Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 00-38A

As Secretary to the Commission, I herby certify that on AUG - 5 2005 copies of this Z.C. Order No. 942-B were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

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8. Ken Laden, DDOT

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ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Acting Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia
CASE NO. 00-38A
EXHIBIT NO. 5

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION ORDER NO. 942-B
Z.C. Case No. 00-38A
(Minor Modification to the Consolidated Planned Unit Development for Fredrick Douglass/Stanton "Henson Ridge" Hope VI Revitalization)
May 9, 2005

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on May 9, 2005. At the meeting, the Zoning Commission approved an application from the Fredrick Douglass and Stanton Community Redevelopment, L.L.C. and the Housing Authority of the District of Columbia (the "Applicant") for a minor modification to an approved planned unit development ("PUD") for property consisting of Lots 1-14 in Square 5880; Lots 1-26 in Square 5881; Lots 13-57 in Square 5882; Lots 1-22, 825, 831, 835, and 836 in Square 5883; Lots 38-40 and 43-57 in Square 5885; and Lots 27, 29, and 31-61 in Square 5890. Because the modification was deemed to be minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Zoning Commission Order No. 942-A, dated September 17, 2001 ("Order"), the Commission approved a PUD for multiple properties in Squares 5880, 5881, 5882, 5883, 5885, and 5890, being the sites of the former Frederick Douglass Dwellings and Stanton Dwellings public housing projects. The Order approved the construction of a 52-acre HOPE VI community redevelopment project that comprises a total of 600 units of housing, including 530 two-story semi-detached and row houses, forty-two (42) one-story semi-detached bungalows, and twenty-eight (28) units of stacked flats. The project is known as "Henson Ridge". The redevelopment plan also provides for closing of several streets and alleys and the creation of new streets and alleys. The zoning of the subject property is R-5-A.

The Applicant requested a modification of the Order that would extend the deadline for completion of construction of the Henson Ridge Project. The current Order requires construction to be completed by November 16, 2005. In conjunction with the request for a minor modification, the Applicant advised the Commission that only half of the 600 units of housing would be completed by the prescribed deadline.

In support for its request for a minor modification, the Applicant stated that the project has been delayed due its large size and a number of complexities associated with development and construction processes. Some of the factors contributing to this delay include: significant site preparation (such as the razing of 186 buildings), the survey of 602 new lots, street and alley

closings, and the construction of infrastructure for 600 housing units. Obtaining the appropriate financing and HUD approvals required for the project also took longer than anticipated.

There was no opposition to this minor modification request. Advisory Neighborhood Commissions 8B and 8E were served by Applicant with notice of the requested modification. No written comments from either ANC were received by the Commission. The Office of Planning ("OP") was also served by Applicant. No written report from OP was received by the Commission.

On May 9, 2005, at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and granted approval of the application for a minor modification to the approved PUD.

The Zoning Commission believes that approving the modification is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Zoning Commission finds that the proposed modification is minor and consistent with the intent of the previously approved Zoning Commission Order No. 942-A. Further, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

The approval of the modification is not inconsistent with the Comprehensive Plan. Additionally, the proposed modification provides the Applicant with a sufficient amount of time to complete construction of the project.

The modification is sufficiently minor that consideration as a Consent Calendar item without a public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of an approved PUD. Condition No. 10 of Z.C. Order No. 942-A is hereby revised to read, "The construction of the PUD development may occur in fourteen (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 by December 31, 2008, barring unforeseen circumstances beyond the Applicant's reasonable control." All other provisions and conditions of Z.C. Order 942-A shall remain in effect.

In furtherance of 11 DCMR § 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor modification until the Applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 942-A among the land

records of the District of Columbia. The Notice of Modification shall include true copies of Zoning Commission Order No. 942-A and this Order (Zoning Commission Order No. 942-B). The recordation of the Notice of Modification shall bind the Applicant and any successors in title to construct on and use the site in accordance with this Order and any amendments thereof. Because construction on this project is in progress, this minor PUD modification shall be fully vested upon the filing of the Notice.

This application was approved by the Zoning Commission at its public meeting on May 9, 2005, by a vote of 5-0-0 (John G. Parsons, Carol J. Mitten, Anthony J. Hood, Kevin L. Hildebrand, and Gregory N. Jeffries to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the D.C. Register; that is, on AUG 1 2 2005.

CAROL J. MITTEN
CHAIRMAN
ZONING COMMISSION

JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING