GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16387-A of Square 456 Associates, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception under subsection 411.11 to allow roof structures not meeting the normal setback requirements, and for a variance from subsection 1706.23(g) to permit commercial development to proceed prior to the issuance of the certificate of occupancy for permitted off-site affordable housing, for the construction of an office, arts, retail and housing development in a DD/C-4 District at premises 625-627 E Street, N.W., and 620 and 626 F Street, N.W., and 501-507 and 511-517 7th Street, N.W.(Square 456, Lots 37, 39, 868 and 869).

HEARING DATE: September 2, 1998

DECISION DATE: September 2, 1998 (Bench Decision)

FINAL ORDER: December 3, 1998

FIRST MODIFICATION ORDER: November 16, 2000

SECOND MODIFICATION ORDER: July 12, 2001

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THIRD MODIFICATION ORDER

This matter is before the Board of Zoning Adjustment pursuant to a request filed on November 5, 2001, by the Applicants, 575 7th Street LLC and 675 E Street LLC, successors in interest to Square 456 Associates, on behalf of Golden Rule Plaza, Inc. ("Golden Rule Plaza"), the beneficiary of housing linkage funds provided by the applicants pursuant to § 1706.23, to modify one of the terms of the Second Modification Order, issued by the Board on July 12, 2001, in Application and Order No. 16387. The requested modification provides an additional one-year extension of time, until December 3, 2002, for Golden Rule Plaza to settle on construction financing and draw down the balance of the housing linkage funds held in escrow. The applicants have also requested an additional one-year extension, from April 2, 2002 to April 2, 2003, for the guarantee proffered by the Department of Housing and Community Development ("DHCD") to repay $250,000 to the escrow account by if adequate project funding is not secured by Golden Rule Plaza by December 3, 2002.

The request was reviewed at the Board's December 4, 2001 public meeting. The affected Advisory Neighborhood Commission ("ANC"), ANC 2C, at a regularly scheduled

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meeting, with a quorum present, voted to support the request for modification. The Board also received letters in support of the modification request from Ward Two Councilmember Jack Evans, DHCD, and the Downtown Cluster of Congregations.

After reviewing the request for modification and the supporting materials, the Board determined that the request should be granted.

The Board notes that the current Board members have reviewed the record in the initial application and the instant request for modification.

It is therefore **ORDERED** that the **Second Modification Order** in this case, date July 12, 2001, is **MODIFIED** as follows:

> The time for Golden Rule Plaza to settle on its construction financing and to draw down the funds held in escrow is extended until December 3, 2002.
>
> Further, if adequate project funding is not secured by Golden Rule Plaza by December 3, 2002, DHCD will repay the $250,000 released to Golden Rule Plaza pursuant to this Order in the escrow account by April 2, 2003.

In all other respects, the previous Order of the Board shall remain in full force and effect.

DECISION DATE: December 4, 2001

VOTE: 4-0-1 (Carol J. Mitten, Anne M. Renshaw, David W. Levy and Geoffrey H. Griffis to grant, the third mayoral appointee not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JAN - 9 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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As Director of the Office of Zoning, I hereby certify and attest that on JAN - 9 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr., Esq.
Dennis R. Hughes, Esq.
Holland & Knight, LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

B. Michael Rauh
Manatt, Phelps & Phillips
1501 M Street, N.W., Suite 700
Washington, D.C. 20005-1702

Milton Bailey, Director
Department of Housing and Community Development
801 North Capitol Street, N.E.
Washington, D.C. 20002

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
Terrell Junior High School
1st and Pierce Streets, N.W.
Washington, D.C. 20001

Doris Brooks, Commissioner
Single Member District Commissioner 2C03
Advisory Neighborhood Commission 2C
Terrell Junior High School
1st and Pierce Streets, N.W.

Washington, D.C. 20001

Jack Evans
City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Toye Bello
Acting Zoning Administrator
Building and Land Regulation
Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director