

THE CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY**SOLICITATION FOR PROPOSALS****Computer Equipment**

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 solicits proposals to purchase approximately 70 laptop computers for use in our schools.

All necessary forms and a full RFP may be obtained by e-mailing walter.gonzalez@chavezschools.org.

The Cesar Chavez Public Charter Schools will receive bids from September 25, 2009 to COB October 2, 2009. Send Proposals to:

Attn: Walter Gonzalez
709 12th Street, SE
Washington, D.C. 20003.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF SCHEDULED MEETING**

The Construction Codes Coordinating Board will be holding a scheduled meeting on Thursday, September 24, 2009 at 10:00 am. The meeting will be held at 941 North Capitol Street, NE, in the Main Conference Room in Suite 9500, Washington, D.C. 20002.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at dcra.dc.gov, by clicking on the "Construction Codes Coordinating Board (CCCB)" tab on the main page.

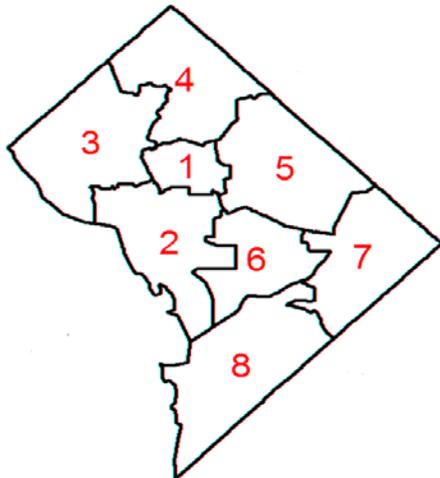
D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE SUMMARY

Party Totals and Percentages by Ward for the period ending August 31, 2009

<i>WARD</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>1</i>	35,825	2,605	807	9,809	201	49,247
<i>2</i>	28,828	5,454	336	9,655	165	44,438
<i>3</i>	34,240	7,746	350	10,127	150	52,613
<i>4</i>	46,509	2,705	598	8,585	179	58,576
<i>5</i>	46,039	2,020	569	7,199	170	55,997
<i>6</i>	38,548	5,117	508	8,620	172	52,965
<i>7</i>	45,479	1,498	464	6,401	123	53,965
<i>8</i>	37,387	1,358	495	6,279	129	45,648
<i>TOTALS</i>	312,855	28,503	4,127	66,675	1,289	413,449
<i>TOTAL Percentage (by party)</i>	75.7%	6.9%	1.0%	16.1%	.3%	100%

Wards



D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 1

For the Period Ending: August 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>20</i>	1,252	42	15	313	11	1,633
<i>22</i>	2,785	246	38	696	14	3,779
<i>23</i>	1,943	127	61	523	9	2,663
<i>24</i>	2,087	212	31	582	16	2,928
<i>25</i>	3,438	414	75	984	8	4,919
<i>35</i>	2,918	208	67	828	13	4,034
<i>36</i>	3,338	231	77	887	21	4,554
<i>37</i>	2,415	124	51	595	12	3,197
<i>38</i>	2,306	122	66	596	16	3,106
<i>39</i>	3,281	219	97	879	22	4,498
<i>40</i>	3,148	218	98	978	19	4,461
<i>41</i>	2,500	152	58	850	19	3,579
<i>42</i>	1,480	55	32	404	7	1,978
<i>43</i>	1,422	72	25	298	6	1,823
<i>136</i>	774	122	8	236	2	1,142
<i>137</i>	738	41	8	160	6	953
<i>TOTALS</i>	35,825	2,605	807	9,809	201	49,247

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 2

For the Period Ending: August 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
2	411	121	5	248	6	791
3	1,258	397	8	551	8	2,222
4	1,281	400	8	573	7	2,269
5	2,102	721	20	784	9	3,636
6	2,482	1,156	38	1,485	21	5,182
13	1,179	262	5	414	2	1,862
14	2,568	412	31	842	10	3,863
15	2,757	294	22	793	18	3,884
16	2,721	339	32	650	13	3,755
17	3,797	558	46	1,172	38	5,611
18	3,193	196	55	688	11	4,143
21	1,329	91	26	295	6	1,747
129	1,757	300	16	633	5	2,711
141	1,993	207	24	527	11	2,762
TOTALS	28,828	5,454	336	9,655	165	44,438

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 3

For the Period Ending: August 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>7</i>	1,073	401	16	456	4	1,950
<i>8</i>	2,250	729	25	701	9	3,714
<i>9</i>	1,016	584	7	379	4	1,990
<i>10</i>	1,883	565	16	682	5	3,151
<i>11</i>	3,204	849	39	1,259	22	5,373
<i>12</i>	486	205	3	196	5	895
<i>26</i>	2,495	383	31	759	10	3,678
<i>27</i>	2,289	289	19	506	8	3,111
<i>28</i>	2,398	734	31	878	14	4,055
<i>29</i>	1,303	288	15	396	4	2,006
<i>30</i>	1,267	307	16	283	5	1,878
<i>31</i>	2,298	428	19	582	9	3,336
<i>32</i>	2,598	447	24	606	12	3,687
<i>33</i>	2,732	388	34	709	11	3,874
<i>34</i>	3,043	481	24	894	16	4,458
<i>50</i>	1,965	320	14	410	11	2,720
<i>138</i>	1,940	348	17	431	1	2,737
<i>TOTALS</i>	34,240	7,746	350	10,127	150	52,613

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 4

For the Period Ending: August 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
45	2,117	90	39	369	11	2,626
46	2,956	107	33	531	13	3,640
47	2,606	172	42	681	18	3,519
48	2,710	155	42	533	10	3,450
49	696	35	18	169	2	920
51	3,103	606	32	633	8	4,382
52	1,242	294	5	245	2	1,788
53	1,157	89	15	254	4	1,519
54	2,263	119	35	455	9	2,881
55	2,626	95	35	417	14	3,187
56	3,008	101	34	643	16	3,802
57	2,534	90	32	434	15	3,105
58	2,261	62	30	361	4	2,718
59	2,569	102	29	393	10	3,103
60	1,978	88	23	651	7	2,747
61	1,579	61	20	281	3	1,944
62	3,143	174	37	372	7	3,733
63	2,994	116	59	527	12	3,708
64	2,288	66	14	305	7	2,680
65	2,679	83	24	331	7	3,124
TOTALS	46,509	2,705	598	8,585	179	58,576

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 5

For the Period Ending: August 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>19</i>	3,276	164	57	669	14	4,180
<i>44</i>	2,675	246	39	551	17	3,528
<i>66</i>	4,514	136	36	482	17	5,185
<i>67</i>	2,962	116	25	368	11	3,482
<i>68</i>	1,847	151	29	349	6	2,382
<i>69</i>	2,172	82	12	257	11	2,534
<i>70</i>	1,532	78	21	253	5	1,889
<i>71</i>	2,443	78	32	348	9	2,910
<i>72</i>	4,048	125	29	625	12	4,839
<i>73</i>	1,846	111	32	319	8	2,316
<i>74</i>	3,669	171	56	646	8	4,550
<i>75</i>	2,597	101	47	492	10	3,247
<i>76</i>	895	50	12	178	3	1,138
<i>77</i>	2,680	95	35	413	11	3,234
<i>78</i>	2,458	62	23	377	6	2,926
<i>79</i>	1,809	57	24	277	4	2,171
<i>135</i>	2,555	151	43	406	15	3,170
<i>139</i>	2,061	46	17	189	3	2,316
<i>TOTALS</i>	46,039	2,020	569	7,199	170	55,997

D.C. BOARD OF ELECTIONS AND ETHICS
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PRECINCT STATISTICS

Ward 6

For the Period Ending: August 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
<i>1</i>	2,455	128	39	520	8	3,150
<i>81</i>	4,122	279	51	712	15	5,179
<i>82</i>	2,148	196	21	426	11	2,802
<i>83</i>	2,728	194	31	512	14	3,479
<i>84</i>	1,802	377	31	434	7	2,651
<i>85</i>	2,441	523	25	587	9	3,585
<i>86</i>	1,948	252	31	414	8	2,653
<i>87</i>	2,617	206	34	454	16	3,327
<i>88</i>	1,836	302	21	367	3	2,529
<i>89</i>	2,294	646	33	647	9	3,629
<i>90</i>	1,371	246	12	354	8	1,991
<i>91</i>	3,398	305	48	728	11	4,490
<i>127</i>	3,458	270	60	729	16	4,533
<i>128</i>	1,717	172	21	468	8	2,386
<i>130</i>	697	309	12	248	3	1,269
<i>131</i>	503	98	3	116	5	725
<i>142</i>	1,137	165	11	275	8	1,596
<i>143</i>	1,876	449	24	629	13	2,991
TOTALS	38,548	5,117	508	8,620	172	52,965

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 7

For the Period Ending: August 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>80</i>	1,297	56	12	211	5	1,581
<i>92</i>	1,516	55	17	228	8	1,824
<i>93</i>	1,381	46	12	215	6	1,660
<i>94</i>	1,818	73	17	219	2	2,129
<i>95</i>	1,533	51	22	265	2	1,873
<i>96</i>	2,110	72	29	326	3	2,540
<i>97</i>	1,236	46	14	182	4	1,482
<i>98</i>	1,734	52	20	222	8	2,036
<i>99</i>	1,310	42	12	212	6	1,582
<i>100</i>	1,687	49	17	253	3	2,009
<i>101</i>	1,604	43	18	175	5	1,845
<i>102</i>	2,218	59	22	280	7	2,586
<i>103</i>	3,241	99	30	507	14	3,891
<i>104</i>	2,353	71	31	337	7	2,799
<i>105</i>	2,007	65	25	279	4	2,380
<i>106</i>	2,903	90	27	406	5	3,431
<i>107</i>	1,583	57	16	246	2	1,904
<i>108</i>	1,151	45	7	124	2	1,329
<i>109</i>	1,005	38	6	100	1	1,150
<i>110</i>	3,830	133	38	459	12	4,472
<i>111</i>	2,088	56	29	352	6	2,531
<i>112</i>	1,877	61	15	244	4	2,201
<i>113</i>	2,083	61	14	263	6	2,427
<i>132</i>	1,914	78	14	296	1	2,303
<i>TOTALS</i>	45,479	1,498	464	6,401	123	53,965

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 8

For Period Ending: August 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
114	2,746	103	38	483	21	3,391
115	2,493	87	30	536	6	3,152
116	3,397	119	45	564	11	4,136
117	1,394	50	11	231	4	1,690
118	2,321	89	39	362	4	2,815
119	2,397	125	44	459	8	3,033
120	1,420	39	11	276	3	1,749
121	2,904	95	46	499	5	3,549
122	1,682	44	25	254	4	2,009
123	2,105	118	33	385	6	2,647
124	2,303	61	29	339	4	2,736
125	3,825	121	44	575	16	4,581
126	3,295	148	36	612	18	4,109
133	1,339	43	13	175	6	1,576
134	1,927	52	30	261	7	2,277
140	1,839	64	21	268	6	2,198
TOTALS	37,387	1,358	495	6,279	129	45,648

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****Small Business Assistance Program**

The DC Department of Housing and Community Development (DHCD) is soliciting applications from Community Based Organizations (CBOs) and Non-Profit Organizations to provide technical assistance to businesses in the District of Columbia.

The purpose of this Request for Applications (RFA) is to solicit applications for the delivery of business support services, to revitalize targeted commercial corridors in the District. Funding under this notice will be available on January 1, 2010.

Applications under this RFA can be obtained at 1800 Martin Luther King, Jr. Avenue, SE, Washington, DC 20020 – 3rd Floor Reception Desk, or via the internet through the DHCD website, at www.dhcd.dc.gov, on or about September 25, 2009.

The deadline for submission of the application is Friday, October 23, 2009, at 4:00 p.m.

A Pre-Application Conference will be held at the Department of Housing and Community Development on Friday, October 9, 2009 at 10:00 a.m., 1800 Martin Luther King, Jr. Avenue, SE, Washington, DC 20020, located in the First Floor Conference Room. Attendance at the conference is encouraged for all potential applicants. A Certificate of attendance is proof for additional points in the Selection Criteria scoring.

For additional information, please contact the Department of Housing and Community Development, Ernest Merchant, Project Manager, Residential Community Services at (202) 442-7163.

KIPP DC**REQUEST FOR PROPOSALS**

KIPP DC, 910 17th Street, NW, Washington, DC 20006, will receive bids until **September 25, 2009 at 5:00 p.m.** for the following services:

Design Build Services needed for 3500 sf renovation of former commercial space .

Full Proposals are due on September 25, 2009. A full RFP may be obtained by contacting Alex Shawe at alex.shawe@kipfdc.org or at 202-223-4505.

Alex Shawe
Director of Real Estate
General Counsel
KIPP DC:
910 17th Street, NW – Suite 1050
Washington, DC 20006
Ph: 202-223-4505
Fax: 202-223-4505
Email: ashawe@kipfdc.org

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been newly appointed as Notaries Public in and for the District of Columbia, effective on or after October 1, 2009.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Administrator, Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on September 18, 2009. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
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Aiken	Yvonne S.	American Near East Refugee Aid (ANERA) 1522 K Street, NW, Suite 600	20005
Anderson	Leigh F.	Energy Resources International, Incorporated 1015 18th Street, NW, Suite 650	20036
Aqui	Jason	Citibank 1775 Pennsylvania Avenue, NW	20006
Avalos	Heather B.	Gore Brothers Reporting & Video Conferencing 1025 Connecticut Avenue, NW, Suite 1000	20036
Ballard	Stephen M.	Heritage Title & Escrow Company 2000 Florida Avenue, NW, Suite 250	20009
Barnes	Melanie F.	Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Berry	Mandisa R.	Stewart Title Group, LLC 11 Dupont Circle, NW, Suite 750	20036
Bishop	William R.	US International Trade Commission 500 E Street, SW	20436
Braxton	Phanelson A.	Sughrue Mion, PLLC 2100 Pennsylvania Avenue, NW, Suite 600	20037
Briggs	Cynthia Z.	Our Place, DC 801 Pennsylvania Avenue, SE	20003
Brillantine	Frances M.	Catholic University of America Law Library 3600 John McCormack Road, NE	20064
Brown	Derek J.	National Committee to Preserve Social Security & Medicare 10 G Street, NE, Suite 600	20002
Brown	Edwina M.	US Department of Treasury/United States Mint 801 9th Street, NW	20220
Carter	Cindy	Capitol Hil Group 700 Constitution Avenue, NE	20002

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Clarke	Cherylann	Kirkland & Ellis, LLP 655 15th Street, NW	20005
Cromartie	Marsha E.	Self 3318 16th Street, NE	20018
Days	Petruzzelli	Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Dotson	Jill	Bread for the City 1525 7th Street, NW	20001
Edwards	Jeremy	TD Bank 605 14th Street, NW	20005
Ellis	Henrietta J.	Holland & Knight LLP 2099 Pennsylvania Avenue, NW, Suite 100	20006
Farmer	Catherine	National Archives and Records Administration 700 Pennsylvania Avenue, NW	20408
Feldman	Jan C.	ICMA-RC 777 North Capitol Street, NE	20002
Green	Rosa M.	Self 3861 Beecher Street, NW	20007
Green	Linda E.	Self 501 Webster Street, NW	20011
Green	Demita	diGenova & Toensing, LLP 1776 K Street, NW, Suite 737	20006
Hayden	Andrew C.	Anderson Kill & Olick, LLP 2100 M Street, NW, Suite 650	20037
Hemphill	Esther T.	Premium Title & Escrow, LLC 1534 14th Street, NW	20005
Holeman	Sheila V.	Gilbert Oshinsky LLP 1100 New York Avenue, NW, Suite 700	20005

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Ingraham	Gwendolen C.	The Louis Berger Group 2445 M Street, NW, 4th Floor	20037
Irabor	Joan A.	Loving Your Heart, LLC 5212 Drake Place, SE	20019
Johnson	Jennifer A. M.	The Washington Post 1150 15th Street, NW	20071
Jolly	Lauren C.	Jones Lang LaSalle 1801 K Street, NW, Suite 1000	20006
Kinkaid	Jaclyn C.	The Barker Foundation 1066 30th Street, NW	20007
Kitova	Alla A.	Self 2201 N Street, NW, #414	20037
Lenhard	Melanie C.	Sibley Memorial Hospital 5255 Loughboro Road, NW	20016
Levy	Samantha R.K.	Greenberg & Lieberman, LLC 2141 Wisconsin Avenue, NW, Suite C-2	20007
Liunoras	Isel	The Pew Charitable Trusts 901 E Street, NW, 10th Floor	20004
Loutan	Christiana	Mundark Management 410 Kennedy Street, NW, Suite 102	20011
McCall	Deleesha C.	Suntrust Bank, Incorporated 2845 Alabama Avenue, SE	20020
McCauley	Dawn E.	Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue, NW	20006
Mimms-Bolden	Jo A.	American Council of Life Insurers 101 Constitution Avenue, NW, Suite 700W	20001
Mitchell	Rosalind S.	Anderson Kill & Olick, LLP 2100 M Street, NW, Suite 650	20037

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Nealon	Rebecca	The Gulf Law Group, PLLC 1201 Connecticut Avenue, NW, Suite 500	20036
Njang	Peter N.	Law Office of Peter N. Njang 7600 Georgia Avenue, NW, Suite 208	20012
Nolan	Sarah E.	US Department of State 2201 C Street, NW	20520
Paige	Solomon	DC Child & Family Services Agency 400 6th Street, SW	20024
Parrish	Cheryl D.	Walter Reed Army Medical Center-AFIP 6825 16th Street, NW, Bldg. 54	20306
Petersen	Dara L.	The Gulf Law Group, PLLC 1201 Connecticut Avenue, NW, Suite 500	20036
Plight	Jaennette	Edgewood Management 400 M Street, SE	20003
Remis	Aleza	The Alliance for Climate Protection 901 E Street, NW, Suite 610	20009
Ricks	Denise	Deso & Buckley, PC 1828 L Street, NW, Suite 660	20036
Robinson	Angel R.	Chadbourne & Parke LLP 1200 New Hampshire Ave., NW, Suite 300	20036
Sharma	Tarloki	District Title, A Corporation 1707 L Street, NW, Suite 1020	20036
Simms	Patricia A.	US Department of Commerce /NOAA 14th & Constitution Avenue, NW, Room 5128	20230
Stevens	Shirley	Self 4625 Minnesota Avenue, NE	20019
Stewart	Imogene P.	Self 1900 Irving Street, NE, #202	20018

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Sushner	Marc	District Title 1707 L Street, NW, Suite 1020	20036
Taliaferro	Andrea B.	Anderson Kill & Olick, LLP 2100 M Street, NW, Suite 650	20037
Taylor	Harriet	Loyalty Title Company 1090 Vermont Avenue, NW, Suite 910	20005
Tease	Ashley N.	Fitzpatrick, Cella, Harper and Scinto 975 F Street, NW	20004
Thomas	Roger E.	Wachovia Bank 1800 K Street, NW	20006
Thrash	Tarrence A.	National Transportation Safety Board, Office of General Council 490 L'Enfant Plaza East, SW	20594
Toland	Veronica	Congressional Budget Office Ford House Office Bldg., 2nd & D Sts, SW	20515
Voight	Bradley M.	LaKritz Adler Development LLC 4326 8th Street, NW	20011
Walker	Wanda	Kirkland & Ellis, LLP 655 15th Street, NW	20005
Wise	Helena S.	Washington Nationals Baseball Club, Legal Department 1500 South Capitol Street, SE	20003
Wood	Amanda Han	Wells Fargo Advisors 1133 Connecticut Avenue, NW, 9th Floor	20036
Xanthakos	Natalia	Gibson, Dunn & Crutcher, LLP 1050 Connecticut Avenue, NW	20036

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

Application No. 17673-A of Gallery Square LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements under section 411, a special exception to reduce the required rear yard under section 774, and a special exception to reduce the number of required parking spaces by no more than 25 percent under section 2108, and pursuant to 11 DCMR § 3103.2, variances from the accessibility requirements for parking spaces under section 2117.4 and the off-street loading and service delivery space requirements under section 2201, to permit the development of a 10-story building with retail on the first and second floors and offices above in the DD/C-3-C District at premises 627-631 H Street, N.W. (Square 453, Lots 53 and 810).

HEARING DATE (Orig. Application): October 16, 2007
DECISION DATE (Orig. Application): October 16, 2007 (Bench Decision)
FINAL ORDER ISSUANCE DATE (Orig. Application): October 17, 2007
DECISION ON MOTION TO EXTEND ORDER: September 15, 2009

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17673**

The Underlying BZA Order

On October 16, 2007, the Board of Zoning Adjustment (the Board or BZA) approved the Applicant's request for special exception from the requirements for roof structures, rear yards, and parking spaces, and variance relief from the requirements for accessibility for parking spaces and off-street loading and service delivery space, to construct a 10-story building with retail on the first and second floors and offices above in the DD/C-3-C District. Thus, pursuant to 11 DCMR § 3104.1, the Board approved a special exception from the roof structure requirements under section 411, a special exception to reduce the required rear yard under section 774, and a special exception to reduce the number of required parking spaces by no more than 25 percent under section 2108, and pursuant to 11 DCMR § 3103.2, variances from the accessibility requirements for parking spaces under section 2117.4 and the off-street loading and service delivery space requirements under section 2201, to construct a 10-story building with retail on the first and second floors and offices above in the DD/C-3-C District at premises 627-631 H Street, N.W. (Square 453, Lots 53 and 810). The Order was issued October 17, 2007. (BZA Order 17673)

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Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until October 17, 2009.

Section 3130.1¹ states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility(EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1)

Motion to Extend

On July 30, 2009, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR §3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was due to expire October 17, 2009. (Exhibit 44). A copy of the request for an extension was served on the parties to the application, Advisory Neighborhood Commission 2C (ANC 2C) and the Office of Planning (OP). The Board received additional, supplemental material from the Applicant in support of the request for a time extension, pursuant to §3130.6. (Exhibits 46 and 47).

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because of the Applicant's inability to obtain financing due to economic and market conditions beyond the Applicant's control. The Applicant has, over the past two years, sought financing from a number of different sources and has been unable to obtain commitments to allow the project to proceed. The extension would allow the Applicant the additional time in which to secure financing.

Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

Criteria for Evaluating Motion to Extend

¹ Section 3130.1 was amended by the addition of the phrase "except as permitted in § 3130.6" by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

² Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

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The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Section became effective on June 5, 2009.

Section 3130.6 of the Zoning Regulations states in full:

3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6)

The Board finds that the Applicant has met the criteria set forth in this provision. The filing of the motion on July 30, 2009, prior to the expiration date, tolled the effect of the order. The request was served on all the parties to the application and

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those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to secure financing and the poor economic conditions in the District constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. (Exhibit 46). In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated October 16, 2007 (Exhibit No. 40 in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, pursuant to § 3130.6 of the Regulations, the Board hereby extends the validity of the underlying Order, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of October 17, 2011.

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 request for extension of time be **GRANTED** until October 17, 2011.

VOTE: 4-0-1 (Marc D. Loud, Meridith H. Moldenhauer, Shane L. Dettman, and Michael G. Turnbull to approve; one mayoral (vacant) appointee not participating, nor voting)

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

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: SEPTEMBER 17, 2009

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 § 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

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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.

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
ZONING COMMISSION CORRECTED¹ ORDER NO. 05-28A1**

Z. C. Case No. 05-28A

**(Second-Stage Planned Unit Development [“PUD”] and Amendment to the Zoning
Map for Parkside Homes LLC and Parkside Senior Housing LLC)
September 8, 2008**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on June 16, 2008, to consider an application of Parkside Homes LLC and Parkside Senior Housing LLC, for the review and approval of the second stage of an approved PUD and the implementation of a related map amendment from the R-5-A Zone District to the C-3-A Zone District. The property that is the subject of the second stage approval is located in Square 5041, Lots 809, 814, 815, 818, 820, 823, and 824 (“Subject Property”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

At its public meeting on July 14, 2008, the Commission took proposed action by a vote of 4-0-1 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 August 29, 2008, found that the proposed PUD is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

The Commission took final action to approve the application on September 8, 2008, by a vote of 4-0-1.

FINDINGS OF FACT

1. In November 2007, Parkside Residential LLC submitted an application for second stage PUD approval for the first phase of development implementing a first stage PUD and related map amendment. The Applicant sought approval to develop approximately 165,000 square feet of unimproved land in Ward 7 as a senior living facility and single-family townhomes. (Exhibit 3.)
2. Parkside Residential LLC subsequently transferred the Subject Property to Parkside Homes LLC and Parkside Senior Housing LLC (collectively, the “Applicant”). (Exhibit 15, p. 5.)

¹ The only correction being made hereto is to Condition No. 11 to correct a typographical error, i.e., Order No. 05-28 to Order No. 05-28A. No other corrections are made hereto. In addition, Condition No. 11 has been modified to indicate the actual date upon which the PUD’s validity will end unless the action required by that condition is taken.

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3. The application was set down for a public hearing at the Commission's January 14, 2008 public meeting.

First Stage PUD Approval

4. The Commission approved the first stage PUD and related Zoning Map amendment on April 13, 2007. The first stage PUD approved a mixed-use development for Square 5041, Lots 806-809, 811, 812, 814, 815, 817, 818, 820, and 822; Square 5055, Lots 14-25 and 801-813; Square 5056, Lots 806, 809, 810-814, and 821 ("First Stage PUD Site"). (Z.C. Order No. 05-28.)
5. The First Stage PUD Site consisted of approximately 15.5 acres of land just north of the intersection of Minnesota Avenue and Benning Road and across Kenilworth Avenue from the Minnesota Avenue Metrorail Station. The First Stage PUD Site is in Ward 7, east of the Anacostia River. It is roughly bounded by Anacostia Avenue, Foote Street, Kenilworth Avenue, Hayes Street, Barnes Street, Roosevelt Place, Grant Place, Burnham Place, and Parkside Place. Id.
6. The First Stage PUD Site is located to the northeast of a PEPCO plant, to the southeast of Neval Thomas Elementary School and a District of Columbia Public and Assisted Housing complex, to the south of the Mayfair/Paradise multifamily rental communities and to the south of Eastland Gardens. The Kenilworth Aquatic Gardens, Anacostia Park, the Anacostia River, and the national Arboretum are located to the west of the First Stage PUD Site. Id.
7. The Commission approved a PUD-related Zoning Map amendment from the R-5-A and C-2-A Zone Districts to the C-3-A and CR Zone Districts and approximately 3,003,000 gross square feet of development during the first stage PUD application process. Specifically, it approved 1,500-2,000 dwelling units, 500,000-750,000 square feet of office space, and 30,000-50,000 square feet of retail. A maximum density of 4.4 floor area ratio ("FAR") was approved, as was a maximum building height of 110 feet for the office buildings along Kenilworth Avenue and a maximum height of 90 feet for the residential and retail buildings. Id.
8. The first stage PUD divided the PUD site into 10 blocks: Blocks A-J. Blocks A, B, and C are the subject of the instant application. Block A was approved for residential use, a lot occupancy of 62.6%, a maximum density of 4.12 FAR, and a height range of 54 to 84 feet. Block B was approved for residential use, a lot occupancy of 41%, a maximum density of 1.26 FAR, and a maximum height of 52 feet. Block C was also approved for residential use, a lot occupancy of 78.3%, a maximum density of 3.31 FAR and a maximum height of 64 feet. Id.

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9. The Commission approved Blocks A, B, and C for a PUD-related rezoning to the C-3-A Zone District. Id.

First Phase of Second Stage PUD Approval

10. The Subject Property is known as Blocks A, B, and C. Lot 817 of the Original PUD Application was subsequently subdivided to create Lots 823 and 824 (Exhibit 3, p. 1; Exhibit 15, p. 5.)
11. The Subject Property is bound by Anacostia Avenue to the north, Grant Place to the east, Foote Street to the west, and Barnes Street and Parkside Place to the south. Block A is located at the corner of Foote Street and Anacostia Avenue and is across the street from the Neval Thomas Elementary School. Block B is located immediately to the east of Block A and is bounded by Anacostia Avenue, Grant Place, Barnes Street, and Block A and is across the street from both the Neval Thomas Elementary School and the existing Parkside Townhomes. Block C is located to the south of Block A. It is bounded by Foote Street, Roosevelt Place, Barnes Street, and Parkside Place, and is adjacent to the Parkside Townhomes. (Exhibit 3, p. 1.)
12. The Applicant is constructing a 98-unit senior living facility and 112 single-family townhomes on the Subject Property. (Exhibit 3, p. 11; Exhibit 15, pp. 12-13.)
13. The senior living facility will be located on Block A, immediately adjacent to a sustainable linear park with natural stormwater management capabilities. The facility will consist of approximately 96,900 square feet of development. The building will have a density of 2.22 FAR, it will consist of 98 units, and it will have a maximum height of 54 feet and a lot occupancy of 51.6%. It will also provide 25 parking spaces ("Senior Living Facility"). (Exhibit 15, p. 12.)
14. The Senior Living Facility will incorporate sustainable elements such as Energy Star rated appliances, energy efficient lighting, low-VOC paints and adhesives, as well as a naturally landscaped bioswale that runs along the northern edge of the building adjacent to a linear park. (Exhibit 15, p. 13.)
15. Units in the senior living facility will be available to families with an annual income below 60% of the area median income ("AMI"). (Exhibit 15, p. 12.)
16. Blocks B and C will be dedicated to townhomes that will complement the existing Parkside Townhomes. The Applicant will construct 112 townhomes. The townhomes will each be approximately 2,000-3,000 square feet in size with a maximum height of 47 feet. The development will include two-bedroom, three-bedroom, and four-bedroom models and will be three stories with an optional roof

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- deck and an optional penthouse. One hundred four of the townhomes will include a one- or a two-car garage. In all, 136 parking spaces will be provided with the townhomes. (Exhibit 15, pp. 13-15.)
17. Block B will consist of 108,912 square feet of development and a density of 2.1 FAR. It will include 46 townhomes with a maximum height of 47 feet. (Exhibit 15, p. 14.)
 18. Block C will consist of 160,636 square feet of development and a density of 2.01 FAR. It will include 66 townhomes with a maximum height of 47 feet. (Exhibit 15, p. 14.)
 19. Nearly half of the townhomes in Blocks B and C will be available to individuals with an income between 80% and 120% of the AMI. (Exhibit 15, p. 21.)
 20. The facades will be constructed with hardy board and hardy plank with a masonry base and accenting bays in each string of townhomes. The facades will also include over-sized brick throughout. (Exhibit 33.)
 21. The development is consistent with the standards for evaluating a PUD under Chapter 24 of the Zoning Regulations. This development will create a high-quality residential project with significant housing opportunities, both affordable and market-rate. (Exhibit 15, pp. 18-21.)
 - Urban Design, Architecture, Landscaping: the Subject Property is in close proximity to the Minnesota Avenue Metrorail Station. Locating residential uses near public transportation is good urban design. The development also supports housing needs in the community for market-rate for-sale housing, and affordable senior housing. The residential buildings will be constructed along the property line, emphasizing the urban nature of the project. They will utilize high-quality materials that compliment the existing Parkside Townhomes. The development will also include extensive landscaping of the grounds.
 - Site Planning: the development takes advantage of its location adjacent to parklands, the Anacostia River and natural grades and the major transportation corridor to the southeast. It will replace vacant land and connect the existing Parkside Townhomes with the fabric of the city.
 - Effective and Safe Vehicular and Pedestrian Access: the development will not have an adverse impact on the transportation infrastructure in the area. The development will encourage transit ridership and enhance sidewalks. A bike trail along the Anacostia River will be easily accessible to the site and adequate automobile parking will be provided for each building.

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The Applicant addressed concerns raised by the Office of Planning (“OP”) regarding the need for access to the site via Benning Road. The Applicant testified that there were several issues with providing access between the Parkside PUD from Benning Road; namely: insufficient public right-of-way for road construction, physical barriers and natural barriers, and incompatible truck traffic. The Applicant’s analysis, with which the District Department of Transportation (“DDOT”) concurred, demonstrated that access to the site is sufficient with the existing road network.

- Affordable Housing: the development will provide 210 new housing units. Ninety-eight of the units will be affordable and 42 units will provide new opportunities for home ownership at workforce rates, as described in conditions of this Order.

- Public Benefits:

The development will bring affordable senior housing to an area that has a rapidly increasing senior population but has few options for housing for individuals on a fixed income.

It will also bring quality, market-rate options to a community that is comprised largely by subsidized housing projects.

The Applicant will also enter into a First Source Employment agreement with the Department of Employment Services to promote and encourage the hiring of District of Columbia residents.

The Senior Living Facility will be designed to meet the Green Communities criteria.

The Applicant has committed to contributing 25% of the cost of a new pedestrian bridge, not to exceed \$3 million. The bridge will improve site access as it will connect the entire PUD site to the Minnesota Avenue Metrorail Station. The Deputy Mayor’s Office of Planning and Economic Development and DDOT have committed \$5 million to the project.

22. The development is fully consistent with and fosters goals and policies stated in the elements of the District of Columbia Comprehensive Plan. The development significantly advances these goals and policies by furthering the social and economic development of the District through the construction of new residential units on underutilized land. The project serves the goals of several of the citywide elements of the Comprehensive Plan: (Exhibit 15, pp. 24-29.)

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- Land Use Map: the Subject Property is designated as primarily Medium-Density Residential, with a slice of the Property fronting on Roosevelt Place as Moderate-Density Residential. The density of the proposed residential uses of the Subject Property complies with the proposed land use designation.
- Land Use Element: the Subject Property supports transit-oriented development. The Subject Property is a short walk to the Minnesota Avenue Metrorail station, which is one-third of a mile away from the Project Site. The development also enhances and stabilizes District neighborhoods by providing new residential opportunities for existing residents in the neighborhood.
- Transportation Element: the development will capitalize its proximity to the Minnesota Avenue Metrorail Station, promotes smart growth and supports transit-oriented development.
- Housing Element: the creation of a significant residential development on the Subject Property will further stabilize the community, build upon the existing neighborhood culture and will likely serve as a catalyst to the burgeoning Anacostia River waterfront.
- Environmental Protection Element: the Subject Property will be landscaped extensively to enhance streets and public spaces and reduce stormwater runoff. The development will include rain gardens to treat runoff from impervious surfaces and a vegetative swale to treat runoff from the Subject Property. It will also make use of permeable pavers in the alleys to reduce stormwater runoff from the Subject Property. The Senior Living Facility will satisfy the standards set forth by the Green Communities program. The overall PUD will also seek to achieve the equivalent of Silver level certification under the Leadership in Energy and Environmental Design Neighborhood Development program.
- Parks, Recreation, and Open Space Element: the development will include a linear park that will serve as public passive recreation space and will abut an open park that will be enhanced through future phases of development pursuant to Zoning Commission Order No. 05-28.
- Urban Design Element: the development will reflect the beneficial architectural qualities of the surrounding residential neighborhoods. It includes an appropriate density that allows for sufficient private and public open space.

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- Area Element: the development allows for a variety of housing options for individuals with varying incomes. It will also transform a vacant piece of land into an inviting, accessible and active connection to the Anacostia waterfront.

Public Hearing

23. A public hearing was held for the application on June 16, 2008. The Commission accepted Jack McLaurin and Logan Schutz as experts in architecture; Rob Schiesel as an expert in traffic engineering; and Dennis Carmichael as an expert in landscape architecture.
24. At the close of the hearing, the Commission asked the Applicant to study the façades of the townhomes; specifically, to use different materials, simplify the façade and to modify the window design to provide a more residential appearance. It also asked for more information regarding the location, income levels and administration of the affordable housing component.
25. The Applicant filed its post-hearing submission addressing the Commission's comments on June 30, 2008.

GOVERNMENT REPORTS

26. On June 6, 2008, OP submitted its report in support of the application into the record. OP requested additional information regarding the townhomes reserved as market-rate housing. OP also asked for information regarding market-rate values in the area. OP suggested that the issue of vehicular access to the overall PUD from Benning Road should be addressed in future phases of the PUD. (Exhibit 21.)
27. OP stated that it was very supportive of the project and that the development will add new residential opportunities in the area, including affordable senior housing that will benefit the neighborhood residents and District as a whole. It further found that the application was not inconsistent with the policies of the 2006 Comprehensive Plan. (Exhibit 21.)
28. OP stated that the Applicant satisfied each of the conditions of Z.C. Order No. 05-28. (Exhibit 21.)
29. OP concluded that the development satisfied the Strategic Neighborhood Action Plan for Cluster 30 by supporting public safety through the development of vacant land and supporting the provision of improved access for new and existing residents to the Metrorail Station. It also stated that the development furthers the

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objectives of the Great Streets Initiative for the designed streets in the area. (Exhibit 21.)

30. DDOT filed a report on June 13, 2008, in support of the PUD. It supports the project and recommends the Applicant pursue, with the District, the construction of a new above-grade pedestrian bridge to the Metrorail Station and an access via Benning Road if, and when, the issue of right-of-way is resolved. DDOT also recommended that at least 10 bicycle parking spaces be provided and that approximately two parking spaces be set aside for car sharing vehicles. (Exhibit 25.)
31. DDOT found that the parking provided with the development would be more than adequate to meet the parking needs of the residents and minimize spillover into the neighborhood. (Exhibit 25.)
32. DDOT agreed with the Applicant's capacity analysis and found that most intersections leading to and from the development operate at a good level of service. (Exhibit 25.)

ANC 7D REPORT

33. ANC 7D submitted two letters of support into the record. In the letter dated June 4, 2008, the ANC indicated that at its May 13, 2008 meeting, the Commissioners voted unanimously, with a quorum present, in support of the application. In the letter dated June 6, 2008, the ANC indicated that the Applicant had presented the application to the ANC on four different occasions and that the ANC gave a "strong endorsement" of the project. (Exhibits 22, 23.)
34. Commissioner Dorothy Douglas testified on behalf of the ANC at the hearing on June 16, 2008.

PARTIES AND PERSONS IN SUPPORT

35. Councilmember Yvette Alexander submitted a letter in support of the application indicating that she was impressed with the Applicant's community outreach efforts and felt that the project was a "critical" component of the development of downtown Ward 7. (Exhibit 28.)
36. On June 3, 2008, the Watts Branch Alliance submitted a letter in support of the application into the record. It stated that the Parkside project was a "crucial opportunity for sustainable neighborhood development." (Exhibit 27.)
37. Green Communities for Enterprise Community Partners, Inc. submitted a letter in support of the application. They indicated that they were fully supportive of the

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project and its efforts the nation's only standard for green affordable housing. It provided the Applicant a grant to incorporate the Green Communities criteria into the project. (Exhibit 33)

38. No individual or entity was granted party status to testify in support of the application.

PARTIES AND PERSONS IN OPPOSITION

39. No individuals or parties testified or submitted evidence into the record in opposition to the application.

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 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 second stage 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 flexibility from theoretical lot requirements and the side and rear yard requirements 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 proposed PUD meets the minimum area requirements of 11 DCMR §2401.1.
5. The PUD is consistent with the first stage PUD, and Z.C. Order No. 05-28.
6. The Commission concludes that this project provides superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Subject Property would provide. The Commission finds

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- that the large amount of affordable housing provided in this project is a significant public benefit.
7. The Commission concludes the impact of the project is acceptable given the quality of the public benefits of the project. The proposed massing and heights of the buildings are appropriate. The Commission agrees with the conclusions of the Applicant's traffic and parking expert that the proposed project will not create adverse traffic or parking impacts on the surrounding community. The Commission further agrees with the Applicant that access via Benning Road is neither feasible nor necessary for the development of the PUD as a whole.
 8. Approval of the PUD and the PUD-related Zoning Map amendment is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP in this case and finds that the proposed project is consistent with and fosters numerous themes and elements of the Comprehensive Plan. Specifically, the Commission believes that the proposed project furthers the following themes: stabilizing the District's neighborhoods, increasing the quantity and quality of employment opportunities in the District, preserving and promoting natural amenities, respecting and improving their physical character, preserving and ensuring community input, providing for diversity, and promoting enhanced public safety.
 9. The Commission believes that the proposed PUD-related rezoning of the Subject Property to the C-3-A Zone District is appropriate given the superior features of the PUD project, the goals, and policies of the Comprehensive Plan, and other District of Columbia policies and objectives.
 10. The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse affects, and concludes approval is warranted.
 11. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The Commission concurs with ANC 7D's letters of support.
 12. 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 recommendations. The Commission concurs with OP's view that second-stage approval should be granted.
 13. Notice of the public hearing was provided in accordance with the Zoning Regulations.

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14. The Applicant 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 for the District of Columbia **ORDERS APPROVAL** of the application for second-stage review of the first phase of an approved planned unit development ("PUD") and Zoning Map amendment application from the R-5-A Zone District to the C-3-A Zone District for Lots 809, 814, 815, 818, 820, 823, and 824 in Square 5041. The approval of this PUD and Zoning Map amendment is subject to the following guidelines, conditions, and standards:

1. The second-stage PUD shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 3, 14, 15, 33, and 36 of the record, as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the plans and materials noted above, the approved PUD shall consist of 98 senior housing units and 112 townhomes. The senior housing facility on Block A shall consist of approximately 96,900 square feet of development, a 2.22 FAR, have a maximum height of 54 feet, and a lot occupancy of 51.6%.
3. In accordance with the plans and materials noted above, the approved PUD shall consist of 46 townhomes on Block B. The townhomes on Block B shall consist of 108,912 square feet of gross floor area, a 2.1 FAR, and have a maximum height of 47 feet.
4. In accordance with the plans and materials noted above, the approved PUD shall consist of 66 townhomes on Block C. The townhomes on Block C shall consist of 160,636 square feet of gross floor area, a 2.01 FAR, and a maximum height of 47 feet.
5. Twenty-five parking spaces shall be provided for the senior living facility and at least 136 parking spaces shall be provided for the townhomes.
6. The senior living facility will consist of at least 98 units that will be reserved for individuals with an income no greater than 60% of the area median income.
7. Forty-two townhouses will be reserved for buyers earning between 80% and 120% of the area median income.

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8. The owner shall pay 25% of the cost of a new pedestrian bridge to connect the PUD site to the Minnesota Avenue Metrorail Station, with its payment not to exceed \$3 million. The payment shall be made within 60 days after DDOT notifies the owner that DDOT has the legal authority to proceed with advertising a contract for the construction of the bridge, or within 60 days after the issuance of a building permit that would result in the aggregate FAR of the PUD exceeding the matter of right limit for the property, whichever is the first to occur.
9. The PUD shall: meet the sustainable criteria for LEED-ND, and the Senior Living Facility shall meet the Green Committee criteria. The owner shall submit a certification from the project architect that these criteria have been met prior to the issuance of a Certificate of Occupancy.
10. The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services prior to the issuance of a building permit for the PUD.
11. The PUD shall be valid until October 3, 2010, i.e. two years from the effective date of the order being corrected. Within such time, an application must be filed for a building permit for the construction of one of the buildings to be located on Blocks A, B, or C, and construction must start within three (3) years of the date of the effective date of this Order. The filing of the building permit application will vest this Order as to the building being constructed. An application for the final building permit completing the development of the PUD approved herein must be filed within three (3) years of the issuance of the final certificate of occupancy of the first building.
12. The owner shall 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, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;
 - b. 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
 - c. To make minor refinements to exterior details and dimensions, including balcony enclosures, 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.

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13. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, which is satisfactory to the Office of the Attorney General (“OAG”) 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 construct and use the Subject 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.
14. The change of zoning from the R-5-A Zone District to the C-3-A Zone District for the Subject Property shall be effective upon the recordation of the covenant discussed in Condition No. 10, pursuant to 11 DCMR §3028.9.
15. The owner is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, 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 owner 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 the reasons stated above, the Commission concludes that the Applicant has met the burden, it is hereby **ORDERED** that the application be **GRANTED**.

On July 14, 2008, the Zoning Commission **APPROVED** the application by a vote of 4-0-1 (Anthony J. Hood, Curtis L. Etherly, Jr., and Michael G. Turnbull to approve; Peter G. May to approve by absentee ballot; Gregory N. Jeffries, not having participated, not voting).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on September 8, 2008, by a vote of 4-0-1 (Anthony J. Hood, Michael G. Turnbull, Curtis, L. Etherly, Jr., and Peter G. May to adopt; Gregory N. Jeffries, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Corrected Order is deemed to have become final and effective *nunc pro tunc* as of October 3, 2008.

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