GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION ORDER NO. 942
Case No. 00-38C
(Consolidated Planned Unit Development for Frederick Douglass/Stanton "Henson Ridge" Hope VI Revitalization)
July 16, 2001

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on May 21, 2001, to consider an application from Frederick Douglass and Stanton Community Redevelopment, LLC and the D.C. Housing Authority (DCHA) for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Chapters 1 and 24 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. On December 15, 2000, the Frederick Douglass and Stanton Community Redevelopment, L.L.C. and the Housing Authority of the District of Columbia filed an application with the District of Columbia Zoning Commission for the consolidated review and one-step approval of a PUD for the property consisting of Lots 1-14 in Square 5880, Lots 1-26 in Square 5881, Lots 13-57 in Square 5882, Lots 1-22 and 825, 831, 835, and 836 in Square 5883, Lots 38-40, 43-57 in Square 5885, and Lots 27, 29, 31-59 in Square 5890. On February 12, 2001, the Zoning Commission decided to set down the application for hearing.

2. A description of the development, including a description of the subject property and notice of the public hearing were published in the D.C. Register on March 23, 2001, and were mailed to all property owners within 200 feet of the property as well as Advisory Neighborhood Commissions (ANC) 8A and 8B.

3. Under the PUD process of the Zoning Regulations, the Zoning 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, floor area ratio (FAR), lot occupancy, or 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 (BZA).

4. The subject property, now known as "Henson Ridge," is located in the Congress Heights area of Southeast Washington and is primarily improved with two existing housing projects, Frederick Douglass Dwellings and Stanton Dwellings. These properties are under the control of the District of Columbia Housing Authority.

5. The subject property is comprised of 50.33 acres (2,192,458.67 square feet) of land area. It is located southeast of Johnson Junior High School, north of Camp Simms and Parklands, and south of the Suitland Parkway. The property is bounded by 15th Place, S.E. on the west; Bruce Place, S.E. on the north; Stanton Terrace, S.E. on the east; and Alabama Avenue, S.E. on the south.

6. The property is situated in Ward 8 and is designated within the moderate density residential land use category in the Comprehensive Plan Act of 1984, as amended, and the Land Use Map.

7. The eastern half of the property comprises the former Frederick Douglass Dwellings. Frederick Douglass Dwellings, a 302-unit complex built as temporary housing for World War II workers, is vacant. Demolition of these structures was in process at the time of the public hearing. Across Stanton Road on the west is Stanton Dwellings, a 348-unit deteriorated complex that provides housing for its residents, virtually all of whom are very low-income. Following the relocation of the Stanton residents, demolition of these structures is scheduled to occur. Situated between these two halves of the site are Turner Elementary School and the Preschool Center, which are not part of the PUD.

8. The D.C. Housing Authority has acquired additional adjacent properties that were not a part of the original Frederick Douglass Dwellings or Stanton Dwellings. Three additional parcels are located north of the Preschool Center on Stanton Road, S.E. (Lots 825, 835, and 836, Square 5883). The fourth lot (Lot 831, now known as Lot 31, Square 5883) was under negotiation for acquisition by the D.C. Housing Authority at the time of the public hearing and is expected by the Housing Authority to be acquired in the near future. These parcels are currently improved with residential dwellings that will be demolished and developed as shown on the plans submitted by the Applicant and therefore are included within the PUD site.

9. The subject property is currently zoned R-5-A. The applicant seeks no change to the zoning district classification.

10. The R-5-A District permits matter-of-right development of single-family residential uses for detached and semi-detached dwellings and, with the approval of the BZA, low density development of general residential uses including row

houses, flats, and apartments to a maximum lot occupancy of 40% (60% for churches and public schools), a maximum FAR of 0.9, and a maximum height of three (3) stories/forty (40) feet. Under the PUD guidelines for a development in the R-5-A District, the Zoning Regulations allow a maximum lot occupancy of 40%, FAR of 1.0, and height of sixty (60) feet (11 DCMR 2405); provided, that the Zoning Commission may authorize deviations for good cause.

11. The subject property is proposed to be developed with 600 units of housing with a maximum 1,267,883 square feet of gross floor area and a maximum total FAR of 0.86 and maximum total lot occupancy of 37%. All of the new structures will be constructed at a maximum height of forty (40) feet or less. The majority of the buildings will be two-story semi-detached and row houses, with 42 one-story semi-detached bungalows and 28 units of stacked flats. The development will include off-street parking for 638 vehicles. As the result of the omission of Lots 60 and 61, the number of housing units in the PUD site is 579, the amount of gross floor area is 1,223,535 square feet, the FAR is 0.86, the lot occupancy is 36% and the number of off-street parking spaces is 617 and the number of total parking spaces is 1,251.

12. In addition, the project will include two non-residential buildings, a Leasing Center containing 2,300 square feet of gross floor area and one story in height, and a Business Development Center containing 1,200 square feet of gross floor area and one story in height. The Leasing Center is a new building to be located on the northeast corner of Alabama Avenue, S.E. and Stanton Terrace, S.E. The entrance faces Alabama Avenue. A total of four (4) parking spaces are provided in the rear of the Leasing Center for employee and visitor parking. The existing Stanton Community Center building at the northwest corner of Alabama Avenue, S.E. and Stanton Road, S.E. will be rehabilitated to house the Business Development Center. The entrance faces Alabama Avenue. A total of four (4) parking spaces currently exist, and will be continued under the PUD plans, behind the building accessed by the driveway off of Stanton Road.

13. The proposed project includes the following public benefits and project amenities:
    a. Urban design, landscaping, and open space features which are significant improvements over current conditions;
    b. Site planning and efficient and economical land utilization resulting in the realignment of several streets to an urban grid pattern;
    c. Effective and safe vehicular and pedestrian access, transportation management measures, accessibility to public transit service, and other measures to mitigate adverse traffic impacts;
    d. Employment and training opportunities;
    e. Housing and affordable housing;
    f. Social services/facilities;

g. Environmental benefits, such as storm water runoff controls and preservation of open space and trees;
h. Creation or retention of approximately 250 jobs in the District, of which approximately 35% are expected to be held by District residents; and
i. Approximately $90 million in direct development spending yielding $180 million to $270 million in indirect spending.

The Zoning Commission finds that the impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities is acceptable given the significance, quantity and quality of public benefits cited above.

14. The proposed PUD will be financed by leveraging approximately $30 million of HOPE VI funds to generate an additional $60 million of public and private funding. The project relies on resources that have been firmly committed, including $8 million from the District of Columbia government, $2 million from the D.C. Housing Authority, and up to $50 million dollars in tax-exempt bonds through the D.C. Housing Finance Agency, private equity, and other sources of funds.

15. The design and character of the individual dwelling units have been crafted to provide an animated, pedestrian-oriented environment and one that is rooted in Anacostia's traditions. Colonial, Victorian, and Craftsman styles of architecture, found in older neighborhoods of Anacostia, will be interspersed throughout the project. Features such as porches and stoops will provide more opportunities and places for residents to mingle with their neighbors and monitor activities in the streets.

16. Of the 600 units planned for the new community, 320 units will be sold either on a fee-simple basis or through the Section 8 home ownership program. For-sale housing is particularly important in this Ward 8 neighborhood, which has the lowest percentage of owner-occupied units in the District of Columbia. Taking advantage of a broad array of housing finance tools and an aggressive equal opportunity program, home ownership will be made available to a wide spectrum of families, including households with very low-incomes.

17. Approximately 115,957 square feet of the site will be devoted to open space (excluding new interior roads), which will be developed within the PUD site. A significant portion of the open space will consist of three landscaped park areas, collectively comprising 56,812 square feet. These new parks are located on both sides of the site, away from traffic, and in areas that will save existing stands of trees. These parks will provide recreational space for the residents. Additional open space is provided at two groupings of senior bungalows. The bungalows,

situated around courts, will foster relationships among the elderly residents for whom they are planned. In addition, an improved "parklike" approach to Frederick Douglass Park is provided from Bruce Court, which consists of 4,956 square feet.

18. Traffic and parking issues are addressed by improving the street system within the PUD site and providing for substantial off-street parking. The proposed development will involve the abandonment of portions of several streets (Frederick Place, Robinson Street, and the intersection of Stanton Terrace and Bruce Place) along with the creation and dedication of new streets in a grid pattern that realigns the above-referenced streets and intersection. The result of this realignment will be an urban grid pattern, divided into typical residential city blocks having improved circulation and traffic flow. Some streets have been narrowed to foster traffic "calming" and pedestrian safety. The community will be provided with a total of approximately 1,272 parking spaces, split almost evenly between on-street and off-street spaces. The project exceeds the required 1:1 parking ratio by providing approximately 638 off-street spaces. The proposed development is also in close proximity to the Congress Heights Metrorail Station. The number total parking spaces on the PUD site are 1,251 and the off-street spaces are 617.

19. The Applicant worked closely with the community in the creation of the development concept and in the preparation of detailed plans over a three-year period. Closely involved in numerous facets of the PUD project, the Frederick Douglass/Stanton Dwellings Steering Committee includes six resident representatives and two alternates who are current or former tenants of Frederick Douglass or Stanton Dwellings. Other Steering Committee members include representatives from the DC Housing Authority, DC government, the developer, and the community at large. The Steering Committee meets monthly and conducts quarterly Community Task Force meetings in the neighborhood to facilitate contact with the broader community. Four subcommittees – demolition, design and construction; relocation and re-entry; community support services; and community development and infrastructure – also meet monthly to work on specific issues.

20. As a HOPE VI Project, the development will foster self-sufficiency among, and create job opportunities for, public housing and other local residents. The social service needs of former Frederick Douglass and current Stanton Dwellings residents have been addressed by the Applicant. Residents will receive opportunities to increase their educational achievement levels. The Applicant has also committed to building resident leadership capacity and promoting economic development from within the new community. With its own locally raised funds, the Applicant began a family self-sufficiency program in 1999 and, as a result, 61

residents have secured full-time employment in living-wage jobs. Capital City Associates, the Applicant's team member responsible for community and supportive services, has secured commitments for 770 jobs for residents who complete the requisite job training.

21. Environmental reports prepared for Frederick Douglass and Stanton Dwellings identified 30 suspected underground storage tanks (USTs) on the Frederick Douglass portion of the site. The removal and disposal of 30 USTs on the Frederick Douglass site was included in the demolition and environmental remediation contract let to HRGM Corporation in September 2000. Thirty-three 250-gallon tanks were found. The contractor completed excavations in March 2001 and removed all USTs and was ordered to await third-party testing for soil contamination. Soil testing performed in March 2001 and April 2001 indicated a single sample out of eleven exceeding the D.C. Municipal Regulations Tier 0 Standard for petroleum hydrocarbons, gasoline range organics or diesel range organics. A proposal for the removal of contaminated soil was expected by the Applicant subsequent to the public hearing. All remediation, removal, and disposal will be completed during the demolition phase according to D.C. and Federal guidelines under the supervision of the environmental compliance officer of the D.C. Housing Authority.

22. The Applicant proposes to use the following types of lighting fixtures: Washington DC standard Globe fixtures on 15 or 20 foot fiberglass poles as streetlights, Washington DC standard Cobra fixtures on 20 foot wood poles as alley lighting, residential exterior incandescent fixtures for row houses and bungalows, and commercial exterior incandescent fixtures for the leasing center and business improvement center.

23. Community signage proposed by the Applicant is of the following type: masonry construction approximately three feet six inches (3' 6") to four feet (4') in height and six to seven feet (6'- 7') feet in width. Ten to twelve inch (10"-12") high lettering will be placed on a contrasting stone, concrete or similar face. Any illumination of the sign will be in accordance with District of Columbia regulations.

24. The Applicant proposed a construction phasing plan for the development that includes 14 phases. The first phase is tentatively scheduled to begin in August 2001. Subsequent phases are anticipated to proceed in two-month increments thereafter with the final phase starting in March 2003. The proposed construction completion date is December 31, 2003.

25. The Applicant sought zoning relief under the PUD regulations to allow for flexibility in the form of deviations from the maximum FAR, lot occupancy, side

yard, and rear yard requirements for individual lots within the PUD development. Such deviations are necessary because, even though the development as whole does not exceed the allowed 1.0 FAR and 40% lot occupancy, housing units on individual lots do (or, in some instances may) exceed these requirements because of (i) the narrow or substandard shape of some of the lots, (ii) difficult and unusual topographical conditions of portions of the site, and (iii) decisions by certain homeowners to add garages, basements, bedrooms, sunrooms, bay windows, or extensions in floor area to their individual units in conjunction with, and at the time of, the purchase of such units.

26. The Applicant also requested special exception relief for the use of the Business Development Center and the Leasing Center. The Leasing Center is necessary for marketing the development and will later be used for property management and maintenance operations. The Leasing Center will operate daily from 9:00 a.m. to 6:00 p.m. and other times when emergencies require. The Leasing Center will employ up to ten persons (full and part-time). The Business Development Center is currently used as the Stanton Community Center and will be used in the future as a business development incubator and community outreach programs. The Business Development Center will operate six days per week from 9:00 a.m. to 6:00 p.m., or as demand would necessitate, and employ four to six persons.

27. The District of Columbia Office of Planning (OP), by memorandum filed May 11, 2001 recommended approval of the application, with the proposed conditions on flexibility, as consistent with the Comprehensive Plan and the PUD evaluation standards of section 2400. On the Comprehensive Plan, OP determined that the application promotes the goals under sections 712.1 for urban design, 1100.2 and 1104.4 for land use, and 1901.1 and 1909.1 of the Ward 8 Plan. OP concluded the several exceptional merits of the development justify consideration of the PUD and the application has an exceptionally high ratio of benefits to flexibility requested. It further concluded that the project is within the overall limits of 1.0 FAR and 40% lot coverage under matter-of-right zoning, even if every optional add-on were built.

28. The Department of Public Works (DPW), by memorandum filed May 21, 2001 concluded that the proposed PUD will have no significant impact on the transportation system in the area. DPW determined that the amount of off-street parking, which exceeds the amount required by the Zoning Regulations, will be adequate to accommodate the project and minimize parking spillover into the neighboring residential area. DPW granted a waiver of the D.C. standards for right-of-way widths and street widths, as requested by the Applicant, given the limited and predominately residential use of the proposed roadways. This waiver letter is attached to the DPW report, marked as Exhibit 42. DPW commented that when its Division of Transportation assumes responsibility for the dedicated

right-of-way, it would enact the measures it considers necessary to ensure safety, which may include speed restrictions, parking restrictions, and other actions as determined by DPW.

29. The National Park Service (NPS) by letter filed May 21, 2001 recommended support for the application, marked as Exhibit 29. Mr. John Hale, Superintendent, National Capital Parks-East, stated that the proposed development is located near and around Frederick Douglass Park and that the NPS has worked cooperatively with the development team, DC Housing Authority, and the DC Department of Recreation and Parks so that the development will be coordinated with NPS to ensure that the park is not impacted.

30. The Zoning Commission finds that the proposed PUD is not inconsistent with the Comprehensive Plan and with other public policies and active programs based on the record and the reports by OP, DPW, and NPS referenced in the findings above.

31. Advisory Neighborhood Commissions 8A and 8B recommended their support of the application, marked as Exhibits 27 and 33, respectively. ANC 8A at a public meeting on May 17, 2001 voted by majority to support the application after discussing issues concerning distribution of the rental and homeownership units throughout the development, variances, and environmental review. ANC 8B at a public meeting on April 30, 2001 voted unanimously to support the application.

32. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by action dated July 3, 2001, found that the proposed consolidated PUD would not adversely affect the federal establishment or other federal interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

33. On July 12, 2001, the Office of Zoning determined that Lots 60 and 61 in Square 5890 were omitted by the applicant on the application form from the list of properties for which approval was sought under the consolidated PUD. The two lots were not included within the properties listed in the notice of public hearing nor in the Applicant's filing form. Lots 60 and 61 in Square 5890 are located in the interior of the PUD site (i.e., within its outer boundary) and were depicted on all plats and plans submitted by the Applicant and included in all plats and plans reviewed by public agencies, private utilities, Advisory Neighborhood Commissions 8A and 8B, and all community organizations. There has not been sufficient time for the parties to indicate a position with respect to whether the Commission can include the omitted lots in this order. The applicant has

indicated, upon issuance of this order by the Zoning Commission, it would file an application for a minor modification to an approved PUD in order to include Lots 60 and 61[1]. Under these circumstances the Commission does not think it prudent to include Lots 60 and 61 in Square 5890 in the approved PUD. As a result, the property that constitutes the PUD site as approved in this order does not include 37, 143.62 square feet (i.e., the area of Lots 60 and 61 in Square 5890). Such PUD site, as modified, is therefore comprised of 2,192,458.67 square feet of land area (as opposed to 2,229,602.29 as originally indicated in the application). The omission of Lots 60 and 61 from the approved PUD site does not affect the other Findings of Fact set forth above or the Conclusions of Law and Decision set forth below with respect to all other lots contained with the approved PUD site (as modified) and does not affect the approval of the application with respect to such other lots.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.

2. 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.

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. Under the PUD process of the Zoning Regulations, the Zoning 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, FAR, lot occupancy, or yards and courts. The Zoning Commission may

[1] In noting this, the Commission takes no position as to whether the minor modification process is available, but will consider the matter following receipt of the request and after hearing from the parties.

also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.

5. The approval of this PUD is not inconsistent with the Comprehensive Plan.

6. The proposed PUD meets the minimum area requirements of 11 DCMR 2401.1.

7. The approval of this PUD application is appropriate because the application is consistent with the present character of the surrounding area.

8. The proposed application can be approved with conditions, which ensure that the development will enhance the neighborhood and ensure neighborhood stability.

9. The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

10. The Zoning Commission has accorded to Advisory Neighborhood Commissions 8A and 8B the "great weight" to which they are entitled.

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 this application for consolidated review of a planned unit development for Lots 1-14 in Square 5880, Lots 1-26 in Square 5881, Lots 13-57 in Square 5882, Lots 1-22 and 825, 831, 835, and 836 in Square 5883, Lots 38-40, 43-57 in Square 5885, and Lots 27, 29, 31-59 in Square 5890. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the plans prepared by the architectural firms of Torti Gallas and Partners CHK, Inc. and Burke, Smith & Associates, P.C., and the landscape architecture plans by the engineering firm of STV Incorporated, marked as Exhibits 15, 23, 34 and 46, as modified by the guidelines, conditions, and standards of this order.

2. The PUD development shall be a new housing development consisting of 600 housing units, to include single-family, semi-detached, and row house buildings, housing units for the elderly, a leasing center, and a business development center.

3. The total floor area ratio (FAR) of the development as a whole shall not exceed 1.0 and the maximum lot occupancy of the development as a whole shall not exceed 40%.

4. The maximum height of all buildings within the PUD shall not exceed 40 feet.

5. The Business Development Center shall be used as a business development incubator and for community outreach programs and activities. The Business Development Center may operate these programs for the Henson Ridge residents generally Monday through Saturday from approximately 9:00 a.m. to 6:00 p.m. and employ approximately four to six persons. The Leasing Center shall be used for marketing the development and property management and maintenance operations. The Leasing Center may operate daily from approximately 9:00 a.m. to 6:00 p.m., and other times when emergencies require, and employ up to ten persons (full and part-time).

6. The development shall provide off-street parking for 638 vehicles, as shown on the Parking Analysis plans marked as Exhibit 15, Tab A, Plan T-3.

7. Exterior materials for the residential units shall include: brick veneer, vinyl siding, aluminum wrapped spruce and PVC trim, and asphalt roof shingles as depicted on Exhibit 49, Tab C.

8. The applicant shall have flexibility with respect to the following:

    a. To vary the location and design of all interior components of the buildings including varying the floor plans of the one-family housing units, senior bungalows, the Leasing Center, and the Business Development Center.

    b. To substitute any approved one-family dwelling unit type for another approved one-family dwelling unit type within row house clusters.

    c. To allow the construction of "add-on" features that individual purchasers may select for their units or the Applicant may select for some or all of the rental units, such as optional garages, sunrooms, bay windows or extensions, and concomitant adjustments to the FAR, lot occupancy and yard requirements for such individual lots; provided, however, that the project in its entirety shall not exceed an overall FAR of 1.0 and an overall lot occupancy of 40% and, further provided, that no building on any individual lot shall exceed a lot occupancy of 75%, have a side yard of less than five (5) feet (except for fifteen percent (15%) of the lots which may have side yards ranging from seven (7) feet to one (1) foot at the narrowest point), and have rear yards of less than fifteen (15) feet (except for four (4) lots which may have yards ranging from fifteen (15) to ten (10) feet).

    d. To make minor adjustments:

(1) In the facade and fenestration detailing of the buildings provided, however, that no reduction in the amount of brick panel facing greater than 5% shall be allowed from the five (5) units with brick sides and fronts and the fifty-seven (57) units with brick fronts as shown on the Facade Types Distribution Plan dated March 26, 2001, marked as Exhibit 34;

(2) In the type of exterior lighting fixtures, provided that no glare from any such fixtures shall occur on any property outside of the PUD site and all fixtures located within any streets or alleys proposed to be dedicated to the District of Columbia shall be approved by DPW;

(3) In the location and appearance of all signage for the project, provided that no lettering shall be larger than the lettering shown on Exhibit 49, Tab D, no signs shall be located on one-family dwellings unless they comply with section 203 of the Zoning Regulations and all signs on the Business Development Center or Leasing Center shall comply with section 2506 of the Zoning Regulations.

9. The applicant shall establish a community management association which includes a design review entity that has the capability, experience, and authority to review the architectural design and materials of all building additions, substantial exterior renovations and all new construction (including garages, storage sheds, and similar improvements) proposed by any homeowner or any other property owner within the PUD site not specifically authorized by this order. The design review entity shall keep complete and accurate records of the FAR, lot occupancy and side and rear yards of all such lots prior to, and subsequent to, the construction of any such additions or any new construction and shall make such records available to the Zoning Administrator upon request. The community management association shall transmit the records of the cumulative FAR and lot coverage totals to the Zoning Administrator quarterly during the construction phasing period and annually thereafter. The community management association shall ensure that the limitations on FAR, lot occupancy, building height and side and rear yards and the other requirements that pertain to use, design, and materials of the buildings authorized by this order are enforced. Such responsibility shall not limit the power and authority of the Zoning Administrator to enforce this order.

10. The construction of the PUD development may occur in 14 different phases as shown on Exhibit 23, Tab 5. The Applicant shall have the flexibility to substitute

any one phase for any other phase provided, however, that all construction (other than "add-on" features selected by individual homeowners) shall be completed within forty-eight (48) months of the effective date of this order.

11. All streets and alleys proposed by the Applicant to be dedicated to the District of Columbia shall be constructed in accordance with DPW specifications for public streets and alleys as delineated in Exhibit 42.

12. The applicant shall enter into a First Source Employment Agreement with the Department of Employment Services (DOES), marked as Exhibit 40.

13. The applicant shall enter into a Memorandum of Understanding with the D.C. Office of Local Business Development, marked as Exhibit 39.

14. Pursuant to 11 DCMR 2409.3, no building permit shall be issued for this planned unit development until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs (DCRA). This covenant shall bind the applicant and all successors in title to construct on and use the subject property in accordance with this order, or any amendment thereof.

15. The Office of Zoning shall not release the record of this case to the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs (DCRA) until the Applicant has filed a certified copy of the covenant with the records of the Zoning Commission.

16. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application shall be filed for a building permit as specified in 11 DCMR 2408.8 and 2409.1. Construction shall start within three years of the effective date of this order.

17. Pursuant to D.C. Code § 1-2531 (1991), section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the Applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified at D.C. Code, Title 1, Chapter 25 (1991). Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the Applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at its public meeting on June 11, 2001: by a vote of **3-0-2** (Anthony J. Hood, Carol J. Mitten, and Peter G. May, voting to **approve**, Kwasi Holman, not present, not voting, John G. Parsons, not voting, not having heard the case).

The order was adopted by the Zoning Commission at its public meeting on July 16, 2001, by a vote of **3-0-2** (Anthony J. Hood, to **approve,** Carol J. Mitten, and Peter G. May, voting to **approve** by proxy, John G. Parsons and James H Hannaham not voting, not having heard the case).

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 AUG 10 2001.

CAROL J. MITTEN
Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning