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D.C. OFFICE OF ZONING
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August 20, 2009

Hand Delivered

Anthony Hood
Chairperson
D.C. Zoning Commission
441 Fourth Street, NW Second Floor
Washington, D.C. 20001

Re: Motion to Reconsider Condition No. 16, Zoning Commission Case No. 08-15, Friendship Shopping Center PUD and Map Amendment

Dear Chairperson Hood:

Pursuant to Section 3029 of the Zoning Regulations, the Applicant in the above-captioned application respectfully requests that the Commission reconsider Condition No.16 of Zoning Commission Order No. 08-15. That condition reads:

“16. The Applicant shall also fulfill any other commitment or promise it made as referenced in the findings of facts above, even if not specifically stated in one of the above conditions.”

The Applicant is committed to ensuring that all proffered benefits, amenities and mitigation measures that it proposed as a part of this application are fully are provided when the PUD is implemented. However, the Applicant is concerned that Condition No. 16, as written, is vague and will pose a problem for both the Applicant and the Office of the Zoning Administrator when it processes the project's building permit applications. The Applicant believes that Condition No.16 should be more definitive so that the Zoning Administrator, in assessing compliance with the PUD Order during review of a building permit or certificate of occupancy, has measureable standards to evaluate.

ZONING COMMISSION
District of Columbia

CASE NO.

08-15

EXHIBIT NO.

283

ZONING COMMISSION
District of Columbia
CASE NO.08-15
EXHIBIT NO.283

The Applicant thus, proposes a revised condition to read:

16. In addition to the other requirements of the Conditions of this Order, the Applicant shall also fulfill other public benefits and amenities proffered as detailed in Finding of Fact No. 60, as follows:

- a. The affordable housing commitment as described in Condition No. 6 shall be a minimum of 10% of the gross floor area of the residential portion of the project which is approximately 16,480 square feet;
- b. Implementation of the recommendations of the Applicant's noise consultant regarding the grocery store loading area, as detailed in Exhibit B of Exhibit 46 of the record;
- c. Public space improvements shall be constructed as shown on the approved plans, including special paving features along Newark Street, subject to review and approval by the District Department of Transportation;
- d. The Applicant shall provide the public spaces as shown on the approved plans including a tree-canopied space (open to the public) on the north side of Newark Street and a public plaza at the intersection of Wisconsin and Idaho Avenues; and
- e. The grocery store shall be constructed with energy-efficient sustainable features equivalent to the features detailed on pages 13-14 of Exhibit 3 of the record.

The proposed Condition No. 16 would continue to ensure that all of the Applicant's commitments will be honored, yet also provide a clear framework for review by the Zoning Administrator.

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The Applicant appreciates the Commission's careful consideration of this limited request for reconsideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Phil Feola", with a long horizontal flourish extending to the right.

Phil Feola

A handwritten signature in black ink, appearing to read "David Avitabile", with a stylized, cursive script.

David Avitabile

cc: Lucy Wildrick

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Reconsider Condition No. 16 was delivered by hand delivery on August 20, 2009, to the following addresses:

Maxine Brown-Roberts
D.C. Office of Planning
2000 14th Street, NW, 4th Floor
Washington, DC 20009

Cleveland Park Citizens Association
c/o George Idelson, President
3035 Newark Street, NW
Washington, DC 20008

Jeff Jennings
District Department of Transportation
2000 14th Street, NW, 6th Floor
Washington, DC 20009

3300 Idaho
c/o Thomas J. Haines
3315 Idaho Avenue, NW
Washington, DC 20016

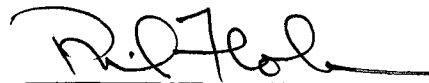
Anne Marie Bairstow, Chair, ANC 3C
2802 27th Street, NW
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Immediate Macomb Street Neighbors
c/o Frances A. Sclafani
3815 Macomb Street, NW
Washington, DC 20016

Advocates of Wisconsin Avenue
Renewal
c/o Jeffrey S. Davis
3409 Newark Street, NW
Washington, DC 20016

Wisconsin-Newark Neighborhood Coalition
c/o John O'Sullivan
3410 Newark Street, NW
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Ordway Street Neighbors Association
c/o David Isaacs
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Phil Feola