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February 12, 2010

By Hand Delivery

Diana L. Herndon
(202)663-8885
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Mr. Richard Nero
Office of Zoning
441 4th Street, N.W.
Room 200
Washington, D.C. 20001

Re: Z.C. Order No. 09-08

Dear Mr. Nero:

In connection with the anticipated recordation of the PUD Covenant regarding ZC Case No. 09-08, this is a request that you certify that the attached copy of the above-referenced Zoning Commission Order is a true and complete copy. I have enclosed a check in the amount of \$15.00 for the certification fee.

Please call me at (202)663-8885 when the certification is complete so I can arrange to have it picked up. Thank you for your help with this matter.

Sincerely,

Diana L. Herndon
Real Estate Development Analyst

**ZONING COMMISSION
District of Columbia**

CASE NO. 09-08
EXHIBIT NO. 45

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

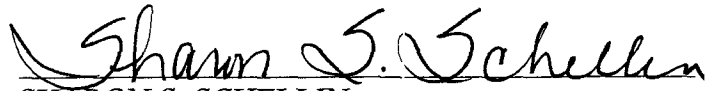


February 16, 2010

Re: Z.C. Case No. 09-08 – Brookland Artspace Lofts, LLC

To Whom It May Concern:

I hereby certify that attached hereto, and bearing my initials in red ink in the lower right corner of each page, is a true copy of Zoning Commission Order No. 09-08 – consisting of 17 pages – of the official record of the Zoning Commission for the District of Columbia in Z.C. Case No. 09-08.


SHARON S. SCHELLIN
SECRETARY TO THE ZONING COMMISSION

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

ZONING COMMISSION ORDER NO. 09-08

Z.C. Case No. 09-08

Brookland Artspace Lofts, LLC

(Consolidated Approval for a Planned Unit Development for Property Located in Square 3831, Lot 47 ("Northern Parcel") and First-Stage Approval for Property Located in Square 3832, Lot 803 and a One Block Portion of Kearny Street ("Southern Parcel") (Northern Parcel and Southern Parcel Collectively Referred to as, "Property") and PUD-Related Map Amendment for Property)

October 19, 2009

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on July 23, 2009, to consider an application from Brookland Artspace Lofts, LLC ("Applicant") for consolidated review and approval of a planned unit development and related zoning map amendment for property located at 3305-3313 8th Street, NE (Square 3831, Lot 47) ("Northern Parcel") and First-Stage review and approval of a planned unit development and designation of the appropriate zoning classification for property located at 3225 8th Street, N.E. (Square 3832, Lot 803) and a one-block portion of Kearny Street immediately east of 8th Street, N.E. (collectively, "Southern Parcel"). The Zoning Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia 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. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

The Application and Procedural Action

1. The project site consists of Square 3831, Lot 47 and Square 3832, Lot 803 ("Property"). The Property is bounded by 8th Street, N.E. to the west, railroad tracks to the east, and private property to the north and south. The Property is bisected by Kearny Street, which dead-ends at the railroad tracks. The Property is approximately one quarter mile from the Brookland/CUA Metrorail Station. In total, the Property is approximately 25,017 square feet in size. The Northern Parcel has a land area of approximately 14,375 square feet, the parcel south of Kearny Street is approximately 6,727 square feet in size and Kearny Street consists of approximately 3,915 square feet. (Exhibit 4, pp. 3-4; Exhibit 25, pp. 2-4.)
2. The Applicant initially filed its application on April 20, 2009. (Exhibit 4, Exhibit C.) It was set down for a public hearing at the Commission's public meeting on May 11, 2009.

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