019-5400

L. G. WILLIAMS
607 49TH PLACE, N.E.
WASHINGTON, D.C. 20019-4874

AIKO HAWKINS
4919 FOOTE STREET, N.E.
WASHINGTON, D.C. 20019-4722

MICHELLE RODGERS
4950 FITCH PLACE, N.E.
WASHINGTON, D.C. 20019-4719

THOMEKA RAY
722 OGLETHORPE ST., N.E.
WASHINGTON, D.C. 20011-2735

BRENDA ALSTON
1926 BENNING ROAD, N.E.
WASHINGTON, D.C. 20002-4724

KEITH JAMES
3819 HANSBERRY COURT, N.E.
WASHINGTON, D.C. 20018-3818

LARRY W. PRATT
6101 L STREET
CAPITOL HEIGHTS, MD 20743

DISTRICT OF COLUMBIA HOUSING
1133 NORTH CAPITOL STREET, N.E.
WASHINGTON, D.C. 20743-1471

ROSE A. CHUUKWU
13424 CLASSIC COURT
WOODRIDGE, VA 22192-4502

ROSA L. CLARK
624 50TH STREET, N.E.
WASHINGTON, D.C. 20019-5449

KIMBERLY CLARK
2350 Q STREET, N.W.
WASHINGTON, D.C. 20007-4308

RUPSHA 2011 LLC
6201 COLUMBIA PARK ROAD
LANDOVER, MD 20785

RAPHAELLE RICHARDSON
4940 FITCH PLACE, N.E.
WASHINGTON, D.C. 20019-4719

ROBERT BEAL SCHOOLS
620 50TH STREET, N.E.
WASHINGTON, D.C. 20019-5449

BARBARA L. GOMES
4929 FOOTE STREET, N.E.
APT. #10
WASHINGTON, D.C. 20019-4747

MONICA D. SARMIENTO
P. O. BOX 10500
WASHINGTON, D.C. 20020-0800

JEFFREY P. ROCKETT
5401 9TH STREET, N.W.
APT. #201
WASHINGTON, D.C. 20011-2917

PD 120 PROPERTIES LLC
4929 FOOTE STREET, N.E.
APT. #2
WASHINGTON, D.C. 20019-4722

SABRINA FLUDD
4929 FOOTE STREET, N.E.
APT. #12
WASHINGTON, D.C. 20019-4747

ANNA HARRIS
4929 FOOTE STREET, N.E.
APT. #3
WASHINGTON, D.C. 20019-4747

SHAWN BRANCH
4949 FOOTE STREET, N.E.
WASHINGTON, D.C. 20019-4722

AMALIA E. ALVARADO DE
SARMIENTO
3300 HIGHWOOD DRIVE, S.E.
WASHINGTON, D.C. 20020-2310

JUSTIN M. UNDERWOOD
4929 FOOTE STREET, N.E.
APT. # 14
WASHINGTON, D.C. 20019-4722

TEREZA I. CARDOZA
4926 FOOTE STREET, N.E.
WASHINGTON, D.C. 20019-4721

GREGORY T. HILL
4929 FOOTE STREET, N.E.
APT. #15
WASHINGTON, D.C. 20018-4747

DELORES DUREN
6203 20TH PLACE
HYATTSVILLE, MD 20782-1602

ALFRED J. GUILLAUME
4929 FOOTE STREET, N.E.
APT. #5
WASHINGTON, D.C. 20019-4722

ESETE W. BERHANE
8121 MISTY EVE LANE
CHARLOTTE, N.C. 28213-5792

HELPING PEOPLE THRIVE LLC
4929 FOOTE STREET, N.E.
APT. #17
WASHINGTON, D.C. 20019-4722

PAUL E. TAYLOR
4929 FOOTE STREET, N.E.
APT. #8
WASHINGTON, D.C. 20019-4747

TOOMS 1 LLC
P. O. BOX 34732
BETHESDA, MD 20827-0732

ARLYCE POWELL
4930 FOOTE STREET, N.E.
WASHINGTON, D.C. 20019-4721

JENNIFER N. YAU
5405 TUCKERMAN LANE
APT. #502
NORTH BETHESDA, MD 20852-7315

YUN S. LEE
609 49TH PLACE, N.E.
WASHINGTON, D.C. 20019-4874

CYNTHIA E. SCHOOLS
580 50TH STREET, N.E.
WASHINGTON, D.C. 20019-5468

JE TONYA GOVAN
3116 M PLACE, S.E.
WASHINGTON, D.C. 20019

ANTHONY BECKWITH
6201 COLUMBA PARK ROAD
LANDOVER, MD 20785-3214

DISTRICT PROPERTIES COM., INC.
6201 COLUMBIA PARK ROAD
LANDOVER, MD 20785-3214

METROPOLITAN POLICE BOYS &
GIRLS CLUB
4103 BENNING ROAD, N.E.
WASHINGTON, D.C. 20019-3423

C AND NDC, INC.
300 NEW JERSEY AVENUE, N.W.
SUITE 900
WASHINGTON, D.C. 20001-2271

PROGRESSIVE NATIONAL BAPTIST
601 50TH STREET, N.E.
WASHINGTON, D.C. 20019-5450

ADVISORY NEIGHBORHOOD
COMMISSION – 7C
4651 NANNIE HELEN BURROUGHS
AVE., N.E. - SUITE #2
WASHINGTON, D.C. 20019

ANC 7C CHAIRMAN ANTAWON
HOLMES
4805 MEADE STREET, N.E.
WASHINGTON, D.C. 20019

COMMISSIONER PATRICIA A.
MALLOY, SMD-7C-01
501 50TH PLACE, N.E.
WASHINGTON, D.C. 20019