

THE CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY**SOLICITATION FOR PROPOSALS****General Contractor Services**

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby posts public notification of an extension of the deadline for its solicitation of proposals for a general contractor to conduct a school renovation project.

The original announcement was posted on November 2, 2007. The Cesar Chavez Public Charter Schools will now receive bids until COB December 14, 2007. All necessary forms and a full RFP may be obtained by calling 202-547-3975 ext. 11.

Send Proposals to:

Attn: Roc Blakeney
709 12th Street, SE
Washington, D.C. 20003.

OFFICE OF THE CHIEF FINANCIAL OFFICER**CHANGE IN PERSONS AUTHORIZED TO ENTER INTO INVESTMENTS
TRANSACTIONS ON BEHALF OF THE GOVERNEMENT OF
THE DISTRICT OF COLUMBIA****November 9, 2007**

Effective immediately this notice constitutes written confirmation of persons authorized to enter into investment transactions and to take transfers from investments accounts on behalf of the Government of the District of Columbia:

Lasana K. Mack
D.C. Treasurer and Deputy CFO
Office of Finance and Treasury

Emma Chappell
Associate Treasurer
Office of Finance and Treasury

Craig Small
Associate Treasurer
Office of Finance and Treasury

Raj Srinath
Associate Treasurer
Office of Finance and Treasury

Gloria Vines
Banking Officer
Office of Finance and Treasury

Michael A. Hawkins
Financial Analyst
Office of Finance and Treasury

Amy Kresse
Cash and Investment Manager
Office of Finance and Treasury

This notice supersedes all prior lists. Under no circumstances are investments transactions to be executed by any other employee or official of the Government of the District of Columbia.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Home Rule Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2007, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002. These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

The BCIB is charged with examining the sanitary condition of all buildings in the District of Columbia, determining which buildings are in such insanitary condition as to endanger the health or lives of its occupants or persons living in the vicinity, and issuing orders of condemnation requiring the owners to remedy the insanitary condition. Should the owner fail to remedy the cited conditions, the BCIB shall cause the building to be made habitable, safe and sanitary or razed and removed. The cost of work performed by the District of Columbia Government shall be assessed to the property.

Calendar Year 2007 Meeting Dates

**November 14th
November 28th**

**December 12th
December 26th**

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

NOTICE OF PUBLIC INTEREST
LIST OF CONDEMNED BUILDINGS

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of **November 1, 2007**. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1st floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

LIST OF CONDEMNED BUILDINGS

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
6412 Barnaby Street	0091	2352	4
7100 Blair Road	0800	3189	4
7220 Blair Road	0812	3176	4
811 Butternut Street	0006	2967	4
635 Columbia Road	0153	3052	1
1126 Columbia Road	0056	2853	1
5109 Connecticut Avenue	0048	1989	3
5109 Connecticut Avenue-Rear	0048	1989	3
321 Elm Street	0082	1111	1
410 Florida Avenue	0040	0507	5
1461 Florida Avenue	0147	2660	1
3003 Georgia Avenue	0111	3052	1
3919 Georgia Avenue	0035	3027	4
4419 Georgia Avenue	0815	3020	4
4607 Georgia Avenue	0016	3015	4
723 Girard Street	0214	2886	1
1710 Irving Street	0001	2771	4
1301 Kalmia Road	0001	2771	4
806 Kennedy Street	0812	2994	4
1026 Lamont Street	0802	2845	1
508 M Street	0071	0482	2
1002 M Street	0056	0341	2
1006 M Street	0051	0341	2
223 Missouri Avenue	0043	3331	4
1824 Monroe Street	0813	2614	1
212 Morgan Street	0083	0555	6
216 Morgan Street	0018	0555	6
450 N Street	0513	0075	2
3642 New Hampshire Ave.-Rear	0032	2898	1
1443 Newton Street	0430	2677	1
1454 Newton Street	0430	2677	1
1320 North Capitol Street	0154	0617	5
1424 North Capitol Street	0010	0616	5
1426 North Capitol Street	0836	0616	5
405 O Street	0802	0511	2
509 O Street	0479	2001/2002	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
3421 Oakwood Terr.	0768	2621	1
310 P Street	0037	553W	5
605 P Street	0154	0445	2
1433 Parkwood Place	0064	2688	1
1427 Q Street	0009	0208	2
53 S Street	0039	3106	5
1605 S Street	0019	0177	2
423 Shepherd Street	0038	3238	4
423 Shepherd Street-Rear	0038	3238	4 ^D
1237 Shepherd Street	0014	2908	4
5136 Sherrier Place	0826	1415	3
321 T Street	0065	3089	1
901 U Street	0100	0360	2
613 Upshur Street	0072	3226	4
613 Upshur Street-Rear	0072	3226	4
1321 V Street	0182	0235	1
1943 Vermont Avenue	0011	0361	1
1943 Vermont Avenue-Rear	0011	0361	1
1401 1 st Street	0814	0616	5
1821 1 st Street	0137	3110	5
1202 3 rd Street	0837	0523	2
1506 3 rd Street	0818	0521	5
1859 3 rd Street	0810	3096	1
1922 3 rd Street-Rear	0010	3089	1
1209 4 th Street	0810	0523	6
1211 4 th Street	0502	2026	6
1417 5 th Street	0054	0511	2
1425 5 th Street	0511	0817	2
1551 6 th Street(Carriage House)	0821	0478	2
2206 6 th Street	0033	3065	1
6838 6 th Street	0013	3169	4
5232 7 th Street	0032	3150	4
5232 7 th Street-Rear	0032	3150	4
1512 8 th Street	0832	0397	2
1543 8 th Street	0046	0421	2
1600 8 th Street	0020	0396	2
1905 8 th Street	0802	0416	1
1905 8 th Street -Rear	0802	0416	1
6216 8 th Street	2980	0031	4
1819 10 th Street	0212	0362	1
1819 10 th Street-Rear	0212	0362	1

BUILDINGS CONDEMNEDLOTSQUAREWDNorthwest (Con't)

3007 11 th Street	0099	2851	1
3222 13 th Street	0034	2845	1
5113 13 th Street-Rear	0019	2929	4
5749 13 th Street-Rear	58/818	2935	4
2208 14 th Street	0030	0202	1
3405 14 th Street	0115	2836	1
3509 14 th Street	0053	2827S	1
4024 14 th Street	0053	2694	4
5209 14 th Street	0105	2804	4
2423 18 th Street	0093	2560	1
3222 19 th Street	0817	2604	1

BUILDINGS CONDEMNEDLOTSQUAREWDNortheast

4611 Clay Street	0011	5134	7
4615 Clay Street	0012	5134	7
5212 Cloud Street	0801	5235	7
4226 Dix Street	0017	5089	7
4226 Dix Street-Rear(North)	0017	5089	7
4226 Dix Street-Rear(South)	0017	5089	7
1334 Downing Place	0039	4027	5
4710 Eads Street	0011	5144	7
635 Emerson Street	0008	3788	5
2800 Evert Street	0009	4346	5
837 Florida Avenue	0063	0908	6
1369 Florida Avenue-Rear	0129	1026	6
4326 Gault Place	0130	5093	7
413 H Street	0812	0809	6
1309 H Street	0088	1027	6
1311 H Street	0089	1027	6
1264 Holbrook Terr.	0840	4055	5
311 I Street	0048	0776	6
1826 I Street	0032	4488	5
1830 I Street	0031	4488	5
1712 Montello Avenue	0029	4053	5
1712 Montello Avenue-Rear	0029	4053	5
978 Mt. Olivet Road	4039	0814	5
5069 Just Street	0305	5176	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
5077 Just Street	0309	5176	4
5077 Just Street-Rear	0309	5176	4
303 K Street	0804	0775	6
1854 L Street	0806	4470	5
1249 Lawrence Street	0021	3930	5
5119 Lee Street	0038	5200	7
1310 Monroe Street	0010	3964	5
1310 Monroe Street-Rear	0010	3964	5
1410 Montello Avenue	0809	4059	5
1414 Montello Avenue	0807	4059	5
978 Mt. Olivet Road	0814	4039	5
5706 NHB Avenue	0010	5214	7
4924 Nash Street	0059	5172	7
1925 North Capitol Street	0014	3509	5
1243 Owen Place	0188	4060	5
22 P Street	0057	0668	5
24 P Street	0056	0668	5
21 T Street	0809	5235	5
2511 Queen Chapel Road	4111E	0016	5
115 Riggs Road	0085	3701	5
2925 South Dakota Avenue	0028	4339	5
3610 South Dakota Avenue	0033	4224	5
3610 South Dakota Ave.-Rear	0033	4224	5
1215 Staples Street	0108	4067	5
21 T Street	0029	3510	5
215 Warren Street	0809	1033	6
915 3 rd Street	0801	0775	6
1811 3 rd Street	0007	3570	5
1020 4 th Street-Rear	0034	0774	6
3215 7 th Street	0010	3650	5
251 8 th Street	0064	0917	6
819 8 th Street	0028	0911	6
2250 13 th Street-Rear	0034	3942	5
704 16 th Street	0085	4509	6
3114 16 th Street	0041	4014	5
3300 18 th Street	0019	4143	5
4310 22 nd Street	0012	4232	5
2921 26 th Street	0029	4342	5
2924 26 th Street	0026	4287	5
1123 46 th Street	0111	5155	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
1227 47 th Place	0039	5160	7
811 48 th Street	0065	5149	7
1055 48 th Place	0098	5153	7
717 50 th Street	0021	5179	7
730 51 st Street	0061	5197	7
732 51 st Street	0060	5197	7
734 51 st Street	0808	5197	7
945 52 nd Street	0803	5199	7
109 53 rd Street	0091	5243	7
421 61 st Street			

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
1523 A Street	0816	1072	6
1751 A Street	0063	1097	6
1751 A Street-Rear	0063	1097	6
4427 A Street	0107	5350	7
4437 A Street	0102	5350	7
4437 A Street-Rear	0102	5350	7
5019 A Street	0005	5327	7
5019 A Street-Rear (Shed)	0005	5327	7
5055 A Street	0014	5327	7
21 Atlantic Street	0051	6170	8
5010 Benning Road	0068	5340	7
3401 Brothers Place	0803	6006	8
5201 C Street	0009	5312	7
5100 Call Place	0016	5312	7
5100 Call Place-Rear(South)	0016	5312	7
4348 Dubois Place	0069	5400E	7
612 E Street	0814	0876	6
1525 E Street	0087	1076	6
3326 Ely Place	0807	5444	6
647 G Street	0139	0878	6
651 G Street	0141	0878	6
3009 G Street	0807	5480	7
1500 Galen Street	0048	5795	8
1239 Good Hope Road	0089	3033	8
1410 Good Hope Road	0024	5605	8

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (Con't)</u>			
2256 High Street-Rear East	0850	5799	8
2839 Jasper Road	0917	5875	8
1220 Mapleview Place	0811	5800	8
1354 Mapleview Place	0922	5804	8
1909 MLK Jr. Avenue	0829	5770	8
1911 MLK Jr. Avenue	0829	5770	8
1913 MLK Jr. Avenue	0829	5770	8
2228 MLK Jr. Avenue	0810	5802	8
2234 MLK Jr. Avenue	0811	5802	8
2238 MLK Jr. Avenue	0978	5802	8
2629 MLK Jr. Avenue-East	0192	5867	8
2629 MLK Jr. Avenue-West	0192	5867	8
2666 MLK Jr. Avenue, East bldg	1014	5868	8
2759 MLK Jr. Avenue-Rear	0802	5982	8
1354 Penn. Avenue	0051	3565	8
1431 Potomac Avenue	0045	1065NE	6
1005 Savannah Street	0804	5938	8
1500 Savannah Street	0801	5912	8
1502 Savannah Street	0802	5912	8
1225 Sumner Road	0980	5865	8
1326 Valley Place	0849	5799	8
1333 Valley Place	0891	5801	8
821 Virginia Avenue	0006	0929	6
1242 W Street	0099	5782	8
535 9 th Street	0830	0926	6
535 9 th Street-Rear	0830	0926	6
1912 17 th Street	0045	5612	7
321 18 th Street	0801	1100	6
1427 22 nd Street	0812	5564	8
433 53 rd Street	0030	5313	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
78 Darrington Street-Rear	0023	6223S	8
35 Forrester Street	0054	6240	8
41 Forrester Street	0056	6240	8
157 Forrester Street	0803	6240	8

**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT
NEIGHBORHOOD INVESTMENT FUND**

NOTICE OF FUNDING AVAILABILITY

Neighborhood Grants Program

The District's Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for matching grants offered through the Neighborhood Grants Program (NGP) authorized under Resolution 17-433 "Neighborhood Investment Act Spending Plan for Fiscal Year 2008 Emergency Approval Resolution of 2007".

The purpose of these funds is to provide eligible organizations with matching funds to carry out neighborhood based projects in the 12 target areas of the Neighborhood Investment Fund (NIF). The goal of the NGP is to build stronger, healthier, and safer communities by nurturing community relationships through civic action and participation.

Eligible applicants include not-for-profit 501c(3) organizations that can demonstrate a commitment to the NIF target area where the project is proposed through a successful track record of offering and operating programs, projects, services, or facilities (additional applicant eligibility requirements are listed in the Request for Applications). Eligible projects must fall into one of the following four categories: Cultural, Historic, Social, Recreational Initiatives; Education & Skill Building; Public Safety; Physical Improvements or Beautification. Proposed projects must be physically located within the boundaries of one of the NIF target areas and provide a public benefit to the target area that addresses a recognized need. Proposed projects must involve residents of the neighborhood in all phases of project planning and implementation. Additional requirements and guidelines are detailed in the Request for Applications (RFA).

There are two levels of grants available: (1) Small & Simple: up to \$15,000 per project; and (2) Major Projects: up to \$75,000 per project. A total \$600,000 is available for this round of funding. The NGP requires a 1:1 match; matching requirements and eligible match forms are outlined in the RFA.

The Request for Applications will be accepted on a rolling basis from Monday, November 26, 2007 – until 4 pm on Monday, June 30, 2008 or until grant funds depleted, whichever comes first. A pre-submittal meeting will be held on Monday, December 3, 2007 at 10am. Interested parties must RSVP by 12 noon on Friday, November 30, 2007 to (202)724-7648. We recommend that you download a copy of the RFA from the ODMPED website: www.dcbiz.dc.gov or from the Office of Partnerships and Grants Development website www.opgd.dc.gov. The RFA will also be available for pick up at 2025 M Street, NW – 6th Floor, Washington, DC 20036.

Responses to questions will be addressed at the Pre-submittal meeting. Only questions pertaining to application procedure will be accepted after the Pre-submittal meeting. **Specific project related questions will NOT be answered.**

NIF Target Areas: Anacostia, Bellevue, Bloomingdale/ Eckington, Brighwood/Upper Georgia Ave., Brookland/Edgewood, Columbia Heights, Congress Heights, Deanwood Heights, H Street, Logan Circle, Shaw, Washington Highlands. The boundaries for each target area are defined in the RFA. A target area map can be found at www.dcbiz.dc.gov – Neighborhood Investment Fund page.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS

Certification of Filling Vacancies
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics "Board" from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancies has been filled in the following single-member districts by the individual listed below:

Jacque Patterson
Single-Member District 8B07

Karl Kennedy
Single-Member District 4A01

Thomas J. Hamilton
Single-Member District 6C06

BOARD OF ELECTIONS AND ETHICS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there is vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 8C02

Petition Circulation Period: **Monday, November 26, 2007 thru Monday, December 17, 2007**

Petition Challenge Period: **Thursday, December 20, 2007 thru Thursday, December 27, 2007**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Final Notice of Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its November 7, 2007 meeting in relocating Precinct #75, Ward 5 Polling Place.

The public is advised that the voting area for Precinct #75 will be changed from:

**Harry Thomas Recreation Center
1743 Lincoln Road, N.E.
Meeting Room**

and moved to:

**McKinley Technology High School
151 T Street, N.E.
Auditorium**

Please note that the relocation will be effective beginning with the upcoming February 12, 2008 Presidential Preference Election. All registered voters in the precinct will be individually notified of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DC STATE BOARD OF EDUCATION**NOTICE OF LEARNING STANDARDS AVAILABILITY**

The draft Learning Standards for World Languages, Health and Physical Education are available for public review.

Copies of the draft learning standards can be obtained by downloading them from the Office of the State Superintendent of Education website at:

www.osse.dc.gov

or by contacting:

Beverley R. Wheeler
Executive Director
State Board of Education
(202)741-0884

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17611 of Jon and Julie Mitchiner, pursuant to 11 DCMR § 3104.1, for a special exception to allow a garage addition serving an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the R-4 District at premises 314 - 12th Street, N.E. (Square 986, Lot 53).

HEARING DATE: May 22, 2007
DECISION DATE: November 6, 2007

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A which is automatically a party to this application. ANC 6A submitted a letter in support of the application. The Office of Planning (OP) submitted a report (Exhibit 28) addressing the Applicant's original request requiring variance relief. OP did not oppose the construction of the garage, but did oppose the variance being sought. The OP did not submit a supplemental report addressing the special exception relief sought under amended section 223, pursuant to Zoning Commission Order No. 07-15.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17611

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 23 – Plans) be **GRANTED**.

VOTE: 5-0-0 (Ruthanne G. Miller, Marc D. Loud, and Shane L. Dettman to approve. Curtis L. Etherly, Jr. and John G. Parsons to approve by absentee ballot.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: November 6, 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION,

BZA APPLICATION NO. 17611

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DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH 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. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17614 of 1825 19th Street LLC pursuant to 11 DCMR § 3103.2, for a variance from the prohibition against enlarging a nonconforming structure under subsection 2001.3, and a variance from the off-street parking requirements under § 2101.1, allowing a four-unit residential building in the DC/R-5-B zone district at premises 1825 19th Street, N.W. (Square 132, Lot 218).

HEARING DATE: May 22, 2007

DECISION DATE: June 5, 2007

DECISION AND ORDER

This self-certified application was submitted January 11, 2007 by 1825 19th Street, LLC ("Applicant"), the owner of the property that is the subject of the application. The application requested area variance relief from requirements applicable to the enlargement of nonconforming structures devoted to conforming uses and from parking requirements to allow the construction of an addition to an existing row dwelling and its conversion to a four-unit apartment house in the Dupont Circle overlay/R-5-B zone district at 1825 19th Street, N.W. (Square 132, Lot 218).

Following a hearing on May 22, 2007 and a public meeting on June 5, 2007, the Board voted 5-0-0 to grant the application.

PRELIMINARY MATTERS:

Notice of Application and Notice of Hearing. By memoranda dated January 17, 2007, the Office of Zoning provided notice of the application to the Office of Planning, the Department of Transportation, the Councilmember for Ward 2, Advisory Neighborhood Commission ("ANC") 2B, and Single Member District/ANC 2B08. Pursuant to 11 DCMR § 3113.13, on March 5, 2007 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, ANC 2B, and owners of property within 200 feet of the subject property. Notice was also published in the D.C. Register on March 16, 2007 (54 DCR 2336).

Party Status. In addition to the Applicant, ANC 2B was automatically a party in this proceeding. At the public hearing, the Board granted party status in opposition to the application to Henry Gallagher, the owner and resident of the property abutting the subject property to the south.

Applicant's Case. The Applicant presented evidence and testimony from Christopher Zimmer, a representative of the owner, 1825 19th Street LLC, and Alireza Honarkar, the project architect.

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The Applicant described plans to convert the row dwelling to a four-unit condominium apartment house by constructing a new partial fourth floor and by adding three balconies at the rear of the building, which would provide an area of open space as well as access to a new exterior staircase at the rear of the building.

According to the Applicant, the variances were necessary to permit the renovation of the existing building on the subject property so as to return the property to an economically feasible residential use. The Applicant testified that a financial analysis was undertaken and real estate and construction professionals were consulted to analyze various options for renovating the building to help the Applicant decide whether to restore the property to use as a single-family dwelling, as flats, or as an apartment house with three or four units. According to the Applicant, the most viable scenario was the creation of a four-unit apartment house, considering the extensive disrepair of the building, the need to devote part of the interior space of the building to new infrastructure necessary to bring the building up to code, the lack of on-site parking, and the absence of open space on the property. The Applicant also testified that initial plans for the reconstruction of the rear of the building were revised in response to comments from the Historic Preservation Office, which requested the preservation of the existing bay projection, possibly with the addition of balconies and a rear staircase.

The Applicant asserted that the property was exceptional due to a confluence of factors, including a subdivision that made the subject property smaller than most other lots in the immediate vicinity; improvement of the property with a building that did not occupy 100 percent of the lot, unlike other similar properties nearby; and recognition of the building as contributing to a historic district. According to the Applicant, strict compliance with the Zoning Regulations would be unnecessarily burdensome and would preclude economically feasible renovation of the property, while approval of the requested variances would not impair the intent, purpose, or integrity of the zone plan.

The Applicant indicated that a portion of the rear yard would be devoted to a trash storage facility with receptacles for the four condominium units. A private trash-collection service would be retained to collect trash from the storage facility. The Applicant also testified that four parking spaces, in garages located within three blocks of the subject property, would be leased for two years, beginning September 1, 2008. The Applicant proposed conditions of approval of the application that would require the Applicant to ensure, by including provisions in relevant condominium documents, that each condominium owner would maintain an off-street parking space, that no grills would be permitted on the rear balconies of the units, and that a private trash removal service would be used to pick up trash, which would be stored in a trash storage facility on the property.

Government Reports. By memorandum dated May 15, 2007, the Office of Planning ("OP") recommended approval of the requested parking variance, provided that the Applicant incorporated provisions in the condominium bylaws requiring all unit owners to maintain an off-street parking space, and that a copy of the bylaws was placed in the public record prior to issuance of a certificate of occupancy. According to OP, the Applicant's project also required

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variance relief from the minimum floor area ratio ("FAR") of 1.8 allowed under § 402.4, the minimum rear yard setback of 15 feet, and the maximum lot occupancy of 60 percent.

OP recommended denial of the additional variance relief on the grounds that the application did not adequately explain how the Zoning Regulations presented a practical difficulty and that approval of the application would be contrary to the intent of the Zoning Regulations. OP stated that the "exceptional conditions" claimed by the Applicant were not factors unique to the subject property or directly related to the relief requested. OP concluded that the variances, other than the parking variance, would permit enlargement of a nonconforming building but the Applicant had not explained "how not being allowed to *further* over-build the site" would create a practical difficulty. OP also concluded that approval of the variances, other than the parking variance, would impact the privacy and enjoyment of neighboring dwellings and rear yards, and would impair the intent, purpose, and integrity of the zone plan by allowing an increase in the nonconformity of the existing building on the subject property.

ANC Report. By letter dated March 26, 2007, Advisory Neighborhood Commission 2B indicated that, at a public meeting on March 14, 2007 with a quorum present, the ANC decided to take no action in this matter.

Persons in Support of the Application. The Board received several letters and heard testimony from persons in support of the application, including some residents living near the subject property. The persons in support of the application commented favorably on the rehabilitation of a deteriorated property and the design of the proposed addition and balconies, and asserted that approval of the application would not cause objectionable impacts related to noise, parking, or trash removal.

Party in Opposition to the Application. The party in opposition testified that air flow would be adversely affected by the Applicant's proposed fourth-story addition, and that the proposed roof deck and balconies would infringe on the privacy of neighboring residents. According to the party in opposition, use of the building as a four-unit apartment house would exacerbate an already severe trash disposal problem in the rear of the property.

Person in Opposition to the Application. The Board received a letter in opposition to the application from the owner of 1827 19th Street, N.W., a rowhouse abutting the subject property to the north. The letter asserted that approval of the application would result in the loss of sunlight, air, and privacy to the abutting property as well as problems related to parking and trash collection. The Dupont Circle Citizens Association also submitted a letter in opposition, citing concerns about privacy, light, and air and declining property values affecting neighboring properties, and the effect of overbuilding on the historically significant neighborhood.

BZA APPLICATION NO. 17614**PAGE 4****FINDINGS OF FACT****The Subject Property and Surrounding Area**

1. The subject property is located at 1825 19th Street, N.W., on the east side of 19th Street near the intersection with Swann Street (Square 132, Lot 218). The rectangular lot is 23 feet wide and 60 feet deep, with an area of 1,381 square feet.
2. The site is improved with a three-story row dwelling, with basement, built in 1892. The building contains approximately 3,100 square feet on three floors, with an unfinished basement of 1,161 square feet. The building has been vacant for at least 25 years and has fallen into a state of disrepair.
3. The subject property is located in the Dupont Circle historic district, and the building is contributing to the historic district.
4. The properties abutting the subject property on both sides and to the rear are also improved with row dwellings. Surrounding development consists primarily of similar row dwellings, some of which have been converted to flats or apartment houses.
5. The subject property and the two lots to the south were formerly larger – a size similar to other neighboring lots on the east side of 19th Street – until a subdivision some time before 1939. The subdivision created two new lots, facing Swann Street, in the area formerly comprising the rear part of the three lots facing 19th Street. The dwellings on the three lots facing 19th Street just north of Swann Street, likely constructed after the subdivision, are smaller than the other dwellings on 19th Street to the north of the subject property.
6. The subject property does not have vehicular access to the alleys in the interior of Square 132. A pedestrian walkway easement extends across the two abutting lots to the east to a 10-foot-wide alley that extends north from Swann Street.
7. The subject property cannot accommodate any off-street parking due to the lack of vehicular access to the property.

Applicant's Project

8. The Applicant plans to convert the existing row dwelling into four condominium apartments, one per floor. The third-floor unit would extend into the proposed fourth-floor addition.
9. The Applicant plans to add 416 square feet of gross floor area to the interior of the existing building by constructing a new partial fourth floor, and by adding a new exterior spiral staircase at the rear of the building to improve safety and provide access to the trash removal services provided in the alley. The Applicant also plans to build rear

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- balconies, eleven feet wide and projecting less than six feet, for each apartment except the basement unit.
10. The partial fourth-floor addition will not be visible from the street level. The height of the building after the addition is constructed will not exceed the maximum 50-foot height permitted in the R-5-B zone.
 11. The Historic Preservation Review Board gave conceptual approval to the Applicant's project on November 16, 2006. Approval of final construction plans was delegated to the Historic Preservation Office.

Requested Variances

12. Zoning requirements applicable to the site include a maximum floor area ratio of 1.8 for buildings devoted to apartment house or other residential use, a maximum lot occupancy of 60 percent, and a rear yard of at least 15 feet. 11 DCMR §§ 402.4, 403.2, 404.1. The existing building on the subject property is nonconforming with respect to FAR (at 2.36), lot occupancy (at 81 percent), and rear yard (at nine feet, six inches).
13. The proposed construction will increase the FAR of the building to 2.71 and will increase lot occupancy to 87 percent. The increased FAR will result from the new partial fourth floor and the new exterior staircase. The additional lot occupancy will result from the addition of the staircase and three balconies. The rear construction will reduce the rear yard to seven feet, six inches.
14. The Applicant requested an area variance to allow an addition to a nonconforming structure devoted to a conforming use. The planned enlargement will not affect the height of the existing building or create any new nonconformity, but will increase nonconforming aspects with respect to floor area ratio, lot occupancy, and rear yard setback.
15. Generally, the parking requirement applicable in the DC/R-5-B district calls for one parking space for every two dwelling units. Because the building on the subject property was used as a single-family dwelling prior to the adoption of the Zoning Regulations, the property is deemed to provide one off-street parking space. The conversion of the building to a four-unit apartment building would thus require the provision of one off-street parking space. The Applicant requested a parking variance so as not to provide any parking on the subject property.

Harmony with Zone Plan

16. The Dupont Circle overlay district is intended to protect the "low scale, predominately residential character, independent small retail businesses, human scale streetscapes, and historic character" of the relevant area. 11 DCMR § 1501.1. Purposes of the DC overlay include (i) to require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; (ii) to ensure a general compatibility in the scale of new buildings with older, low-scale buildings by restricting the maximum

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permitted height and floor area ratio of new buildings to that of the underlying zone; (iii) to protect the integrity of buildings contributing to the historic district; (iv) to enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development; (v) to ensure compatibility of development with the Comprehensive Plan; and (vi) to preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide. 11 DCMR § 1501.4.

17. The R-5 districts are general Residence districts designed to permit flexibility of design by permitting, in a single district, all types of urban residential development if they conform to the height, density, and area requirements. 11 DCMR § 350.1. The R-5-B district permits a moderate height and density. 11 DCMR § 350.2.

CONCLUSIONS OF LAW

The Applicant seeks area variance relief from the prohibition against enlarging a nonconforming structure devoted to a conforming use under § 2001.3 and a variance from the off-street parking requirements under § 2101.1 to allow the construction of an addition to an existing row dwelling and its conversion to a four-unit apartment house in the Dupont Circle overlay/R-5-B zone district at 1825 19th Street, N.W. (Square 132, Lot 218).¹ The Board is authorized to grant a variance from the strict application of the zoning regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map. D.C. Official Code § 6-641.07(g)(3) (2001); 11 DCMR § 3103.2.

Based on the above findings of fact, and having given great weight to the recommendations of the Office of Planning, the Board concludes that the Applicant has satisfied the burden of proof and that the application should be granted.

The subject property faces an exceptional situation or condition arising principally from a subdivision undertaken before the current version of the Zoning Regulations went into effect, coupled with the nature of the existing row dwelling on the subject property, which was built before even the first Zoning Regulations became effective. The subdivision greatly reduced the area available for a rear yard setback on the subject property and eliminated the possibility of vehicular access to the subject property through the alley, thereby eliminating the opportunity to locate any parking spaces on the lot. The subdivision also contributed to the other

¹ The Office of Planning asserted that the Applicant's project also required variance relief from requirements pertaining to floor area ratio, rear yard setback, and lot occupancy. The Board finds that these aspects of relief are subsumed in the Applicant's request for relief to enlarge a nonconforming building, since the building in question is nonconforming with respect to FAR, rear yard setback, and lot occupancy.

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nonconforming aspects of the subject property once the row dwelling was built, because, while the row dwelling was not as large as the residences built on neighboring lots that had been similar in size to the subject property before the subdivision, the dwelling on the subject property nevertheless became nonconforming with respect to subsequently adopted lot occupancy, rear yard, and floor area ratio because of the smaller lot size that resulted from the subdivision.

The Board does not agree with the assertion of the Office of Planning that none of the "confluence of factors" claimed by the Applicant as giving rise to an extraordinary or exception situation were unique to the subject property or directly related to the relief requested. The Applicant undertook a rigorous review of options for the reuse of the row dwelling on the subject property in an economically feasible manner, considering the building's current derelict condition and history of poor maintenance, the need for new facilities, a financial analysis, and input from real estate and construction specialists. The Applicant's plan for renovation of the building as a four-unit apartment building was based on the results of that review, as well as a recommendation from the Historic Preservation Office to retain the rear façade of the building. With regard to the need for a parking variance, the Board notes that the subject property cannot accommodate any parking due to the lot occupancy of the row dwelling and the lack of vehicular access to the nearby alley.

The Board concludes that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. The degree of relief requested is relatively minor, comprising one parking space, a small addition that will not increase the height of the building beyond that permitted as a matter of right and will not be visible from the street, small balconies at the rear of the property that will provide some open space for the apartments' residents, and a small spiral staircase that will give residents access to the trash storage area at the rear of the property. The Board was not persuaded by the Office of Planning or the party in opposition that the addition and balconies would infringe on the privacy of residents of nearby dwellings, because the balconies at the subject property will be small and utilitarian.

The proposed use of the building as an apartment house is permitted in the DC/R-5-B zone, and will be consistent with the residential use of neighboring properties, which include many row dwellings that have been converted to multi-family use. The project is consistent with the purposes of the Dupont Circle overlay district, and approval of the requested variances will allow the renovation and return to viable residential use of a row dwelling that has long been vacant and in poor condition.

The Board declines to adopt the conditions of approval proposed by the Applicant or the Office of Planning as they are outside the scope of the Board's authority in this proceeding. The Office of Planning suggested a condition requiring the Applicant to ensure that all future unit owners would maintain an off-street parking space.² However, OP did not offer persuasive advice on

² The Applicant concurred with OP's proposed condition concerning off-street parking, and also proposed two conditions relating to the use of outdoor grills and to trash removal service. The Board declined to adopt those two

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how the Board's adoption of the proposed condition would be relevant or appropriate to its deliberations on the Applicant's request for variance relief. The Applicant requested a variance from the requirement to provide one off-street parking space. OP's proposed condition would require all future unit owners, regardless of whether a unit owner owned a vehicle, to maintain an off-street parking space. The Board declined to adopt OP's suggestion as overly broad and not necessary since the Board determined that the requested variance would not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zone plan.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the application for area variance relief from requirements applicable to the enlargement of a nonconforming structure devoted to a conforming use and from parking requirements to allow the construction of an addition to an existing row dwelling and its conversion to a four-unit apartment house in the Dupont Circle overlay/R-5-B zone district at 1825 19th Street, N.W. (Square 132, Lot 218). Accordingly, it is therefore **ORDERED** that the application is **GRANTED**.

VOTE: 5-0-0 (Ruthanne G. Miller, Curtis L. Etherly, Jr., Marc D. Loud, John A. Mann II and John G. Parsons to grant the application)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 07 2007

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN

conditions, which addressed aspects of the project that are not subject to zoning requirements but are governed by other titles of the District of Columbia Municipal Regulations.

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TITLE 1 of the D.C. CODE. SEE D.C. CODE § 1-2531 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 05-35
Z.C. Case No. 05-35
Consolidated Planned Unit Development and Related Map Amendment -
Stanton Square, LLC
September 10, 2007

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on May 24, 2007, to consider an application from Stanton Square, LLC, for the consolidated review and approval of a planned unit development ("PUD") for the property known as Lots 60, 61, 78, 832, 835, 853, 854, 855, 856, 857, 858, 873, 878, and 879 of Square 5877, and approval of PUD-related amendment to the Zoning Map of the District of Columbia pursuant to Chapters 1, 24, and 30 of the District of Columbia Municipal Regulations (DCMR) Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

At its public meeting on July 9, 2007, the Commission took proposed action by a vote of 5-0-0 to approve the application and plans that were submitted into the record.

The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. The NCPC Executive Director, through a Delegated Action dated July 26, 2007, found that the proposed PUD, "would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any federal interests."

The Commission took final action to approve the application on September 10, 2007, by a vote of 5-0-0.

FINDINGS OF FACT

1. On November 11, 2005, Horning Brothers ("Developer") filed an application for the consolidated review and one-step approval of a PUD and a related amendment to the Zoning Map.
2. Stanton Square, LLC ("Applicant") is the current owner of the site. Horning Brothers and Stanton Square, LLC have entered into a contract whereby Horning Brothers will

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act as fee developer for the site upon approval of this project by the Commission. (Exhibit 17, p. 1.)

3. The property that is the subject of this application is bounded by Stanton Road, Elvans Road, and Pomeroy Road, S.E. The property is made up of Lots 60, 61, 78, 832, 835, 853-858, 873, 878, and 879 in Square 5877 (the "Subject Property" or "Property"). The Property is located in the Fort Stanton neighborhood in Ward 8. The Property consists of approximately 8.1 acres or 353,256 square feet. The Property is located in the R-3 Zone District. (Exhibit 17, p. 1.) The Applicant seeks to rezone the Subject Property to the R-5-A Zone District.
4. The Developer seeks to construct 187 single-family townhouses, with 63 townhouses reserved for households making up to 60% or 80% of the Area Median Income ("AMI") for the Washington, D.C. Metropolitan Area. (Exhibit 17, p. 2.)
5. At its January 9, 2006, public meeting, the Commission took no action regarding setting down the initial project. The Commission requested that the Applicant look to increase the amount of green space on the project, reduce the amount of paved area, and re-examine the proposed treatment of the steeply sloped area of the Subject Property. In response to those comments, the Applicant submitted an updated plan to the Commission on February 1, 2007.
6. The Commission setdown the PUD for public hearing on February 12, 2007, requesting that the Applicant address the following issues: 1) increase the amount of green space in the project; 2) provide additional information regarding retaining water on the site (specifically involving low-impact development strategies); 3) reduce the asphalt coverage of the site; 4) provide information on the expected pricing of the market-rate units; and 5) provide details regarding the exterior treatment of the townhouse units. (Exhibit 17, p. 1.)
7. The Commission held a public hearing, which was conducted on the above-mentioned application in accordance with the provisions of 11 DCMR § 3022 on May 24, 2007. There were no requests for party status at the public hearing.
8. At the May 24, 2007 public hearing, Paul Tummonds of Pillsbury Winthrop Shaw Pittman, LLP presented the case on behalf of the Applicant. The Commission accepted James McDonald of the Lessard Group Architects as an expert in architecture; Mary Ramsey of Edwards & Kelcey as an expert in civil engineering; and Joe Plumpe of Studio 39 as an expert in landscape architecture. (Tr. May 24, 2007, p. 9.)

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PUD SITE AND SURROUNDING AREA

9. The Subject Property includes approximately 8.1 acres, or 353,256 square feet, and is located between the Hillsdale and Fort Stanton neighborhoods approximately one-half mile north of Suitland Parkway. The Subject Property is irregularly shaped and is bounded by Stanton Road to the west; Elvans Road to the south and east; the Wilkinson Elementary School directly to the north; and Pomeroy Road to the northwest. (Exhibit 17, p. 3.)
10. The Subject Property is currently undeveloped, has steep topography, and slopes generally to the west, with a sharp 30-foot drop effectively dividing the site into an upper and a lower portion. Where the Subject Property borders Wilkinson Elementary School, there is a large concrete retaining wall. (Exhibit 17, p. 3.)

DESCRIPTION OF THE PUD PROJECT

11. In its pre-hearing statement dated March 14, 2007, the Applicant presented revised plans and materials reflecting the comments and requests of the Commission. The Applicant noted that the success of the project (to be known as Stanto Square) remains the mix of 187 affordable and market rate townhouses in a cohesive development that includes a mix of unit types interspersed throughout the Subject Property, while creating an appropriate amount of green space for residents and their guests. In response to the comments of the Commissioners on February 12, 2007, the Applicant undertook a holistic approach to creating a project that has an increased amount of green space, a reduced amount of paved area, and includes significant low-impact development strategies that will significantly reduce the overall environmental impact of this project. (Exhibit 17, p. 1.)
12. The PUD project creates a new 187-unit townhouse community that embraces and welcomes community interaction. With a mix of affordable and market rate homes, the Applicant has strived to create a cohesive community feel. The townhouse architecture creates a mix of texture and scale giving the community an image of an established neighborhood. (Exhibit 17, p. 3.)
13. A mixture of architectural styles and elements will eliminate any overpowering presence to the buildings. Two-story units, repetitive bay elements, and paired styled units are specifically located to break up the scale of the streetscape and building façades. The fronts of the townhouses have a mix of Federal, Colonial, and Transitional Victorian architectural styles consistent with the architectural styles of the surrounding area and found throughout the District of Columbia. Detailed entries, front stoops, and porticos embellish the street façades in addition to the full two- and three-story projecting bay windows and the detail-oriented window and door surrounds. (Exhibit 17, p. 4.)

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14. The façade of the individual townhouse units will include a mix of brick, siding, and trim to create a sense that the project was created over time. The Applicant anticipates that 84 units (45%) will have all-brick fronts, 88 units (47%) will have brick along the water table, and 15 units (8%) will not include brick. The affordable units will also have brick and masonry elements included in their façade. The roofs will be either architectural asphalt shingles or metal. (Exhibit 17, p. 4.)
15. The site plan provides a traditional street grid pattern, with a two-way "Main Street" on the lower portion of the site. The proposed internal street grid and the townhouses are sited to work with the existing grade by creating "English basements"¹ (buried front levels) instead of retaining walls. The use of English basements also creates a reduced scale of the townhouses along the street. The street grid introduced to the site creates a pedestrian-friendly community as well as opens up green spaces for public access. (Exhibit 17, p. 4.)
16. Internally the streets focus on, and direct attention to, the public green spaces or pocket parks. Each street provides view corridors along tree lined streets toward open spaces and to the landscaped pedestrian link along the hill that separates the upper and lower portions of the site. The design and layout of the project emphasizes the green corridor at the front of each home by providing landscaping and tree planting areas in each lot within the community, as well as the landscaped front yards for the units facing the surrounding streets. (Exhibit 17, p. 5.)
17. The townhouse units will consist of models that are 14, 16, 18, and 20 feet wide. The majority of these units will be three stories tall with rear-loaded vehicular access provided from private alleys. In addition, in order to better relate to the existing topography of the site, 64 of the 187 units include English basements (partially buried ground floors). Twenty units have rear yards and front-loaded vehicular access, some units have side-loaded vehicular access, and some of the 14-foot-wide units are two stories in height. All of the townhouses, except for the two-story units, will have cantilevered decks located on the rear of the unit. These decks will be approximately 12 feet wide and 4.5 feet deep. These decks will allow the opportunity for private space outdoors, in addition to the front yards, which could include outdoor seating and dining. Most units will have family rooms and garages on the first floor and kitchens and living areas on the main floor; between 35% and 65% will have at least three bedrooms (depending on the options selected by the purchasers). (Exhibit 17, p. 6.)
18. The upper portion of the site will include a tot lot and a series of open spaces that can be used by residents of the project and their guests for outdoor recreation. The lower portion of the site includes an open plaza at the intersection of Stanton and Pomeroy

¹ These English basements will not be separate rentable units from the single-family townhouses.

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Roads that provides similar outdoor recreation space. In addition, the lower portion of the site also includes a series of green, open spaces. A series of short, landscaped retaining walls are provided in this area to provide the necessary stability to protect the steep slope, while also preventing the creation of a single large retaining wall. (Exhibit 17, p. 6.)

19. The internal street system includes both one-way and two-way streets. This combination allows the Applicant to reduce the amount of paved roadway area on the Subject Property, while creating a safe and pleasant co-existence between pedestrian and vehicular traffic. In total, approximately 32 on-street parking spaces will be provided for use by residents of the PUD project and their guests in the new internal street system. Additionally, a series of 16-foot-wide alleys will connect the residents' garages to the streets. (Exhibit 17, p. 7, Exhibit 30.)
20. The Applicant initially proposed to create public streets and alleys for this project. In order to create such public streets and alleys, the Applicant requested that the District Department of Transportation ("DDOT") provide flexibility from the strict requirements of the DDOT Design and Engineering Manual (the "Manual"). The majority of the flexibility requested was related to the right-of-way width required by the Manual. At the public hearing, and in its post-hearing submission, the Applicant testified and provided written statements that it was going to make the street and alley system private and, therefore, no relief from the Manual was necessary. The Applicant notes that truck tracking diagrams submitted to DDOT demonstrate that cars, trash trucks, and emergency vehicles will be able to access all the streets and alleys within the site. The Applicant will make an initial capital contribution to the reserve fund of the Stanton Square Homeowner's Association that can be used for repairs and maintenance of the private streets and alleys. (Exhibits 31, 35.)
21. The total gross floor area included in the PUD is 317,438 square feet which creates a total density of 0.90 floor area ratio ("FAR"), below the 1.0 FAR guideline for a PUD in the R-5-A District. The total lot occupancy is approximately 31%, with green space of 114,078 square feet, and paved area of 90,070 square feet. (Exhibit 30.) The townhouses will have heights of 28 feet, 6 inches, measured to the ceiling of the top story, less than the 40-foot height permitted in the R-5-A District as a matter-of-right, and a total height of 40 feet, 3 inches. The R-5-A District requires one parking space for every dwelling unit. This PUD project will contain 267-287 parking spaces. (Exhibit 17, pp. 7, 8.)
22. The PUD project complies with the underlying zone district requirements; however, pursuant to 11 DCMR Chapter 24, it requires relief from the front, rear, and side yard requirements (§§ 2516.5(b), 404, and 405) and to allow more than one principal structure on a single lot (§ 2516.1). In addition, the Zoning Regulations require a minimum distance of 28 feet between driveways (11 DCMR § 2117.8(d)). For the

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proposed front-loaded garage townhouse units, the project provides a distance of six feet to eight feet between the driveways that act as "safety zones". Satisfaction of the strict requirements of § 2117.8(d) is not possible because the front-loaded garage townhouse units are only 16 to 20 feet wide. These areas of flexibility requested of the R-5-A District will have no impact on the surrounding properties. (Exhibit 17, p. 8, Exhibit 35.)

SATISFACTION OF PUD EVALUATION STANDARDS

23. Through written submissions and testimony to the Commission, the Applicant and its representatives noted that the application will provide high quality residential development on the Subject Property with significant public benefits to the neighborhood and the District as a whole.
24. Urban Design and Architecture: The proposed townhouses are designed to complement and elevate the level of architectural quality and design in this area of the District. The impact of 187 new townhouses at this location will set a design standard for this area, giving the Stanton Road thoroughfare an architectural significance that it has lacked in the past. Furthermore, the townhouses are built to the street, with yards at the front and the majority of the units having automobile entry and parking from rear alleys. The introduction of townhouses of varying size and height, as well as the 20 front-loaded townhouses with rear yards, also helps add to the architectural richness of the project. (Exhibit 17, p. 13.)
25. There will be no gates or barriers preventing members of the public from gaining access to the site. The Applicant anticipates that the pocket parks at Stanton and Pomeroy Roads, and along Elvans Road will be utilized extensively by residents of the project and the surrounding community. The design connects the homes to the public streets, incorporates the entire development into the existing neighborhood, and enhances the walkability of the streets; it does not create a self-contained suburban-style village. (Exhibit 17, pp. 13, 14.)
26. Site Planning: The Applicant noted that throughout the design review process it has sought to address the requests of the Commission and the Office of Planning to maximize green space and reduce paved area on this site. The proposed density of the project is entirely appropriate for the Subject Property. Green space occupies 32% of the Subject Property. The revised site plan continues to make efficient use of a site that poses many topographical challenges. While a steep 30-foot slope requires that the project be divided into two parts, the site plan seamlessly ties these two parts together, so that the project functions as a whole, through the creation of a walking path and stair system. (Exhibit 17, p. 14.)

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27. The layouts of townhouses, especially the units with English basements, allows for more natural street and site grading within the project to account for the 10 to 12 foot elevation change that occurs on the lower portion of the site. The introduction of a more traditional street grid system and the various open and green spaces provide an inviting and open environment for residents of the project, their guests, and members of the surrounding community. Bioretention areas, rain gardens, and Filterra units have been incorporated into the site plan to create a true low impact development ("LID") strategy for this project. Pocket parks and mews have been developed to create linked pedestrian spaces. The central focus of the project becomes the open green space which separates the upper and lower portions of the Subject Property. The steep grade differential between the two parts of the project has evolved into cascading landscaped garden retaining walls. The internal private road system has been created to provide view corridors towards this open space, as well as the individual unit architecture. (Exhibit 17, pp. 14, 15.)
28. Effective and Safe Vehicular and Pedestrian Access: The proposed one-way and two-way street systems will discourage excessive speeds and cut-through traffic. Safe and inviting sidewalks will be created along the surrounding public streets and throughout the site to encourage pedestrian activity and also mitigate and pedestrian/vehicular conflicts. The proposed development provides residents with 267-287 parking spaces, depending on the number of units that will have tandem parking spaces. Guest parking is provided in approximately 32 designated parallel parking spaces located along the interior roadway system, enhancing vehicular access to and from residents' homes. (Exhibit 17, p. 15.) There are currently no parking restrictions along the Stanton Road frontage of the site, with the exception of a Metrobus stop adjacent to the intersection with Elvans Road. Approximately 42± parking spaces are available along the Stanton Road frontage of the site for residents and guests. The Elvans Road frontage is currently restricted by the two-hour Residential Parking Permit Program between the weekday hours of 7:00 AM – 8:30 PM. Approximately 70± parking spaces are available along the Elvans Road frontage of the site for residents and guests. (Exhibit 35.)
29. The Applicant's traffic and parking expert provided written documentation that the study area roadway network currently operates at an acceptable level of service during the morning and afternoon peak periods and will continue to do so after build-out of the project without the need for off-site roadway improvements. The proposed project will generate an average of 92 peak hour vehicle trips. These trips are anticipated to be well distributed and will result in minimal impacts on the study area intersections. The traffic and parking expert also concluded that the parking supplied in the project would adequately comply with District regulations. In conclusion, the traffic and parking expert noted that the project can be

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accommodated without any appreciable adverse traffic impacts on the local area. (Exhibit 24, Exhibit E, p. 19.)

30. Housing: The proposed PUD project will add 187 new for-sale residential townhouses to the Hillsdale and Fort Stanton neighborhoods. The project will include 63 townhouses as workforce affordable housing units. Twenty townhouses will be reserved for households making up to 60% of AMI and 43 townhouses will be reserved for households making up to 80% of AMI. The affordable models will consist of the 14 and 16 foot models, which include two bedrooms and two bedrooms with a den. The affordable townhouses will not constitute a majority of units in any particular area of the development. Based upon the results of a market study, the Applicant anticipates that the market rate for these units will range from \$280,000 - \$340,000 depending on the unit size. A three-person household with an income of 80% of AMI will be able to pay approximately \$234,000 for a new home. Assuming an average market rate price of \$290,000, the three-person household at 80% of AMI will be achieving a discount of \$56,000 from the market rate price. (Exhibit 17, p. 16.)
31. First Source Employment Program: The Developer will enter into an agreement to participate in the Department of Employment Services ("DOES") First Source Employment Program to promote and encourage the hiring of District of Columbia residents during the development and construction process. (Exhibit 17, pp. 16, 17, Exhibit H.)
32. Local, Small, and Disadvantaged Businesses: The Developer will enter into a Memorandum of Agreement ("MOU") with the Department of Small and Local Business Development ("DSLBD") in an effort to utilize local, small, or disadvantaged business enterprises certified by the D.C. Local Business Opportunity Commission in the development of this project. (Exhibit 17, p. 17, Exhibit H.)
33. Environmental Benefits: The LID strategy addresses both water quality control and water quantity control. A series of bioretention areas/rain gardens and Filterra units have been introduced into the project. The multiple bioretention/rain garden areas are strategically situated where site grading and sufficient drainage and planting space permit such uses. These areas create a reduction in peak flow rate of stormwater and also help treat the stormwater prior to it leaving the Subject Property. The bioretention/rain garden areas and their associated structures will be located in common areas and will be maintained by the homeowners association. The maintenance responsibility for these facilities is not expected to be overly cumbersome or expensive. The project also includes four Filterra units, which significantly reduce pollutants through filtration and absorption of storm water in a specially engineered media within the underground concrete box. These systems

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together reduce the burden on the storm water infrastructure of the site as well as of the District, in addition to improving water quality. (Exhibit 17, pp. 11, 12.)

34. Uses of Special Value to the Neighborhood: The Applicant is providing the following public benefits and amenities:

- Workforce Affordable Housing – Sixty-three of the 187 townhouses will be reserved as workforce affordable housing units. Twenty of these affordable units will be made available to households making up to 60% of AMI, and 43 of these units will be made available to households making up to 80% of AMI. (Exhibit 30.)
- Public Space Improvements in the Community – The Applicant will make a financial contribution of \$30,000 that will be used for the purchase and placement of 30 commercial trash receptacles (36 gallon size with steel slats), 30 decorative pole banners, and 30 decorative single pole brackets for placement in the surrounding neighborhoods. The Applicant and representatives of Advisory Neighborhood Commission (“ANC”) 8A, the ANC district within which the project is located, will coordinate with representatives of DDOT to determine location requirements and the ability of the District to remove the trash placed in the receptacles. (Exhibit 30.)
- Fort Stanton Recreation Center – The Applicant will make a financial contribution of \$30,000 to the Fort Stanton Civic Association that will be used for the purchase of computers (including service and technical support service contracts) for the Fort Stanton Recreation Center. (Exhibit 30.)
- Signage in the Fort Stanton and Hillsdale Neighborhoods – The Applicant will contribute \$15,000 for the creation and installation of three signs welcoming visitors to the Fort Stanton and Hillsdale neighborhoods. Based on discussions with members of ANC 8A and the community, these signs are intended to be located at: Suitland Parkway and Stanton Road; Fort Place and Bruce Place (near the Smithsonian’s Anacostia Community Museum); and Martin Luther King Boulevard and Howard Road. (Exhibit 30.)
- Low Impact Development/“Green” Design Strategies – The Applicant has maintained a significant amount of green space (32%) on the Property and has limited the amount of paved area (25%) on the Property. The site plan includes a tot lot and parks for residents of the project and the surrounding community. (Exhibit 30.)

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- Homebuyers' Program – The Applicant has entered into an agreement with MANNA, Inc. to create a dedicated chapter of MANNA's Homebuyer Club for the Stanton Square project to help members of the surrounding community be financially prepared for homeownership. (Exhibit 35, Tr. May 24, 2007, pp. 31, 32.)
 - Capital Contribution to Homeowner's Association Reserves Fund – The Applicant will contribute \$46,750 (\$250 per townhouse) to the Stanton Square Homeowner's Association Capital Reserves fund. (Exhibit 30, Tr. May 24, 2007, p. 12.)
35. Comprehensive Plan: The project is fully consistent with and fosters the goals and policies stated in the elements of the D.C. Comprehensive Plan (the "Plan"). The District of Columbia Generalized Land Use Map recommends moderate-density residential land use for the Subject Property. The moderate-density category includes row houses and garden-style apartments as its predominant uses. Thus, the proposed rezoning of the Subject Property to the R-5-A District is consistent with the Generalized Land Use Map designation for the Property.
36. The project serves the goals of several of the citywide elements of the Comprehensive Plan:
- Consistency with the Framework Element – The Plan stresses the importance of preserving and including community input in the planning and development process. The Applicant met with representatives of ANC 8A, the Anacostia Coordinating Council, the East of the River Community Development Corporation, and other neighborhood organizations. In these meetings, the Applicant was told that the community wants to see a solely townhouse project on the Subject Property. ANC 8A adopted a resolution in support of the project. (Exhibit 17, pp. 19, 20.)
 - Consistency with the Land Use Element – The Plan cites the importance of infill development on vacant lots. The project will make good and valuable use of a well-located parcel of land now merely overgrown with vegetation and a crime nuisance to members of the community. The project has been designed to be completely complementary to the surrounding neighborhood. The townhouses are built up to the street; this frontage, when combined with the front yards, front stoops, and projecting bays adorning each townhouse and sidewalk system, creates an attractive and intrinsically walkable community. The project also provides a more usable, secure green space plan. (Exhibit 17, p. 20.)

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The Plan also seeks to achieve “land use compatibility” – specifically, the enhancement and stabilization of the District’s neighborhoods by the protection of residential neighborhoods from non-residential and disruptive uses. The Applicant stated that development in the Hillsdale/Fort Stanton area of 187 new townhouses will help achieve that goal. The Subject Property is located in a primarily residential neighborhood. A new development of townhouses in this neighborhood will not be disruptive, and in fact provides a new type of residential opportunity for existing residents of the neighborhood. No displacement of residents will occur as a result of this application. The Applicant noted that these townhouses will provide residents with an interim housing opportunity from a rental apartment to a single-family home, or alternatively provide an attractive housing opportunity for someone who is looking to minimize the amount of work that is necessary to maintain a single-family home. (Exhibit 17, pp. 20, 21.)

- Consistency with the Transportation Element – The sidewalks of the proposed development will be connected to the existing sidewalk system on Elvans, Stanton, and Pomeroy Roads. The sidewalks on these streets will be safer and more user-friendly with the removal of overgrown vegetation as well as the integration of a complete pedestrian sidewalk system for the surrounding neighborhood. The building out of the townhouses to the sidewalk also enhances the appearance and walkability of the pedestrian streetscape. (Exhibit 17, p. 21.)
- Consistency with the Housing Element – The Plan notes that, “[e]xpanding the housing supply is a key part of the District’s vision to create successful neighborhoods,” and especially seeks to achieve this via the private sector. The project will expand the housing supply by a considerable 187 high-quality units, and is being undertaken by a private-sector entity (the Applicant). Furthermore, the Plan emphasizes that, “[r]egardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance.” The Applicant has followed this guidance carefully, and the affordable units in the project will be visually indistinguishable from the neighboring market-rate units. The high-quality affordable community will serve as an anchor that strengthens and enhances the surrounding residential neighborhood. (Exhibit 17, pp. 22, 23.)
- Consistency with the Environmental Protection Element – The Plan seeks to encourage the planting of street trees and the, “use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.” The project features 32% of the site area as green space, with just 25% of the site area covered by

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pavement. In addition, an extensive landscape plan provides for abundant trees, and comprehensive and creative stormwater treatment. The LID strategy included in this project will both reduce stormwater runoff and help treat stormwater prior to it leaving the Subject Property. (Exhibit 17, p. 23.)

- Consistency with the Urban Design Element – The proposed development will reflect the beneficial architectural qualities of the surrounding residential neighborhoods. In site planning and architectural detailing, the project will emphasize and help strengthen a neighborhood identity for this area. The project proposes an appropriate number and density of residential units, while allowing for sufficient private and public open space for the residents. (Exhibit 17, p. 24.)
- Compliance with Area Element - The Plan also contains 10 area elements with the Subject Property located in the Far Southeast/Southwest Area Element. The project is consistent with this element of the Plan. The proposed project furthers several of the objectives and policies of this element:
 - Nature of Housing Provided – The Far Southeast/Southwest Area Element lists, “improved housing choices” as one of the four principal priorities for the area. The creation of 187 new townhouses will substantially improve the housing choices in an area of the city largely dominated by deteriorating garden apartments available only for rent. The Plan also notes that, “Far Southeast/Southwest needs more housing suitable for families and young homeowners...Additional low to moderate density housing should be encouraged...In some areas, rezoning may be needed to promote the desired housing types,” which include, “row house[s].” The project provides such housing, and the rezoning requested by the Applicant to provide it is consistent with that recognized as, “needed” by the Comprehensive Plan. (Exhibit 17, pp. 24, 25.)
 - Location of Housing Provided - The Plan seeks to, “[c]oncentrate future housing development and employment growth in the Far Southeast/Southwest around the Congress Heights and Anacostia Metro Stations...provide improved transit and automobile access to these areas and improve their visual and urban design qualities.” The project will be developed close to both the Congress Heights and Anacostia Metro Stations and improve transit ridership on Metrorail and Metrobus in the immediate vicinity.

Second, the Plan sets out to, “[e]ncourage compatible infill development on vacant and underutilized land within the Hillside and

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Fort Stanton neighborhoods, with an emphasis on low to moderate density housing designed for families. Special care should be taken to respect the area's topography..." The project constitutes an infill development in the Fort Stanton neighborhood, will provide moderate-density housing for families, and is sensitively designed to incorporate the existing topography of Subject Property into the site plan. (Exhibit 17, p. 25.)

37. In response to issues raised by the Commission members at the May 24, 2007 public hearing, the Applicant filed a post-hearing submission which included the following information:

- A letter from MANNA, Inc. regarding the creation of a homebuyer's club for the Stanton Square project.
- Responses to the issues raised in the May 23, 2007 DDOT report; and
- Summary of architectural controls which includes a description of the duties of the Architectural Review Board for the Stanton Square Homeowners Association that will be created for this Project.

(Exhibit 35).

GOVERNMENT REPORTS

38. In its May 11, 2007 report, the Office of Planning ("OP") recommended approval of the project, subject to any conditions that may be specified by DDOT. OP determined that the proposal is consistent with the Comprehensive Plan, including the following Major Themes of the Comprehensive Plan:

- Stabilizing and Improving District Neighborhoods;
- Promoting Enhanced Public Safety; and
- Providing for Diversity and Overall Social Responsibilities.

OP also concluded that the proposal was consistent with the following policies of the Comprehensive Plan:

- Expanding Housing Supply;
- Balanced Growth;
- Housing Quality; and
- Mixed Income Housing.

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OP noted that the Subject Property is located in the moderate-density residential land use category on the Generalized Land Use Map. OP supported the PUD-related rezoning request to the R-5-A Zone District to accommodate the moderate-density residential uses proposed for the Subject Property. OP noted that the rezoning accommodates a more compact building design as an alternative to the more consumptive development pattern of the lower density residential land use. (Exhibit 26.)

39. OP concluded that the project satisfied the PUD evaluation standards. OP noted that, in addition to the one-third of the units that will be reserved for low- to middle-income families, the market rate units will help ensure a diversity of income to the neighborhood. OP noted the site design of the project focuses the homes towards the adjacent street frontages, which increases the residential character of the Stanton Road and provides public safety benefits. The provision of sidewalk areas that connect to the street system help create a pedestrian environment that is a key to smart growth according to OP. In addition, OP noted the development would allow the vacant parcel to be integrated into a long-standing community, already served by infrastructure and the public transportation system. (Exhibit 26.)
40. In its May 23, 2007 report, DDOT concurred with the observations and conclusions of the Applicant's parking and traffic expert that the traffic expected to be generated from the project can be adequately accommodated by the existing road network and all key intersections in the project area currently operate at an acceptable level of service during both the AM and PM peak hours. (Exhibit 27.)
41. DDOT noted that it does not have the authority to approve public roadway designs that are inconsistent with existing D.C. Code requirements. DDOT recommended that the Applicant modify its plans to be consistent with existing D.C. Code requirements for public roadway designs, or in the alternative, the Applicant should construct the roadways as private streets. DDOT's report included the following recommendations:
 - Design and construct the proposed alleys to DDOT design standards and dedicate them for public use after DDOT has obtained the authority to approve right-of-ways less than 55 feet wide.
 - Modify the design of the new roadway across from Gainesville Street, S.E. by changing it to a one-way traffic pattern and connecting it with Elvans Road, S.E.
 - Connect the proposed alley S.E. that ends between Unit No. 1 and Unit No. 31, to the proposed north-south alley ending at Unit No. 32.

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- Perform a signal warrants analysis at the intersections of Elvans Road and Gainesville Street, S.E. and Elvans Road and Stanton Road, S.E.
 - Coordinate with appropriate DDOT staff in designing public space improvements, street markings and regulatory signage.
 - Redesign of L-shaped alley that services Units 169-177 and 178-182. (Exhibit 27.)
42. The Applicant responded to DDOT's May 23, 2007 report in its post-hearing submission. The Applicant's response included the following information:

DDOT RECOMMENDATION: *Design and construct the proposed alleys to DDOT design standards and dedicate them for public use after DDOT has obtained the authority to approve right-of-ways less than 55 feet wide.*

The Applicant will follow the alternative approach noted on the first page of the DDOT report and construct all of the streets and alleys as private streets and alleys. (Exhibit 35, Tr. May 24, 2007 public hearing, p. 11.)

DDOT RECOMMENDATION: *Modify the design of the new roadway across from Gainesville Street, S.E. by changing it to a one-way traffic pattern and connecting it with Elvans Road, S.E.*

The project architect and the Applicant's traffic engineer reviewed this alternative during the site planning phase of the project. The conclusion of these professionals is that DDOT's proposal would not be appropriate and would in fact be detrimental for the following reasons:

- a) The current design allows all traffic from the upper portion of the site to enter and exit at an all-way stop-controlled intersection. Accident data provided by DDOT shows the existing Elvans Road at Gainesville Street intersection to be safe.
- b) DDOT's suggested new roadway connection to Elvans Road would be along a section of a combined horizontal and vertical curve, with restricted sight distances. The crest of the hill is approximately mid-way between the suggested exit onto Elvans Road and the Gainesville Street intersection. DDOT's proposal would have all traffic for the upper portion of the site exiting at the extended roadway, where it would not be feasible to provide an all-way stop-controlled intersection, as exists at the currently designed entrance at Gainesville Street, S.E.

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- c) Considering the design criteria of the American Association of State Highway and Transportation Officials ("AASHTO") Geometric Design Manual, the stopping sight distance and driveway corner sight distances approaching the suggested new exit onto Elvans Road would both be inadequate.

(Exhibit 35.)

DDOT RECOMMENDATION: *Modify the proposed two-way roadway in the middle of the Stanton Road portion of the project to one-way heading out to Stanton Road, S.E.*

This alternative was considered during the site design phase, and discussed with DDOT's Traffic Services Administration staff. The proposal is not considered feasible or desirable for the following reasons:

- a) The middle access point along Stanton Road is separated from Pomeroy Road and Elvans Road by distances of 420 feet and 435 feet, respectively. This separation and the accompanying visibility/sight lines and stopping distance availability makes this the location most appropriate for significant access activity into and out of the site.
- b) This proposal would make the northernmost access (closest to Pomeroy Road) the only point through which vehicles could enter the site. This arrangement would be impractical, and create potential hazards along Stanton Road.
- c) This proposal would result in significant "redundancy of travel" within the site (i.e., residents would need to drive considerable extra distances to access a large number of the units.) This situation would violate "driver expectation" and encourage violations of the proposed one-way traffic circulation pattern.

(Exhibit 35.)

DDOT RECOMMENDATION: *Connect the proposed alley S.E. that ends between Unit No. 1 and Unit No. 31, to the proposed north-south alley ending at Unit No. 32.*

The Applicant reviewed DDOT's recommendation to connect these two alley systems and determined that the potential loss of green space and a residential unit is a significant detriment to the project. As noted above, the Applicant has created, and provided to DDOT, truck tracking diagrams that provide evidence that the proposed alley systems will be able to adequately serve cars, trash trucks and emergency vehicles that may need to access the alley systems. Therefore, the Applicant does not agree to DDOT's recommendation to connect these alley systems. (Exhibit 35.)

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DDOT RECOMMENDATION: *Perform a signal warrants analysis at the intersections of Elvans Road and Gainesville Street, S.E. and Elvans Road and Stanton Road, S.E.*

The Applicant's traffic engineering firm prepared the requested signal warrants analyses and has determined that these intersections do not satisfy any of the warrants for the construction of a signalized intersection at these locations. Moreover, in 2004, DDOT conducted a circulation and traffic calming study for the entire Cluster 37 area (the area in which the property is located) and did not identify the need for signalization at any of the local intersections. (Exhibit 35.)

DDOT RECOMMENDATION: *Coordinate with appropriate DDOT staff in designing public space improvements, street markings, and regulatory signage.*

The Applicant agreed to undertake this coordination with DDOT staff. (Exhibit 35.)

DDOT RECOMMENDATION: *Widen Sidewalks – The DDOT report recommended that the Applicant widen the proposed internal sidewalks from four feet to six feet in width and reduce the size of the proposed planting strips from six feet to four feet.*

The Applicant did not agree with this recommendation and desired to maintain the four-foot sidewalks and six-foot planting strips proposed in this project. The four-foot sidewalks provide adequate space for pedestrian circulation throughout the site and the six-foot planting strips are important in maximizing green space on the property. (Exhibit 35, Tr. May 24, 2007, pp. 17, 18.)

DDOT RECOMMENDATION: *Redesign of L-shaped alley that services Units 169-177 and 178-182 - The DDOT report recommends that the Applicant redesign the L-shaped alley behind Units 169-177 and 178-182 on the upper portion of the property in order to provide a turn-around for vehicles where the alley currently dead-ends.*

The Applicant has conducted truck tracking diagrams that prove cars, trash trucks, and emergency vehicles can adequately access all of the alley systems. In addition, the creation of a paved turn-around area at this location will diminish the amount of green space and increase the amount of paved area on the site. The Applicant declined to incorporate this recommendation into the design of the project. (Exhibit 35.)

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ANC REPORT

43. ANC 8A supported the PUD project and the proposed Zoning Map Amendment by letter dated May 3, 2007 and the testimony of Lendia Johnson, ANC Commissioner of 8A07, at the public hearing. The ANC's letter in support of the project noted the benefits that the 187 townhouses will bring to the community as a result of the fronting of the townhouses on surrounding streets, the mix of affordable and market-rate townhouses, and the project's environmentally sensitive design. The ANC also noted that the proposed number and type of residential units is appropriate for the Property and the surrounding neighborhood, and the ANC supported the proposed Zoning Map amendment. The ANC commended the Applicant for working with representatives of the community and the ANC to obtain feedback on the project. The ANC also concluded that the community benefits and amenities package of the PUD was created with significant comment and input from members of the ANC, local neighborhood organizations, and members of the community. The ANC determined that the community benefits and amenities provided in this project will provide benefits throughout the Hillside and Fort Stanton neighborhoods. (Exhibit 25.)

PARTIES AND PERSONS IN SUPPORT

44. Addie Cooke, a resident of 2407 18th Street, S.E. and the President of the Fort Stanton Civic Association, testified in support of the project. Ms. Cooke noted the dialogue and working relationship that occurred with the Applicant and its representatives for over two years. Ms. Cooke noted the importance of the Fort Stanton Recreation Center to the community and the benefit that the proposed computers and service contracts would have for both young and old residents of the surrounding neighborhood. (Tr. May 24, 2007, pp. 55-59.)
45. Jamil Shoatz, a resident of Gainesville Street, directly across Elvans Road from the Subject Property testified in support of the project. (Tr. May 24, 2007, p. 60.)

PARTIES AND PERSONS IN OPPOSITION

46. Hannah Hawkins, a resident of Ward 8 approximately two blocks from the Property, testified in opposition to the project. Ms. Hawkins questioned whether adequate notice of the project was provided to the community. Ms. Hawkins also testified in opposition to the proposed rezoning of the Property and noted her desire for retaining single family home zoning on the Property. (Tr. May 24, 2007, pp. 61-65.)

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MATERIALS SUBMITTED SUBSEQUENT TO PROPOSED ACTION

47. Subsequent to the Commission taking proposed action to approve this PUD and Zoning Map Amendment application, DDOT filed a memo with the Zoning Commission on July 23, 2007 regarding the Applicant's Traffic Signal Warrant Analysis (Exhibit 40.) In that memo, DDOT agreed with the findings of the Applicant's traffic and parking consultant that the intersections of Gainesville Street, S.E. and Elvans Road, S.E., and Elvans Road, S.E. and Stanton Road, S.E. are not warranted for traffic signals. However, DDOT recommended that safety improvements be made at both intersections and that the Applicant be required to install new crosswalks and advanced pedestrian flashing beacons with appropriate signage to assist pedestrians crossing Elvans Road, S.E.
48. By letter dated August 30, 2007, in accordance with 11 DCMR § 3024.5, the Applicant made a motion to reopen the record in the above-mentioned case to accept the Applicant's response to DDOT's July 23, 2007 memo, which was filed after the record in this case had been closed.
49. In response to DDOT's July 23, 2007, memo, the Applicant arranged a meeting with DDOT representatives to address DDOT's further recommendations. On August 3, 2007, the Applicant filed materials with DDOT that included a memo from O. R. George & Associates that provided its analysis that flashing/warning pedestrian lights are not warranted along Elvans Road according to the Manual on Uniform Traffic Control Devices ("MUTCD") criteria. However, the Applicant did agree to re-paint the crosswalks, in accordance with DDOT standards, at the intersections of Stanton and Elvans Roads, S.E.; Elvans Road and Gainesville Street, S.E.; and Pomeroy and Stanton Roads, S.E.
50. DDOT filed an additional memo with the Commission dated August 29, 2007. In this memo, DDOT notes that it concurs with O.R. George & Associates' analysis that the two intersections do not meet the signal warrant analysis and flashing lights are not required. This memo noted that the Applicant and DDOT agreed that the Applicant will re-paint the crosswalks, in accordance with DDOT standards, at the intersections of Stanton and Elvans Roads, S.E.; Elvans Road and Gainesville Street, S.E.; and Pomeroy and Stanton Roads, S.E. The Applicant will construct sidewalks, to DDOT standards, in the public space surrounding the Property, and the Applicant will coordinate with DDOT to create a continuous and safe sidewalk system along Elvans Road, S.E.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. (11 DCMR § 2400.1.) The overall

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goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project, "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)

2. Under the PUD process, 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. In this application, the Commission finds that the requested relief from the front, rear, and side yard requirements, the relief to allow more than one principal structure on a single lot, and the relief to allow driveways that are closer together than the Zoning Regulations allow, can be granted with no detriment to surrounding properties and without detriment to the zone plan or map.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage 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 Commission agrees with the written submissions and testimony of the Applicant's representatives that the project will provide superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right project on the Subject Property would provide. The Commission finds that the mix of residential unit sizes and varying heights, the introduction of the buried English basement units to utilize the Subject Property's topography, the orientation of the townhouses to the adjacent public and private streets, the introduction of pocket parks and a tot lot, and the use of the terraced retaining walls to address the significant slope between the upper and lower portion of the Subject Property are significant project amenities and exemplify superior features of urban design, architecture, and site planning.
5. The Commission determines that the provision of 63 workforce affordable units, including 20 units reserved for families making up to 60% of AMI, is a significant project amenity. The Commission notes that the homebuyer's club that the Applicant has proposed with a well-respected non-profit housing provider is also a significant project amenity that will help make homeownership a possibility for District residents. The Commission finds that the Applicant's initial capital contribution to the reserve fund for the Stanton Square Homeowners Association is appropriate given the Applicant's decision to make the streets and alleys private. The Commission also concludes that the proposed community amenities package will provide appropriate benefits to members of the surrounding area and the District as a whole.

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6. The Commission finds that the proposed low impact development strategy proposed by the Applicant is an environmentally sensitive approach to development on the Property and is a public benefit and project amenity. The Commission further finds that the Applicant has addressed the goals of maximizing green space and limiting the amount of paved area on the Property.
7. The Commission agrees with the written submissions of the Applicant, as well as the recommendations of OP that approval of the proposed project and the proposed amendment to the Zoning Map is not inconsistent with the Comprehensive Plan. The Commission finds that the PUD project and related Zoning Map Amendment is consistent with and fosters the goals of several citywide elements of the Comprehensive Plan, including: the Framework Element; Land Use Element; Transportation Element; Housing Element; Environmental Protection Element; and Urban Design Element. The Commission also finds that the project and Zoning Map Amendment furthers numerous objectives and policies of the Far Southeast/Southwest Element, including the nature and location of housing provided.
8. The Commission agrees with the conclusions of the Applicant's traffic and parking expert that the proposed project will not create any adverse traffic or parking impacts on the surrounding community. The Commission believes that the proposed private streets and alleys will provide a safe and functional vehicular circulation system that can adequately handle turning movements for cars, trucks, emergency vehicles and trash trucks. The Commission agrees with the arguments and materials provided by the Applicant and the Applicant's traffic and parking expert that it is not necessary or appropriate for the project to be revised to address the alternatives noted in the May 23, 2007 DDOT report. The Commission agrees with the Applicant's desire to minimize the amount of paved area on the Subject Property and finds the Applicant's arguments persuasive that revising the circulation patterns on the Property and connecting alley systems are not appropriate. In regard to DDOT's alternative of adding an additional exit from the Property to Elvans Road, the Commission finds the Applicant's arguments persuasive that the location of such an exit does not provide sufficient sight distances. The Commission also agrees with the conclusion of the Applicant's traffic expert that the intersections of Elvans Road and Gainesville Street and Elvans Road and Stanton Road do not satisfy the warrants for the construction of signalized intersections at these locations.
9. In regard to the materials that were submitted by DDOT and the Applicant after the Commission took proposed action in support of the PUD Project, the Commission agrees with the Applicant's traffic expert, and DDOT's April 29, 2007 memorandum, that flashing/warning pedestrian lights are not warranted along Elvans Road according to the MUTCD criteria. However, the Commission does note that the Applicant has agreed to re-paint the crosswalks, in accordance with DDOT standards,

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at the intersections of Stanton and Elvans Roads, S.E.; Elvans Road and Gainesville Street, S.E.; and Pomeroy and Stanton Roads, S.E.

10. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the issues and concerns of the affected ANC. The Commission has carefully considered the ANC's recommendation for approval of the project and amendment to the Zoning Map and concurs in its recommendation.
11. 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) to give great weight to OP's recommendations, as reflected in paragraphs 38 and 38 above. For the reasons stated above, the Commission agrees with OP's recommendation for approval and concurs in its recommendation.
12. Approval of the application 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 Zoning Map of the District of Columbia.
13. Notice of the public hearing was provided in accordance with the Zoning Regulations.
14. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
15. The Applicant is subject to compliance with the Human Rights Act of 1977 (D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 et seq.).

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for consolidated review of a Planned Unit Development and related Amendment to the Zoning Map application for Lots 60, 61, 78, 832, 835, 853-858, 873, 878, and 879 of Square 5877. The approval of this PUD is subject to the following guidelines, conditions, and standards of this Order.*

1. The PUD project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 17, 17A, 24, and 30 of the record, as modified by the guidelines, conditions, and standards of this Order. These plans include the low-impact development features of the project, as well as the tot lot and parks for residents of the project and the surrounding community.

* References to the Applicant in these conditions shall not preclude the Applicant from entering into agreements with the Developer or others to carry out these responsibilities provided that the Applicant shall remain totally responsible for their completion.

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2. The Applicant shall make the following financial contributions as part of the PUD project:
- Public Space Improvements in the Community – The Applicant shall purchase (at a cost of \$30,000) 30 commercial trash receptacles (36 gallon size with steel slats), 30 decorative pole banners, and 30 decorative single pole brackets for placement in the surrounding neighborhoods. The location of the trash receptacles in the surrounding community will be as indicated in Exhibit 44. As noted in Exhibit 44, the Department of Public Works will be responsible for removing trash from 16 of the trash receptacles. The Stanton Square Homeowners Association's Bylaws will include a provision that it will be responsible for removing trash from the remaining 14 trash receptacles.
 - Fort Stanton Recreation Center – The Applicant shall make a financial contribution of \$30,000 to the Fort Stanton Civic Association that will be used for the purchase of computers (including service and technical support service contracts) for the Fort Stanton Recreation Center.
 - Signage in the Fort Stanton and Hillsdale Neighborhoods – The Applicant shall create and install three signs (at a cost of \$15,000) welcoming visitors to the Fort Stanton and Hillsdale neighborhoods. Based on discussions with members of ANC 8A and the community, these signs are intended to be located at: Suitland Parkway and Stanton Road; Fort Place and Bruce Place (near the Smithsonian's Anacostia Community Museum); and Martin Luther King Boulevard and Howard Road.

These financial contributions shall be made prior to the issuance of a building permit for the construction of the PUD project.

3. At least 63 of the 187 townhouses will be reserved as workforce affordable housing units. Twenty of these affordable units will be made available to households making up to 60% of AMI, and 43 of these units will be made available to households making up to 80% of AMI. The affordable models will consist of the 14- and 16-foot wide models, which include two bedrooms and two bedrooms with a den. The affordable townhouses will not constitute a majority of units in any particular area of the development. The eligibility requirements and enforcement mechanisms of the affordable housing program shall be consistent with the materials included in Exhibit B of Exhibit 24. To the extent minor modifications are needed in the execution of this program to conform to District or Federal programs, the Applicant is afforded the necessary flexibility to make such changes.

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4. The Applicant and the non-profit housing provider MANNA, Inc. shall create a dedicated chapter of MANNA's Homebuyer's Club for the Stanton Square project to help members of the surrounding community be financially prepared for homeownership. The Stanton Square MANNA Homebuyer's Club shall be created prior to the issuance of a building permit for the construction of the PUD project.
5. The Applicant shall make an initial capital contribution to the reserve fund for the Stanton Square Homeowners Association prior to issuance of a Certificate of Occupancy. This capital contribution shall be \$250 per residential unit, for a total contribution of \$46,750. The Stanton Square Homeowners Association's Bylaws shall include a provision that requires this capital contribution will be used solely for the maintenance and repair of the private street and alley system in the project.
6. The Stanton Square Homeowners Association's Bylaws shall be required to include an Architectural Review Board. The Architectural Review Board shall regulate the external design and appearance of the PUD project in a manner so as to preserve and maintain the harmonious relationships among the structures on the Property and the Property's natural vegetation and topography. The bylaws will include the requirement that no fences or other embellishments shall be located on private property between the entrance to the individual units and the adjacent public space. The bylaws will also include a requirement that any and all construction and development on the Property will occur in accordance with the terms and conditions of this Order.
7. The Applicant shall re-paint the crosswalks, in accordance with DDOT standards, at the intersections of Stanton and Elvans Roads, S.E.; Elvans Road and Gainesville Street, S.E.; and Pomeroy and Stanton Roads, S.E. The Applicant shall construct sidewalks, to DDOT standards, in the public space surrounding the Property, and the Applicant shall coordinate with DDOT to create a continuous and safe sidewalk system along Elvans Road, S.E. This will occur prior to the issuance of a building permit for the PUD project.
8. The Developer shall enter into a Memorandum of Understanding with the Department of Small and Local Business Development in substantial conformance with the Memorandum of Understanding submitted as Exhibit H of Exhibit 17. A fully executed Memorandum of Understanding shall be filed with the Office of Zoning and the Office of the Zoning Administrator prior to issuance of a building permit for the PUD project.
9. The Developer shall enter into a First Source Employment Agreement with the Department of Employment Services in substantial conformance with the First Source Agreement submitted as Exhibit H of Exhibit 17. A fully executed First Source

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Agreement shall be filed with the Office of Zoning and the Office of the Zoning Administrator prior to issuance of a building permit for the PUD project.

10. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, bathrooms, provided that the variations do not change the exterior configuration of the structures;
 - 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 and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit.
11. The consolidated PUD shall be valid for a period of two (2) years from the effective date of Zoning Commission Order No. 05-35. Within such time, an application must be filed for a building permit and construction of the project must start within three (3) years of the effective date of this Order, pursuant to 11 DCMR §§ 2408.8 and 2408.9.
12. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA and no building permit shall be issued for the PUD project 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 of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to constrict 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.
13. The change of zoning from the R-3 Zone District to the R-5-A Zone District for the Subject Property shall be effective upon the recordation of covenant discussed in Condition No. 11, pursuant to 11 DCMR § 3028.9.
14. 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

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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, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which 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 denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

For these reasons above, the Commission concludes that the applicant has met the burden, it is thereby **ORDERED** that the application is **GRANTED**.

On July 9, 2007, the Zoning Commission **APPROVED** the application by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to approve).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on September 10, 2007 by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the *D.C. Register* on NOV 23 2007.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 7, 2007

Plat for Building Permit of SQUARE 5877 LOTS 878, 879, 78, 858, 857, 856, 855, 854, 853, 873, 835, 832, 80, 81

Scale: 1 inch = 80 feet Recorded in A & T Book Page 3522-S (Lots 878, 879);
Book 158 Page 183 (Lot 78); on Microfilm (Lots 858, 857, 856, 855, 854, 853, 835, 832)
A & T Book Page 3400-M (Lot 873)
Book 84 Page 13 (Lots 80, 81)

Receipt No. 01144
Furnished to: PWSP

[Signature]
Surveyor, D.C.

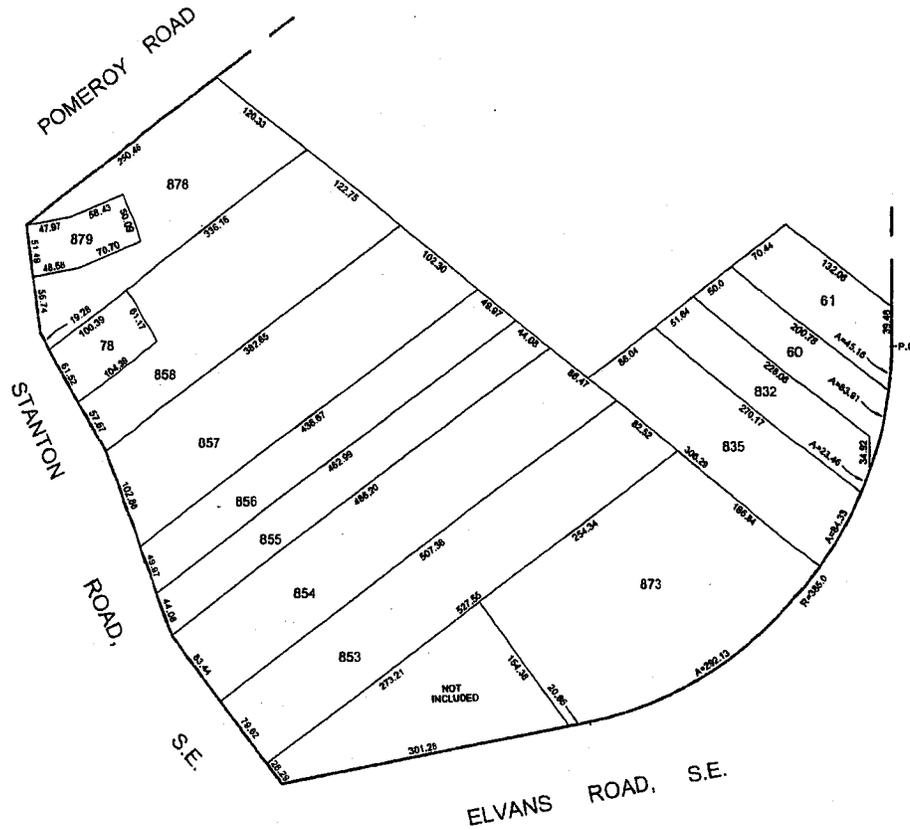
By: D.M. *[Signature]*

I hereby certify that all existing improvements shown hereon, are completely dimensioned and are correctly placed; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and placed, and signs, when signs accompanying the application, that the foundation plans as shown hereon is shown, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the zoning regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the zoning regulations will be provided in accordance with the zoning regulations, and that the area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and stay grade will not result in a rate of grade along easements of driveway at any point on private property in excess of 20% for single-family dwellings or lots, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



2007 NOV 13 PM 2:54

D.C. OFFICE OF THE SURVEYOR

RECORDED

Z.P., Case No. 05-35