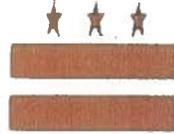


GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



May 21, 2012

T. James Truby
Owner Representative for Be the Change
Synthesis Incorporated
9175 Guilford Road, Suite 214
Columbia, MD 21046

Re: 1005 North Capitol Street, N.E. –Affordable Housing Project

Dear Mr. Truby:

I have been advised that *Be The Change Development Corporation and Community Solutions, Inc.* (the "Housing Providers") intend to submit an application for funding from the D.C. Department of Housing and Community Development (DHCD) to assist in the development of an affordable housing project at 1005 North Capitol Street, N.E. (Square 674, Lot 439). The property is presently owned by the District of Columbia. Community Solutions, Inc. has an exclusive rights agreement with the Deputy Mayor for Planning and Economic Development for the property.

The property is currently zoned C-3-C and is located within the North Capitol Receiving Zone. Pursuant to §771.4:

As an alternative to purchasing transferable development rights to achieve additional density as permitted in the receiving zones described in §§ 1709.15 through 1709.19, a building or structure located in any such zones that is being developed as part of an approved New Community Plan approved by the Council of the District of Columbia or that qualify as a low or moderate income subsidized housing development as defined in § 3042.2 ("Eligible Projects") may utilize the following additional density as a matter of right, provided that the Zoning Administrator determines that the proposed building or structure is not inconsistent with the approved New Community Plan, if applicable, or the Comprehensive Plan:

- (a) Eligible Projects located in the ... North Capitol ... receiving zones may be constructed to a maximum FAR of 10.0 for buildings permitted a height of one hundred thirty feet (130 ft.) pursuant to § 770.9, and 9.0 for buildings permitted a lesser height;

Because North Capitol Street is at least 110 feet wide, the property may be developed with an apartment building up to a maximum height of 130 feet and a maximum of 10.0 FAR as set forth above.

As set forth in §3042.2:

"the term "subsidized housing development" shall mean a housing development that receives funding from a recognized District of Columbia or federal government housing subsidy program. Low or moderate income projects shall be as defined by the U.S. Department of Housing and Urban Development."

Assuming that the Housing Providers receive funding from DHCD, which would be in accordance with the above cited definition, then, pursuant to §771.4, the project then qualifies as a "low or moderate income subsidized housing development."

The project is not within the area of the New Communities Plan. The Future Land Use Map of the Comprehensive Plan includes the property in the High Density Commercial category. That category is:

"used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed. The corresponding Zone districts are generally C-2-C, C-3-C, C-4, and C-5, although other districts may apply."

The Generalized Policy Map includes the property in the NOMA/New York Avenue Metro Land Use Change Area. Land Use Change Areas are:

"areas 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. ... There are more than two dozen Land Use Change Areas identified on the Policy Map. They include many of the city's large development opportunity sites, and other smaller sites that are undergoing redevelopment or that are anticipated to undergo redevelopment. Together, they represent much of the city's supply of vacant and underutilized land. 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."

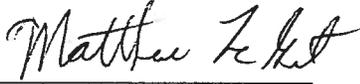
In the Central Washington area element, the Plan:

"Encourage[s] the development of new high-density housing in Central Washington, particularly in the area north of Massachusetts Avenue and east of Mount Vernon Square. This area includes Mount Vernon Triangle, Northwest One, and NoMA. Ground floor retail space and similar uses should be strongly encouraged within these areas to create

street-life and provide neighborhood services for residents. A strong Downtown residential community can create pedestrian traffic, meet local housing needs, support local businesses in the evenings and on weekends, and increase neighborhood safety and security.

I therefore determine that the proposed building is not inconsistent with the Comprehensive Plan. The building therefore may be built to the height and density specified above as a matter-of-right without using transferable development rights.

I have not reviewed the plans to see whether actual construction of the project as designed entails any zoning relief, but the proposed use, height and FAR all comply with the Zoning Regulations.

Sincerely, 
Matthew Le Grant
Zoning Administrator