

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

CLOSE OF VOTER REGISTRATION

Attention District of Columbia Residents: The DC Board of Elections and Ethics reminds you that the deadline for eligible citizens to register to vote for the November 4, 2008 Presidential General Election is Monday, October 6, 2008. To register, visit the Board's website at www.dcboee.org or call 202-727-2525 (TDD 202-639-8916).

**EXECUTIVE OFFICE OF THE MAYOR
SERVE DC – THE MAYOR’S OFFICE ON VOLUNTEERISM**

CALL FOR COMMUNITY GRANT REVIEWERS

2009 AmeriCorps*State Competitive Grant Competition

NOTICE: Reviewers are required to be available on Wednesday, November 5, 2008, from 4:00 pm to 6:00 pm and Friday, November 14, 2008, 1:00 pm -5:00 pm. Reviewers will participate in a two hour training session on Wednesday, November 5, 2008, and a consensus review session on Friday, November 14, 2008. Please see the remainder of the announcement for further details.

Summary: Serve DC is seeking individuals to review grant proposals for the 2009 AmeriCorps*State Competitive funding competition. This is an excellent opportunity to network with colleagues in the national service field, learn more about the grant-making process, develop your own grant-writing skills, and contribute your knowledge and experience to Serve DC’s efforts to select high-quality Washington, DC-based programs for AmeriCorps funding.

What does a grant reviewer do? Grant reviewers will help to evaluate funding applications for the 2009 AmeriCorps*State Competitive grant competition. Reviewers read, score and evaluate proposals, and discuss their findings with a small group of fellow reviewers and a facilitator. The panel then comes to consensus to rank the proposals according to quality and recommend them for the next level of review.

What qualifications should reviewers have? Serve DC is looking for a diverse group of reviewers--males and females of all ages, races and ethnicities--that have experience with national service or community-based programs, and grant writing. For example, reviewers may be community service practitioners, educators, students, youth participants, national service alumni, people working in foundations, or individuals working on public policy issues.

Reviewers must be comfortable reading a large volume of material in a short period of time and providing analysis in a small group.

Can members currently serving in AmeriCorps or any other streams of service serve as reviewers? No, you must have completed your AmeriCorps service before being selected as a reviewer. Alumni of AmeriCorps programs are strongly encouraged to apply to serve as reviewers. AmeriCorps members must have completed service by May 1, 2008.

Can people who work for a Corporation for National and Community Service-funded program serve as a reviewer? Yes, people who work for organizations affiliated with other Learn and Serve America, AmeriCorps or national service programs may serve as reviewers. For instance, an individual who works for an organization that hosts a VISTA volunteer may review AmeriCorps applications. However, people cannot serve as a reviewer for the AmeriCorps programs if they work for an organization that is being considered for funding in this competition.

What is the time commitment? Reviewers must be available on **November 5, 2008 (4:00pm-6:00pm)** and **November 14, 2008 (1:00pm-5:00pm; this session may run later depending on the number of applications received)**. Reviewers will participate in an evening training session on November 5, 2008, and a consensus review session on November 14, 2008. The period between training and consensus session will be dedicated to reviewing and scoring the proposals.

What are the benefits to reviewers? The grant review experience is an excellent opportunity to meet and network with colleagues in the national service field; find out about exciting programming and trends in national service; develop a deeper understanding of the grant-writing and grant-making processes; and contribute experience to the selection of high-quality programs for the District of Columbia. **This is a volunteer opportunity.**

How does one apply to become a reviewer? To apply, please forward your resume to: Natalie Wasserman, AmeriCorps Program Officer, Serve DC, 441 4th Street, Suite 1140N, Washington, DC 20001 or e-mail natalie.wasserman@dc.gov, 202-727-9579. Please share this announcement with others who are qualified reviewers.

Is there a deadline to apply? We will begin reviewing resumes and contacting potential reviewers as resumes arrive. Please submit resumes as soon as possible, but no later than 5pm on **October 10, 2008** for consideration.

What are the next steps after submitting a resume? Serve DC will review resumes and begin contacting qualified applicants. We will check for conflicts of interest and confirm availability at that time.

Thank you for your interest in serving as a reviewer and for sharing this announcement with others who may be interested. This is a very important part of our review process and our efforts to recommend high quality programs for funding.

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective candidates to provide the following goods and/or services:

- 1.) **Supplier of Groceries** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the Invitation for Bid.
- 2.) **Supplier of Bread Products** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the Invitation for Bid
- 3.) **Supplier of Milk Products** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the Invitation for Bid
- 4.) **Supplier of Paper and Chemical Products** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the Invitation for Bid

Prospective candidates can obtain an electronic copy of the full Invitation for Bid for all goods and/or services by contacting: Tbradshaw@friendshipschools.org (202) 553-7032
IFB's will be available for pick-up at Carter G. Woodson Collegiate Academy 4095
Minnesota Avenue NE, Washington, DC 20019 on Friday, September 26, 2008.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
HIV/AIDS ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY

RFA #HAA_EMA10-03-08

FY 2009 Ryan White Part A Eligible Metropolitan Area (EMA)-Wide Grant

CORRECTED VERSION

This supersedes notice published in the 9/19/08 issue of the DC Register
(Please note: Pre-application Meeting Date Change)

The Government of the District of Columbia, Department of Health/ HIV/AIDS Administration (Grantee and the District of Columbia Administrative Agency) in conjunction with the Prince George's County Health Department (Suburban Maryland Administrative Agency), the Northern Virginia Regional Commission (Suburban Virginia Administrative Agency) and the Washington Metropolitan Regional HIV Health Services Planning Council (Planning Council) is soliciting applications from qualified applicants to provide a variety of clinical and medical support services to indigent, uninsured and under-insured persons who are HIV-infected and affected.

Approximately \$22,305,734 in FY 2009 (March 1, 2009 – February 28, 2010) Ryan White Part A EMA-Wide Grant funds are expected to be available in the following jurisdictions: District of Columbia is expected to have approximately \$13,000,000 available; Suburban Maryland is expected to have approximately \$5.4 million dollars available; and Suburban Virginia is expected to have approximately \$3.9 million dollars available.

These funds will be awarded to the District of Columbia HIV/AIDS Administration (HAA) by the U.S. Health Resources & Services Administration (HRSA) under the Ryan White Part A program contingent upon availability of funds. Services under the FY 2009 Ryan White Part A EMA-Wide Grant programs includes outpatient primary medical health care, specialized case management, basic life needs and a variety of support services.

The Request for Applications (RFA) is both EMA-wide and separated by jurisdiction. **The release date for this RFA is Friday, October 3, 2008.** The District of Columbia, Department of Health, HIV/AIDS Administration will have the complete EMA-wide RFA including the District of Columbia section available for pick up at 64 New York Avenue, NE, 5th Floor, Suite 5001 and on the following website www.opgd.dc.gov on **Friday, October 3, 2008.** Please contact T'Wana Holmes at (202) 671-4900 for additional information.

The Request for Application (RFA) submission deadline is 5:00 pm Friday, November 21, 2008 for the EMA, District of Columbia, Suburban Virginia and Suburban Maryland. Applicants applying for EMA-wide service categories must submit applications to the District of Columbia. Applicants applying for jurisdictional services must submit their applications to the appropriate jurisdiction.

NOTICE OF FUNDING AVAILABILITY
RFA #HAA_EMA10-03-08
DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH

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The EMA-Wide Pre-Application conference will be held in the District of Columbia at 64 New York Avenue, NE, 5th Floor, Suite 5001, Washington, DC 20002, on **Wednesday, October 15, 2008, from 10:00am – 1:00pm.**

The Prince Georges County Health Department will have their jurisdictional RFA available for pick up at 1701 McCormick Drive, Suite 210, Largo, Maryland 20774 and on the web at http://www.co.pg.md.us/Government/AgencyIndex/Health/grant_opps.asp on **Friday, October 3, 2008.** The Prince Georges County Health Department will only have the Suburban Maryland sections of the RFA available for pick up. Please contact Olive Majors at (301) 883-7848 for additional information.

The Northern Virginia Regional Commission will have their jurisdictional RFA available for pick up at 3060 Williams Drive, Suite 510, Fairfax, Virginia 22031 and on the web at www@novaregion.org on **Friday, October 3, 2008.** The Suburban Virginia Regional Commission will only have the Northern Virginia sections of the RFA available for pick up. Please contact Nicole Clopton at (703) 642-0700 for additional information.

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HOWARD ROAD ACADEMY**Request For Proposal**

The Howard Road Academy and its management firm, Mosaica Education, Inc., invite proposals for procurement of computer systems, related IT equipment, and operating software for 2008-09.

Proposals are to be received by Howard Road Academy, 701 Howard Road SE Washington, DC 20020, on October 6th and not later than 5:00 pm.

Bid specifications may be obtained at the school, at www.mosaicaeducation.com, or by contacting Adam Boudreaux, Tel. 404.841.2305 ext. 104. Any technical questions regarding this bid must be submitted in writing to aboudreaux@mosaicaeducation.com before the RFP deadline.

DISTRICT OF COLUMBIA OFFICE OF PLANNING

NOTICE OF AVAILABILITY OF THE BROOKLAND/CUA
SMALL AREA DRAFT PLAN FOR PUBLIC COMMENT

ACTION: Notice of Availability of the Brookland/CUA Small Area Plan Draft for Public Comment.

SUMMARY: The Brookland/CUA Metro Station Small Area Plan is a framework plan—the result of an intensive 18-month long community-based planning process. The Plan has been developed for the purpose of guiding the growth, development and revitalization of under-utilized areas within a quarter mile or ten-minute walk of the Brookland/CUA Metro Station as specified in The 2006 DC Comprehensive Plan:

“The goal of the study is to guide future development in the station vicinity in a manner that respects the low density scale of the nearby residential area (particularly the area along 10th Street NE), mitigates parking and traffic impacts, and improves connections to nearby institutions and shopping areas.” UNE-2.6

The Brookland/CUA Metro Station Small Area Plan incorporates the goals stated from the neighborhood in the Comprehensive Plan as well as the goals derived through the community and stakeholder process.

In addition to the framework, the Small Area Plan study includes conducting an Existing Conditions Analysis, a Historic and Cultural Resources Report, a Market Conditions Analysis, a Transportation Analysis, and a Decking Feasibility Study.

The Office of Planning (DCOP) has published for public review and comment the Brookland/CUA Draft Plan. The Plan is a preliminary analysis of various redevelopment opportunities within the study area the Office of Planning emphasizes that the findings, conclusions and development scenarios in the Draft Small Area Plan are conceptual. The DCOP is providing a 30-day public comment period on the Draft Brookland/CUA Metro Draft Plan. Comments must be submitted to the office by the closing date, which has been extended from September 30, 2008 to October 3, 2008.

The Small Area Plan for Brookland/CUA Metro Station conveys a shared vision for the Small Area Plan, records the Guiding Principles that were developed through the community-based planning process, and illustrates the resulting concepts. It includes an implementation strategy with recommendations regarding specific elements of the plan. The plan provides residents, land owners, developers and city officials and District agencies with a framework and recommendation to guide future development in the study area.

The DCOP, working in collaboration with the cooperating agencies, will consider all public comments on the Draft Plan and make its final recommendations on the project to

the Mayor of the District of Columbia. Subsequently, the Mayor will submit to the District of Columbia City Council for consideration a Revised Draft Plan. The Council will provide additional opportunities for public comments, and will make its final decision regarding this project and any modifications and conditions it might impose on the plan. The Mayor, through the cooperating agencies will implement the plan.

FOR FURTHER INFORMATION CONTACT: Deborah Crain, Neighborhood Planning Coordinator-Ward 5, by mail 801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002; by phone (202) 442-7600; fax (202) 442-7638 or email at: Deborah.Crain@dc.gov

Turkey Thicket Recreational Center:
1100 Michigan Avenue, NE
Washington, DC 20018

Woodridge Library:
1801 Hamlin Street, NE
Washington, DC 20017

Martin Luther King Jr. Library:
901 G Street, NW
Washington, DC 20001

Office of Planning:
801 North Capitol Street, N.E., 4TH Floor
Washington, DC 20002

The draft plan is also available online at the DC Office Planning Web site: www.planning.dc.gov
Please click Neighborhood Revitalization Plan link

Public Comment

Written comments on the Draft Plan must be submitted by October 3, 2008. Comments must include the name, address and any organization for which the comments represent. Please send all comments to:

Deborah Crain
Neighborhood Planning Coordinator-Ward 5,
DC Office of Planning
801 North Capitol Street, N.E., Suite 4000,
Washington, DC 20002
Phone: (202) 442-7600
Facsimile: (202) 442-7638
Email: Deborah.Crain@dc.gov

Mayoral Hearing

In addition to receiving written comments on the Draft Plan, DC Office of Planning will host a Mayoral Hearing on September 30, 2008; however, comments can be submitted until October 3, 2008. The hearing location will be Catholic University 620 Michigan Ave., N.E. Washington, DC 20064 (Gowan Hall Auditorium). At the hearing, DC Office of Planning will provide boards with visual representation pertaining to the recommendations set forth within the Draft Final Plan and respond to any questions relative to the graphic displays. Following this, members of the public will have an opportunity to offer comments.

Submitted by: Deborah Crain, Neighborhood Planning Coordinator-Ward 5, DC Office of Planning, by mail at 801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002; by telephone at (202) 442-7600; fax at (202) 442-7638; or email at Deborah.Crain@dc.gov

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

NOTICE OF FILING

APPLICATION NO. 17886

On September 15, 2008, the Foreign Missions/Board of Zoning Adjustment of the District of Columbia, received the above-numbered application from Christopher H. Collins, Esq., with the law firm of Holland & Knight LLP, on behalf of **The Republic of South Africa**, pursuant to 11 DCMR §§ 201.1, 1001 and section 4306 of the Foreign Missions Act, to permit the renovation and expansion of an existing chancery (offices of a foreign mission) in the D/NOPD/TSP/R-1-A District at premises 3101 Massachusetts Avenue, N.W. (Square 2145, Lot 826). The application will be considered by the Board in accordance with the requirements of the Foreign Missions Act, and any appropriate provisions of the Title 11 Zoning Regulations.

This is not a notice of public hearing on the application. That notice will be published at least 40 days in advance of the hearing.

For additional information about this application, contact the Office of Zoning, at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, telephone (202) 727-6311.

rsn

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

Application No. 17805 of Stephen and Desiree Sayle, pursuant to 11 DCMR §§ 3104.1 and 1202.1 for a special exception to allow a one-story addition to an existing dwelling under § 223, not meeting the open court requirements (§ 406) in the CAP/R-4 District at premises 11 5th Street, S.E. (Square 817, Lot 815).

Note: The original application was amended to include relief under §1202.2 and remove the reference to § 405 – side yard requirements.

HEARING DATE: September 9, 2008
DECISION DATE: September 9, 2008 (Bench Decision)

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) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

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 and 1202.1, for a special exception under § 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, 1202 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.

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 Nos. 11 and 31 (PLANS), be **GRANTED**.

BZA APPLICATION NO. 17805

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VOTE: 5-0-0 (Ruthanne G. Miller, Shane L. Dettman, Marc D. Loud, Mary Oates Walker and Gregory N. Jeffries to approve)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: SEP 12 2008

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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, 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.

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

Application No. 17806 of MidAtlantic Realty Partners LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 772, a variance from the rear yard requirements under § 774, a variance from the limitation on compact parking space requirements under § 2115.2, and a variance from the off-street loading facility requirements under § 2201.1, to permit the construction of a multiple dwelling (residential) building with ground floor retail in the DD/C-2-C District at the southeast corner of the intersection of 6th and K Streets, N.W. (Square 484, Lots 23, 811-813, and 826).

HEARING DATE: September 9, 2008

DECISION DATE: September 9, 2008 (Bench Decision)

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) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning also submitted a report in support of the application.

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 for a variance pursuant to § 3103.2. 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 ANC and the Office of Planning reports filed in this case, the Board concludes that in seeking variances from §§ 772, 774, 2115 and 2201, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good

BZA APPLICATION NO. 17806**PAGE NO. 2**

and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, 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 be **GRANTED** per Exhibit No. 11 (PLANS), **SUBJECT** to the following **CONDITIONS**:

1. There shall be loading restrictions during rush hours, 7:00 a.m. to 10:00 a.m. and 4:00 p.m. to 7:00 p.m.
2. Operations personnel or "flaggers" must be present to guide the loading maneuvers to and from 6th Street at all times to mitigate conflicts with pedestrian and vehicular traffic.

VOTE: **5-0-0** (Ruthanne G. Miller, Shane L. Dettman, Marc D. Loud,
Mary Oates Walker and Gregory N. Jeffries to grant)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: SEP 11 2008

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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.

BZA APPLICATION NO. 17806

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PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 08-24

**(Consolidated PUD, Related Map Amendment, and Amendment to an Approved
Campus Plan – Squares 3654-3657 and 3831)**

September 15, 2008

THIS CASE IS OF INTEREST TO ANCs 5A and 5C

On September 8, 2008, the Office of Zoning received an application from Abdo Development and The Catholic University of America (the “Applicant”) for approval of a consolidated PUD, related map amendment, and amendment to the Catholic University Campus Plan for the above-referenced property.

The property that is the subject of this application consists of Square 3654, Lots 4-6, 10, 12, 15-17, 801-806, and 811; Square 3655, Lot 1; Square 3656, Lot 800; Square 3657, Lots 805, 821, and 826; and Square 3831, Lot 818 in Northeast Washington, D.C. (Ward 5).

The property is currently zoned R-4, R-5-A, and C-M-1. The Applicant seeks to rezone the property to R-5-B, C-2-B, and C-M-1 in order to develop a mixed-use project in several buildings on 8-9 acres of land, with approximately 1, 010,000 square feet for a total density of 2.60 FAR and a maximum height of 90 feet. The project will consist of 75,000-85,000 square feet of retail space, 775-875 residential units, 40-50 townhouses, and a 3,000-square-foot arts flex-space building. The project will provide 70,000 square feet of affordable housing.

The Applicant also seeks flexibility under a PUD to locate parking for all retail uses in one building and to construct more than one building on a record lot, as well as flexibility from requirements pertaining to rooftop structures and side and rear yard setbacks.

In addition, the Applicant is seeking an amendment to the Campus Plan in order to remove the property that is the subject of this application from the jurisdiction of the Campus Plan, thereby increasing the density of the campus from 0.34 to 0.36 FAR.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**ZONING COMMISSION ORDER NO. 03-12F/03-13F****Z.C. Case No. 03-12F/03-13F****Modification to the Second-Stage Approval of a Planned Unit Development
for an Office Building at 250 M Street, S.E.****Square 769, LLC and the District of Columbia Housing Authority
(Square 769, parts of Lots 18, 20, and 21)****July 14, 2008**

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on May 28, 2008, to consider an application from Square 769, LLC and the District of Columbia Housing Authority (collectively, the "Applicant"), for a modification to the second-stage approval of a planned unit development for parts of Lots 18, 20 and 21 in Square 769, approved pursuant to Order Number 03-12C2/03-13C2. The Commission considered the application pursuant to Chapters 24 and 30 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT**The Application, Parties, and Hearing**

1. On May 14, 2007, the Commission voted 5-0-0 to approve Case No. 03-12C/03-13C, granting second-stage approval to an application submitted by Applicant for an office building with ground floor retail at 250 M Street, S.E. Z.C. Order No. 03-12C2/03-13C2 allows the Applicant to develop Lots 18, 20, and 21 in Square 769 (the "Property") with an office building built to a height of 110 feet (plus roof structure of an additional 18 feet, 6 inches) with a gross floor area of 207,785 square feet and a density of 7.20 FAR. The original overall Capper/Carrollsborg planned unit development approved pursuant to Z.C. Order No. 03-12/03-13 provided for a maximum building height of 110 feet and a maximum gross floor area of 236,000 square feet for the Property.
2. On December 28, 2007, the Applicant filed the instant application requesting a modification to the PUD approved pursuant to Z.C. Order No. 03-12C2/03-13C2. The Applicant requested to: (1) increase the measured building height from 110 feet to 130 feet; and (2) increase the gross floor area of the approved building from 207,785 square feet to 234,182 square feet. The Office of Planning ("OP") provided its report on January 7, 2008. The Commission voted at its February 11, 2008 public meeting to set the application down for a public hearing.

Z.C. ORDER NO. 03-12F/03-13F
Z.C. CASE NO. 03-12F and 03-13F
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3. By letter dated March 7, 2008, the Applicant submitted a prehearing statement in support of its application. The Applicant's submission included supplemental architectural plan and elevation sheets, outlines of witness testimony, and a list of names and addresses of all property owners within 200 feet of the Property.
4. By letter dated May 8, 2008, the Applicant provided supplemental prehearing information pursuant to § 3013.8 of the Zoning Regulations. The Applicant's supplemental materials indicated that the building's design has been further refined to enhance its overall composition and articulation. The materials included a LEED scorecard indicating that the Applicant is committed to achieving a minimum of 37 points, revised architectural drawings, which superseded all sets previously filed, and the resumes of Michael E. Hickok and Brad Fennell, both of whom testified as experts at the May 28, 2008 public hearing.
5. After proper notice, the Commission held a public hearing on the application on May 28, 2008. The parties to the case were the Applicant and Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the Property is located. No written official report was submitted by ANC 6D and no representative of ANC 6D appeared at the hearing on the case. However, the Applicant submitted a Memorandum of Agreement signed by four ANC members in their individual capacity. (Exhibit 26)
6. At its public hearing on May 28, 2008, the Commission took proposed action by a vote of 5-0-0 to approve the requested application.
7. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC, by report dated July 10, 2008, advised "that the proposal would be adverse to the federal interest because it does not conform to the requirements of [An Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 601.09)("Height Act")]" as it exceeds the maximum allowable height of 110 feet" and recommended "that the Zoning Commission require the applicant to modify the project design to reduce the building height by 20 feet to bring the design into compliance with the Height Act." The Commission took final action to approve the requested modification by a vote of 5-0-0. Prior to doing so, the Commission noted the NCPC report, but declined to interpret the Height Act issue presented, believing that it was up to the Zoning Administrator, not the Commission, to do so. While the Commission would be reluctant to approve plans that clearly violated the Height Act, no such clear cut infraction is present here. Rather, the question of whether the maximum allowable height for the project is 110 feet instead of 130 feet, which relates to the width of Second Street, is best left to judgment of the Zoning Administrator and the Surveyor of the District of Columbia. Nevertheless, neither the Zoning Administrator nor the Surveyor should view the Commission's approval of this modification as obviating the need to resolve the street width question presented.

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PUD Site and Area

8. The subject property is located on the north side of M Street between 2nd and 3rd Streets, S.E. The property contains approximately 27,960 square feet of land. The PUD is zoned CG/C-3-C. The PUD is located in the southeast quadrant of the District, near the Navy Yard Metro Station in the Anacostia Waterfront area.
9. A portion of Square 769 is currently improved with a parking lot, while the remaining portion of Square 769 is unimproved land. The portions of Square 769 described in this application are located in the medium-high density commercial land use category in the Generalized Land Use Map of the Comprehensive Plan. The predominant use in medium-high density commercial land use categories is a shopping and service area that generally offers the largest concentration and variety of goods and services outside the Central Employment Area.
10. The area surrounding the PUD is characterized by a mixture of uses. To the south, east and west are new office buildings: the headquarters of the U.S. Department of Transportation, the 300 M Street building, and the Federal Gateway Building at 1100 New Jersey Avenue. Also located to the south of the PUD site is the new Washington Nationals' baseball stadium. Immediately to the west of the PUD site is the proposed Canal Blocks Park. Two blocks to the west is the Navy Yard Metrorail Station, located across the street from the Federal Gateway building. Z.C. Order No. 03-12/03-13 indicates that the northern portion of Square 769 will be improved by a proposed residential project.
11. The Council of the District of Columbia has approved legislation reopening the portion of 2nd Street between K and M Streets which was closed in 1965. The legislation designates that portion of the Street to be known as 2nd Place. The reopened street follows the width and alignment of 2nd Street as it existed prior to the closing. Reservation 17D lies between the two portions of 2nd Street. The total width of the two portions of 2nd Street is more than 150 feet and the total distance from the eastern right-of-way line of 2nd Street to the western right-of-way line of 2nd Street is more than 250 feet.

Approved Building

12. The project approved by the Commission in Z.C. Case No. 03-12C/03-13C is to be a nine-story office building with ground floor retail and below-grade parking. The proposed project is designed to work in concert with the existing building at 1100 New Jersey Avenue to create a gateway from M Street to the proposed Canal Blocks Park and Capper/Carrollsborg neighborhood. In addition to functioning as a visual gateway, the proposed project will serve as a commercial and retail gateway that will help bring vitality to the mixed-use Southeast M Street urban corridor. As a result, the design of the office building will harmonize with both the existing and proposed scales of its urban surroundings.

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13. The building was approved with a height of 110 feet, with a roof structure above that height having a maximum additional height of 18 feet, six inches enclosed within a sloping roof. The building has been designed in accordance with LEED criteria. The building facades along M and 2nd Streets consist of a glass wall curtain treatment with pre-cast concrete at featured areas. The organization of the general massing permits the building to address the different existing and proposed urban scales of the surrounding neighborhood. The building's main entrance will be located on M Street, with retail entrances along M and 2nd Streets. At the street level, the landscape and streetscape designs are articulated in a manner to promote pedestrian movement and activity, two essential components of urban vitality.
14. The ground floor retail space will occupy more than 50% of the building's first floor.
15. To the building's north is a 25-foot service drive that will provide access to both loading berths and garage entries. The PEPCO vaults are located in the service drive, in order to accommodate greater retail use at the corner of 2nd and M Streets, S.E., and create a more pedestrian-friendly streetscape at that corner.
16. The below-grade parking garage will consist of four levels and will accommodate 197 complying accessible parking spaces, satisfying the minimum requirement of 150 parking spaces stated in Z.C. Order No. 03-12/03-13.

Proposed Building

17. The Applicant seeks approval of revisions to the building to increase the height and the gross floor area. In order to increase the gross floor area closer to the number originally approved in the overall PUD, the applicant proposes to add two floors to the building and increase the measured height of the building to 130 feet.
18. The west side of the 11th floor will be devoted to occupiable space as conference and office space. The east side of the 11th floor will be devoted to a mechanical penthouse, which is therefore located on the 10th floor roof. The mechanical penthouse has a height of 18 feet, six inches and is set back one-to-one from each exterior wall of the roof upon which it is located.
19. A small portion of the penthouse will extend approximately five feet above the 130 foot height limit, to accommodate the elevator override for the building. The roof over the top floor and the penthouse will continue to slope in the same manner as in the approved design. Notwithstanding that the measured height to the top of the main roof increases by 20 feet, the overall height of the building to the top of the penthouse increases by only seven feet, 10 inches.
20. The gross floor area of the proposed building is approximately 234,182 square feet. This is an increase of approximately 26,400 square feet, but it is still less than the 236,000

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square feet approved for this site in the overall PUD. The income stream from the 750,000 square feet of office space in the overall PUD is a key component in funding the one-to-one replacement of the approximately 695 public housing units formerly located on the Capper/Carrollsborg site.

21. The design of the proposed building has been modified slightly from the plans first approved. The building continues the same basic architectural design as originally presented and will continue to match the building at 1100 New Jersey Avenue so as to form the gateway to the Canal Blocks Park.
22. Studies submitted by the Applicant confirm that the building as proposed would have negligible impact on the Canal Blocks Park and other surrounding property.
23. The building as proposed will comply with all of the requirements of the CG/C-3-C zoning and of Chapter 24.
24. All of the amenities and benefits contemplated in the overall PUD and all of the specific components of the project approved for this site will be provided in the project as now proposed.
25. OP, by report dated May 16, 2008, recommended that the application be approved. The OP's comments concerning the design of the doors at the eastern end of the penthouse were addressed by the Applicant in revised plans submitted to the Commission at the hearing.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD 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 of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned

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developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

4. The PUD is generally within the applicable, bulk and density standards for the Capper/Carrollsborg redevelopment approved by the Commission pursuant to Z.C. Order No. 03-12/03-13. Due to the Applicant's design of the building, the increase in height to 130 feet represents only a small overall increase in the height of the building, and the height and density will not cause a significant adverse effect on any nearby properties.
5. Approval of this modification to the PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, this phase of the development will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the affected ANC's recommendation. In the present case, the ANC did not submit a report nor did the ANC offer testimony at the public hearing. For these reasons, the Commission has not given great weight to the affected ANC. The Commission notes the memorandum of agreement signed by four of the ANC members in their individual capacities and will include appropriate conditions in its decision.
8. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia orders **APPROVAL** of the modifications to (1) increase the measured building height from 110 feet to 130 feet, and (2) increase the gross floor area of the approved building from 207,785 square feet to 234,182 square feet. For purposes of these conditions, the term "Square 769, LLC," shall mean any entity owning fee simple title or a ground lease interest in the Property. This approval is subject to the following guidelines, conditions, and standards:

1. Square 769, LLC shall comply with the conditions set forth in Z.C. Order No. 03-12/03-13, effective October 8, 2004, and Order No. Z.C. 03-12C2/03-13C2, effective, August 10, 2007, as modified herein.
2. The PUD shall be developed in accordance with the plans prepared by Hickok Cole Architects, submitted May 8, 2008, marked as Exhibit 21, as amended by the plans submitted on May 28, 2008, marked as Exhibit 27 of the record.

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3. The building may have a maximum height of 130 feet, not including roof structures.
4. The building may have a maximum gross floor area of 234,182 square feet.
5. Square 769, LLC shall make a good-faith effort to secure LEED "silver" certification for the building from the U.S. Green Building Council.
6. To the extent permitted under Federal and District of Columbia law regarding fair employment practices, and subject to any agreements executed between the Square 769, LLC and the District of Columbia regarding the Property prior to May 27, 2008, the Applicant shall develop a program that applies to themselves and their subcontractors for this project, including:
 - a) recruitment of construction workers from ANC 6D by purchasing quarterly ads in the Southwester;
 - b) an overall 20% first-source employment goal for qualified ANC 6D residents; and
 - c) providing tie-breaking preferences, as to:
 - i. subcontractors headquartered in ANC 6D; and
 - ii. qualified construction workers residing in ANC 6D.
7. Square 769, LLC (or its designee) shall provide an annual report to ANC 6D beginning in the month marking the first-year anniversary of the execution of the benefits covered by the Memorandum of Agreement entered into on May 28, 2008, between Square 769, LLC and ANC 6D, and until completion of the building's construction. Square 769, LLC has the discretion to provide the report orally, in writing, or both.
8. Square 769, LLC shall also have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - b. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below 28 points;

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- c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, provided the number of striped parking spaces is not reduced below 150 spaces; and
 - d. 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 curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, or that are otherwise necessary to obtain a final building permit.
9. The PUD approved by the Zoning Commission, as modified herein, shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three (3) years of the effective date of this Order.
10. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”). This Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is prohibited by the Act. In addition, harassment based on any of the above protected categories is 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.

On May 28, 2008, the Commission **APPROVED** the application by a vote of **5-0-0** (Michael G. Turnbull, Curtis L. Etherly, Jr., Anthony J. Hood, Gregory N. Jeffries, and Peter G. May to approve).

The order was **ADOPTED** by the Zoning Commission at its public meeting on July 14, 2008, by a vote of **5-0-0** (Anthony J. Hood, Curtis L. Etherly, Jr., Gregory N. Jeffries, and Michael G. Turnbull to adopt; Peter G. May to adopt by absentee ballot).

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In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on ~~_____~~ **SEP 26 2008** ~~_____~~.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**ZONING COMMISSION ORDER NO. 07-13A****Z.C. Case No. 07-13A****Minor Modification to the Consolidated Planned Unit Development for
the Former Randall Junior High School Site
(Trustees for the Corcoran Gallery of Art and MR Randall Capital LLC)****June 9, 2008**

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public meeting on June 9, 2008. At the meeting, the Zoning Commission approved an application from the Trustees of the Corcoran Gallery of Art (the "Corcoran") and MR Randall Capital LLC (collectively, the "Applicant") for a minor modification to an approved planned unit development ("PUD") and related map amendment for the property in Square 643-S, Lot 801, bounded by I Street, former First Street, H Street, and former Half Street, S.W. This PUD modification is authorized pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. Because the modification was deemed minor, the Commission did not conduct a public hearing on this matter. The Commission determined that this modification request was properly before it under §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

1. By Zoning Commission Order No. 07-13, dated March 21, 2008 (the "Order"), the Commission approved a PUD for Lot 801 in Square 643-S. The Order approved the redevelopment of the former Randall Junior High School as a new campus for the Corcoran College of Art and Design and a new residential building consisting of 440-490 units. The PUD site was rezoned from the R-4 to the C-3-C District in conjunction with the PUD.
2. Given the recent downturn in the residential market, the Applicant sought approval for the option to construct the project in three phases, as shown on the drawings submitted as part of Attachment B to Exhibit 1 of the record, instead of two phases as shown on the approved PUD drawings. Currently, the Order requires the Applicant to apply for building permits no later than March 20, 2010, and start construction no later than March 20, 2011. The proposed modification will have no impact on the application for permits and commencement of construction on the project. However, a more detailed phasing plan with three phases will allow the Applicant greater flexibility in delivering the total project during an uncertain real estate market. The proposed phasing is necessary to begin generating revenue at the site and to provide collateral to secure additional

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financing to complete the project. In all other respects, the project would be fully consistent with the approved Order.

3. The Applicant's proposed phasing plan is as follows:
 - a. Phase I would consist of renovating the three historic Randall School buildings fronting on I Street, S.W., for use by a portion of the Corcoran College of Art and Design. Classes in ceramics, sculpture, fine arts, and youth education, as well as administrative offices, will be relocated to the site. The Applicant would submit permit applications and commence construction for Phase I in compliance with the Zoning Regulations and Z.C. Order No. 07-13. Approximately 27 on-site surface parking spaces would be provided between the center and eastern rear wings of the Randall School, which would be accessed from H Street. Loading and other building services would also be located in this area.
 - b. Phase II would encompass the construction of the eastern wing of the residential building containing approximately 315 units and a portion of the underground parking garage. Landscaping would be provided at the southern and western edges of the site and would include a sculpture courtyard. The rear wings of the former Randall School will be demolished first, and construction staging and temporary parking for the Corcoran would be located on the western portion of the site. Phase II construction will begin under separate building permits after the completion of Phase I.
 - c. Phase III, the last phase, which will also be permitted separately, will consist of the new building for the balance of the Corcoran College of Art and Design program, the remaining residential units and parking spaces. Construction of Phase III is anticipated to start not later than December 31, 2013, with estimated completion in 2015.
4. The proposed phasing would have minimal impact on the public amenities and community benefits included in the Order and a private agreement between the Corcoran and Advisory Neighborhood Commission ("ANC") 6D, a copy of which was previously submitted to the record in Z.C. Case No. 07-13 as Exhibit 49. In fact, based on the information supplied by the Applicant and the ANC, the Commission finds that many of the amenities called for have already commenced, including the arts mentoring program, waiver of tuition for public school arts teachers for continuing education classes, placement of graduate students for community arts youth programs, fundraising for scholarships meant for ANC 6D residents, five scholarships to Camp Creativity at its current location, and a pilot ArtReach Program in Southwest. Of the three public amenities and community benefits that would be affected by the proposed phasing schedule – the academic scholarship, Camp Creativity at the Randall School, and an

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annual Southwest Neighborhood Arts Festival – all are due to be delivered after completion of the Randall Facility, as originally intended.

5. By letter dated June 3, 2008 and submitted to the record, ANC 6D opposed the minor modification. The ANC voted unanimously at its May 12, 2008, meeting to oppose phased construction on the rationale that phasing would potentially delay delivery of certain amenities, as agreed to under the private agreement between the ANC and Corcoran. According to the ANC, among the most important community benefits are the scholarships for residents, an annual arts festival, and an annual arts project, each of which is to commence during the Corcoran's "first full academic year of occupancy of the Randall facility." The ANC stated that it received assurances from the Corcoran that occupancy would occur no later than 2011, and that its support for the project did not depend on the real estate market conditions or the Applicant's ability to secure financing for the project.
6. After careful consideration of the ANC's views and affording them the "great weight" to which they are entitled, the Commission finds that approval of the minor modification is appropriate. First, similar to this situation, the PUD regulations specifically contemplate a change in economic or market conditions beyond an applicant's reasonable control to be grounds for extending the validity of a PUD order. (11 DCMR § 2408.11.) The stark realities of today's housing market and economic downturn require prudent action by developers to protect the viability of their projects. Here, phasing is a matter of necessity, not a desire to delay delivery of amenities. The Commission has previously approved similar minor modifications to convert, for example, residential projects originally intended to be owner-occupied units to rental apartments, due to the shortage of mortgage financing and the record number of residential foreclosures in today's market. Second, the Commission notes that the private agreement between the Corcoran and the ANC does not commit to a specific delivery date for the three specific benefits identified by the ANC as among the most important to the community. Rather, the Corcoran agreed to deliver those amenities after the project is completed. Significantly, the Corcoran has already delivered many of the other promised community benefits, which demonstrates the Applicant's good faith efforts to fulfill its commitments as soon as possible and in some instances, before the promised deadline.

CONCLUSIONS OF LAW

Upon consideration of the record, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved PUD in Z.C. Order No. 07-13. Further, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purposes of the Zoning Regulations.

The approval of the modification is not inconsistent with the Comprehensive Plan. The proposed modification condition continues the Applicant's goal of establishing a new campus for the

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Corcoran College of Art and Design in Southwest Washington, including its associated community benefits, and creating 440-490 new residential units in the District. The modification is minor and consideration as a Consent Calendar item without a public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of the approved PUD. Condition No. 18 of Z.C. Order No. 07-13 is revised to read as follows:

- "18. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three (3) years of the effective date of this Order. **The Applicant shall have the option to construct the project in three phases, as follows.**"
- a. Phase I would consist of renovating the three historic Randall School buildings fronting on I Street, S.W., for use by a portion of the Corcoran College of Art and Design. Classes in ceramics, sculpture, fine arts, and youth education, as well as administrative offices, will be relocated to the site. The Applicant would submit permit applications and commence construction for Phase I in compliance with the Zoning Regulations and Z.C. Order No. 07-13. Approximately 27 on-site surface parking spaces would be provided between the center and eastern rear wings of the Randall School, which would be accessed from H Street. Loading and other building services would also be located in this area.
 - b. Phase II would encompass the construction of the eastern wing of the residential building containing approximately 315 units and a portion of the underground parking garage. Landscaping would be provided at the southern and western edges of the site and would include a sculpture courtyard. The rear wings of the former Randall School will be demolished first, and construction staging and temporary parking for the Corcoran would be located on the western portion of the site. Phase II construction will begin under separate building permits after the completion of Phase I.
 - c. Phase III, the last phase, which will also be permitted separately, will consist of the new building for the balance of the Corcoran College of Art and Design program, the remaining residential units and parking spaces.

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Construction of Phase III is anticipated to start not later than December 31, 2013, with estimated completion in 2015.

The Zoning Commission approved this minor modification at its public meeting on June 9, 2008, by a vote of **5-0-0** (Anthony J. Hood, Peter G. May, Gregory N. Jeffries, Curtis Etherly, Jr., and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on SEP 26 2008.

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