

**BEFORE THE ZONING COMMISSION
OF
THE DISTRICT OF COLUMBIA**

**AN APPLICATION
FOR A MODIFICATION TO AN
APPROVED PLANNED UNIT DEVELOPMENT**

**AT PREMISES
2501 WISCONSIN, NW
SQUARE 1935, LOT 817**

**FOR
ST. LUKE'S CONDOMINIUMS, LLC**

**PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N STREET, N.W.**

JULY, 2006

DO NOT WRITE
IN THESE SPACES

**ZONING COMMISSION
District of Columbia**

CASE NO.

02-50A

EXHIBIT NO.

5
ZONING COMMISSION
District of Columbia
CASE NO. 02-50A
EXHIBIT NO. 5

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DEVELOPMENT TEAM

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LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Zoning Commission Order No. 02-50	A
Architectural Plans and Materials Depicting Proposed Modifications to the Project	B
Surveyor's Plat	C
Certificate of Notice and Notice of Intent to File	D
Property Owners List	E
Compliance with PUD Filing Requirements	F

**STATEMENT OF ST. LUKE'S CONDOMINIUMS, LLC FOR A MODIFICATION OF
AN APPROVED PLANNED UNIT DEVELOPMENT**

**I.
INTRODUCTION**

This statement is submitted by St. Luke's Condominiums, LLC ("**Applicant**") in support of an application to modify an approved Planned Unit Development ("**PUD**") at 2501 Wisconsin Avenue, NW (Square 1935, Lot 817, the "**Property**"). The original PUD application included vacant land at the corner of Wisconsin Avenue and Calvert Street, NW and the land that was improved with St. Luke's United Methodist Church (Lots 817 and 818 in Square 1935). The original PUD approval was for the construction of a residential project that included 44 for-sale residential units in a building that had a measured building height of 40 feet, included approximately 85,000 square feet of gross floor area, and provided 104 total parking spaces (two parking spaces were to be conveyed with each residential unit and 16 spaces were to be reserved for guests). The PUD project was built pursuant to Zoning Commission Order No. 02-50, which became final and effective on November 14, 2003.

This application is being filed in order to obtain approval of certain modifications to the building's façade and the structures on the roof. There will be no change in the size or height of the building on the Property or the number of residential units provided in the PUD project.

Submitted in support of this application are a completed application form, the notice of intent to file a modification to the PUD (with property owner list and certification of mailing), architectural plans and materials depicting the proposed modification to the project, and a Surveyor's plat for the property. The Applicant respectfully requests that the record in Case No. 02-50 be incorporated into the record of this modification request.

As set forth below, this statement and attached documents meet the filing requirements for a modification of a Planned Unit Development under Chapter 24 of the District of Columbia Zoning Regulations.

II.

ORIGINAL PUD APPROVAL AND DEVELOPMENT OF THE PUD PROJECT

Zoning Commission Order No. 02-50, which became final and effective on November 14, 2003, ("**Original PUD**") permitted construction of a solely residential building with a maximum of 44 residential units occupying 85,000 square feet of gross floor area with a density of approximately 1.27 FAR. The building was permitted a maximum height of 40 feet and 104 total parking spaces, with two spaces conveyed with each residential unit (for a total of 88 parking spaces) and 16 parking spaces for guests¹. The Original PUD rezoned the Property from NO/R-1-A to NO/R-5-B. Construction of the project is virtually complete with only minor interior "punch-list" items remaining to be addressed. Thirty-eight of the units have been sold and thirty-six of the units have conveyed to the new owners. The Applicant is currently in the process of transferring control of the condominium association board of directors' positions to the unit owners.

The Original PUD also required the Applicant to abide by the terms of a Development and Construction Agreement with the Glover Park Citizens Association ("GPCA"), ANC 3C, and ANC 3B. In addition, the Applicant was required to provide the following off-site amenities:

- a contribution of \$150,000 to the Housing Production Trust Fund;

¹ Please note that the Original PUD authorized the construction of 104 parking spaces (two spaces conveyed with each residential unit and 16 parking spaces were to be designated for visitors). The building currently includes 106 parking spaces (two spaces conveyed with each residential unit and 18 parking spaces were to be designated for visitors). The Applicant believes that the two additional visitor spaces are a benefit to the neighborhood, which requested that a large number of parking spaces be provided in the project.

- a donation of \$50,000 to be used in the ANC 3B area of which \$25,000 will be for streetscape improvements and \$25,000 will be distributed as grants to non-profit neighborhood organizations that provide services in ANC 3B;
- a donation of \$100,000 to the Massachusetts Avenue Heights Citizens Association (“MAHCA”) of which \$50,000 will be for improvements to the Guy Mason Recreation Center and \$50,000 for neighborhood improvements; and
- a requirement to enter into an agreement with the District Department of Public Works for the landscaping and maintenance of a traffic island at the intersection of Wisconsin Avenue, Calvert Street and 37th Street, with costs not to exceed \$25,000.

A copy of Zoning Commission Order No. 02-50 is attached as Exhibit A.

All of the requirements regarding the off-site amenities have been satisfied by the Applicant. In fact, the Applicant provided significant additional financial resources to the landscaping provided around St. Luke’s Methodist Church and for the renovation of the traffic island at the intersection of Wisconsin Avenue, Calvert Street and 37th Street. The Applicant was required to provide \$80,000 worth of landscaping for the areas adjacent to the Church and its parking lot, and in fact provided \$165,000 worth of landscaping, paving and restoration materials. In addition, the actual cost of the renovation of the traffic island was in excess of \$35,000, which included the installation of new granite curbs.

III. **PROPOSED MODIFICATIONS TO THE ORIGINAL PUD**

The Applicant acknowledges that there are certain aspects of the building that do not strictly comply with the plans that were approved by the Zoning Commission in the Original PUD and can not be changed at this point in the construction process. Therefore, the Applicant proposes to modify the Original PUD approval in order to make the building that has been constructed consistent with an approved PUD Order.

As previously mentioned, the proposed modifications sought in this application only relate to the building's façade and roof structure. The Applicant strongly believes that the modifications that were made to the project do not diminish the quality of design and attention to detail that the Zoning Commission and the Applicant sought to create with the construction of this project. In fact, the modification to the roof structure provides for a more efficient heating and cooling system in the building that ultimately will reduce costs for the residents of the building. The roof structure modification also allowed for a larger "green roof" element for the building.

A. Building Façade

The Original PUD consisted of a single primary façade for the building. Starting from the base of building, the elements of this façade included: precast wall panels (first floor and portions of the terrace level where visible); planter boxes at the second floor windows; metal clad French doors and sidelights; metal clad wood windows including precast window trim; louvered shutters; precast balcony brackets at the fourth floor; precast pilasters between fourth floor balconies; and a precast cornice. Above the first floor the material for the façade was shown to be brick masonry. The previously approved details of the approved building's elevations and the elevations of the existing building are attached as pages 1-3 of Exhibit B. The proposed modifications to the building façade are described in detail below.

1. Primary Façade. The single primary façade of the Original PUD was modified into two distinct facades - a primary and a secondary façade. On the third floor, the primary façade was constructed with a quadruple casement window configuration in lieu of the arched window shown in the Original PUD. As this area of the building is important to the rhythm of the structure, additional precast elements (beyond what was originally proposed) were added to

the second and third floors to maintain the façade and fenestration. Above this element, quadruple casement windows were provided rather than a balcony feature as the final design for the units incorporated interior spaces with in-swinging balcony doors which would have compromised the usability of the residential space. On the fourth floor, complementary buff brick masonry was constructed in lieu of the proposed precast pilasters. Additionally, precast sills and painted aluminum railings were constructed in lieu of the precast brackets for the fourth floor balconies. The railings were painted the same color as the mansard detail and the shutters, and serve to provide safety, definition, and continuity to the façade. (See pages 2-3 of Exhibit B).

2. New Secondary Façade. The secondary façade was implemented on the north side of the building (facing the Savoy Hotel) including the courtyard, and a portion of the east side of the building (oriented towards the Church's parking lot) as illustrated in pages 3-5 of Exhibit B. The secondary façade replaced the precast wall panels with buff brick masonry that complements and continues the look of the precast paneling at the base of the building. Additionally, the secondary façade replaced the precast cornice and window trim with brick masonry that includes strategically placed soldier courses and reveal elements that provide variation in the fenestration of the secondary façade. Finally, the secondary façade did not include the second and third floor window and door shutters.

3. Fourth Floor Balcony at Entrance to Building. The mansard detail on the fourth floor, at the convergence of Wisconsin Avenue and Calvert Street frontages, was required to be lowered in order for the structure to fit within the required 40 foot height limit. In lowering this detail, the proposed cantilevered design using precast brackets proved to not only be prohibitive from an engineering perspective but would have created a compressed visual expression which

would have been awkward in comparison with the floors below. As constructed, the balcony provides additional precast to this important focal point (in contrast to what was proposed) and provides appropriate volume and expression. A detail of the proposed balcony is attached as page 6 of Exhibit B.

4. Second Floor Flower Boxes. The flower boxes shown in the Original PUD provide a pleasant visual appearance, provided that the flowers are continually maintained, but the building code required height of the balcony railings made the functionality of the flower boxes very awkward and difficult. Moreover, the flower boxes were located over the terrace area of the residential units below the second floor. The Applicant was concerned about a maintenance company being able to access the flower boxes from the exterior without the need for a lift of a ladder. The Applicant was also concerned with the possibility of water dripping from a second floor flower box onto the property of the unit owner below. For these reasons, the flower boxes were not constructed.

5. Installation of Shutters on East Façade, North Façade and Interior Courtyard. The Original PUD included shutters on the east façade, the north façade and the interior courtyard. The Applicant ultimately concluded that maintaining the same level of detail on these facades as on the street frontages of Wisconsin Avenue and Calvert Street was not necessary to maintain the overall level of quality of the building and its facades. The courtyard elevations were simplified, by not providing the shutters, in part to reflect the smaller, more intimate space for residents of the building and their guests.

B. Roof Structures –

1. Cooling Tower. At the time of PUD approval, it was the intention of the Applicant to use individual condenser units to heat and cool each condominium unit. Upon

further engineering analysis the decision was made to implement a water source heat pump system that relies on a cooling tower to manage temperature through the water loop system. This is a more expensive system from a construction installation perspective, however it is anticipated that it will provide the condominium owners with lower maintenance costs over time and ultimately better performance. Central systems are more efficient to operate, have fewer components (i.e., lower embodied energy), and last much longer. Central systems are considered to be a superior choice from a “green” design perspective. For these reasons, the project’s central system provides significantly greater environmental benefits than the split system provided in the Original PUD.

The result of the decision to use a different heating and cooling system is that a cooling tower was required to be placed on the roof of the building. The inclusion of a cooling tower on the roof required a reconfiguration of the structures on the roof. The cooling tower selected by the Applicant has a small footprint which minimized the degree to which the overall footprint of the penthouse had to grow to accommodate the water source system. However, in order for water to gravity flow through the cooling tower, the cooling tower had to be placed on several pedestals that are approximately 48 inches above the surface of the roof. Thus, the top of the cooling tower protrudes above the penthouse wall by approximately 5 feet, 6 inches (See page 7 of Exhibit B). In order to minimize the visibility of the cooling tower, the Applicant has painted it to match the color of the penthouse exterior. Based on discussions with the Office of Planning, the Applicant proposes to enclose the cooling tower in the existing roof structure. As shown on page 8 of Exhibit B, the revised roof structure will have a height of only 16 feet.

2. Location of the Roof Structures and Configuration of Green Roof – As shown on page 9 of Exhibit B, the roof structures and configuration of the green roof element are different

than the Original PUD. As the roof structures moved, the other elements on the roof also needed to be modified. The final configuration of all the elements on the roof actually increased the size of the “green roof” element to 5,127 square feet (compared to the Original PUD’s requirement of a 5,000 square foot “green roof”), allowed for easier maintenance of the “green roof” components, and created a more efficient roof deck.

3. Masonry Finish on the Mechanical Penthouse Structures. The plan details for the Original PUD called for a masonry finish on the mechanical penthouse structure. The Applicant believes that the application of a masonry finish to the roof structure will highlight the roof structure to a degree that detracts from the overall appearance of the building. The Applicant believes that the existing color of the roof structure matches the surrounding precast elements and helps mask the overall appearance of the roof structure. For these reasons, the Applicant did not apply a masonry finish to the mechanical penthouse roof structure.

4. Architectural Tower Element – This element, located at the north west corner of the building (visible from Wisconsin Avenue Elevation, page 7 of Exhibit B) was constructed of buff brick masonry in lieu of precast concrete. The Applicant believes that the brick masonry is entirely appropriate for this important component of the project.

IV.

EVALUATION STANDARDS FOR APPROVAL OF THE MODIFICATION

The proposed modifications are consistent with the overall concept and intent of the Original PUD as approved by the Zoning Commission. As noted above, the proposed modifications have no impact on the number of units provided in the project, the height, density and bulk of the approved structure, or the number of parking spaces that are provided. The minor modifications to the building’s façade and roof structures have no discernible impact on the surrounding community. The proposed modification application still achieves the goals of

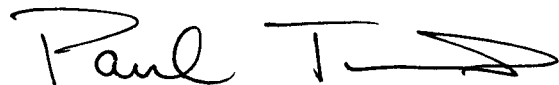
the PUD process by providing high-quality development with significant public benefits to the neighborhood and the District as a whole.

The modified PUD remains consistent with, and continues to foster the goals and policies stated in the elements of the District of Columbia Comprehensive Plan, D.C. Law 5-76, 10 D.C.M.R. (Planning and Development) § 100 et seq. (1998). The project as modified is consistent with the plans and policies of the District of Columbia, including the Comprehensive Plan. As described earlier, the modified proposal seeks minimal changes to the overall PUD. It complies in all material respects with the conditions of the Original PUD. As noted above, all of the conditions of the Original PUD relating to off-site amenities and project bulk, size and use have been satisfied.

V. **CONCLUSION**

For the foregoing reasons, the Applicant submits that the modified PUD plan meets the standards of Chapter 24 of the Zoning Regulations; it is consistent with the purposes and intent of the Zoning Regulations and Map; it will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; it is not inconsistent with the Comprehensive Plan; it provides significant public benefits, and it advances important goals and policies of the District of Columbia. Accordingly, we respectfully request that the Zoning Commission schedule the application for modification to this PUD for public hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Tummonds", with a stylized flourish at the end.

Paul Tummonds

A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 02-50

Case No. 02-50

**(Consolidated Planned Unit Development and Amendment to the Zoning Map for
St. Luke's Condominiums, LLC)
September 8, 2003**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on June 30, 2003 to consider an application from St. Luke's Condominium, LLC for the consolidated review and approval of a planned unit development and an amendment to the Zoning Map of the District of Columbia within the Naval Observatory Precinct Overlay ("NO") District from NO/R-1-B to NO/R-5-B for Lot 815 in Square 1935 located at the intersection of Wisconsin Avenue and Calvert Street, N.W, pursuant to Chapter 24 and § 102, respectively, of the District of Columbia Municipal Regulations (DCMR) Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR §3022.

FINDINGS OF FACT

1. The property that is the subject of these applications, located at the intersection of Wisconsin Avenue, N.W. and Calvert Street, N.W. (Lot 815, Square 1935), is owned by the St. Luke's United Methodist Church (hereinafter the "Church"). St. Luke's Condominiums, LLC (hereinafter the "applicant") and the Church have entered into a contract for the applicant to purchase the property. The applicant filed an application with the Zoning Commission ("Commission") on December 12, 2002 for review and approval of a planned unit development ("PUD") and a related amendment to the Zoning Map of the District of Columbia.

2. The Zoning Commission unanimously agreed to set the case down for a public hearing at its February 24, 2003 public meeting. The Zoning Commission held a public hearing on the above-mentioned applications on June 30, 2003, which was conducted in accordance with the provisions of 11 DCMR §3022.

3. At the June 30, 2003 public hearing, the Commission granted party status to Advisory Neighborhood Commission ("ANC") 3B, the ANC adjacent to the property, and to the Massachusetts Avenue Heights Citizens Association ("MAHCA"), as a party in

support. ANC 3C, in which the property is located, is automatically a party to this application.

4. The project site is Lot 815 in Square 1935 (the "Subject Property"). The Subject Property is located in the Glover Park/Massachusetts Avenue Heights neighborhood of Ward 3. It consists of approximately 78,000 square feet of land and is located in the low-density residential land use category as shown on the District of Columbia Generalized Land Use Map. The Subject Property is generally situated at the northeast corner of Wisconsin Avenue and Calvert Street, N.W. The Subject Property includes 118 feet of frontage along Wisconsin Avenue and 322 feet of frontage on Calvert Street. The Subject Property exhibits a ten-foot change in grade from the northern edge of the site to the southern edge of the property. (Exhibit 20, Pre-Hearing Statement of the Applicant ("Statement") pp. 1, 4.)

5. The general area surrounding the Subject Property includes large apartment buildings and the Russian Embassy on the western side of Wisconsin Avenue, across Wisconsin Avenue from the property, which are located in a R-5-B District. The Savoy Hotel, located immediately to the north of the Subject Property, is a non-conforming use and structure under the current NO/R-1-B Zone District. Single-family homes are located to the north and east of the Subject Property. The Guy Mason Recreation Center and playing fields are located to the south and east of the Subject Property, and a two-story office building for the International Union of Operating Engineers, Local 99 is located directly across Calvert Street from the Subject Property, on the southeast corner of the intersection of Wisconsin Avenue and Calvert Street. A neighborhood serving commercial area is located immediately south of the Subject Property on Wisconsin Avenue. (Exhibit 20, Statement p. 5.)

6. The Subject Property is currently improved with the St. Luke's United Methodist Church building and parking lot on the eastern portion of the Subject Property. The Church contains approximately 14,348 square feet of gross floor area and cellar area. (Exhibit 20, Statement p. i). The Church building and parking lot will remain, and the parking lot will receive enhanced landscaping as a result of the PUD.

7. The applicant seeks to construct a residential project on the Subject Property that will have four stories plus an English basement and be oriented along the street frontages. The measured height of the project will be 40 feet and will comply with the height restrictions of the Naval Observatory Precinct Overlay District. The project will include a maximum of 44 residential units with a mix of one, two, and three bedroom units ranging in size from 800 – 2,300 square feet. (Exhibit 20, Statement p. 6., Testimony of Bill Hellmuth, Transcript of June 30, 2003 Zoning Commission Public Hearing ("Tr.") pp. 19-22, 56.)

8. The project will have a total gross floor area of approximately 85,000 square feet. The density of the Subject Property will be approximately 1.27 FAR (which includes the Church building that has approximately 14,348 square feet of gross floor area, excluding cellar area). The project will have a lot occupancy of approximately 36%. The project will include two levels of below-grade parking that will contain 104 parking spaces for the residents of the project and their guests. The parking spaces and loading areas will be accessed from Calvert Street. The loading areas will be located inside the building, as will the HVAC compressor units for each dwelling unit. Trash and refuse will be stored within the building on the below-grade parking levels. The project will also include an environmentally sensitive "green" roof area that will consist of approximately 5,000 square feet. The "green" roof will reduce the heat island effect of the project and will provide a more visually appealing view for residents of the project visiting the roof top terrace, as well as neighboring property owners who will be able to see the roof of the project. (Exhibit 20, Statement pp. 6-7, Testimony of Bill Hellmuth; Tr. p. 21, Testimony of J. Bolton, Tr. p. 24.)

9. The applicant also proposes to amend the Zoning Map in order to change the Zone District of the Subject Property from NO/R-1-B to NO/R-5-B. The Naval Observatory Precinct Overlay District is mapped in combination with the underlying zoning district and was "established to promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory". (Exhibit 20, Statement p. 1.) The NO/R-1-B District permits a maximum height of 40 feet (3 stories) and a maximum lot occupancy of 40%. There is no established maximum floor area ratio ("FAR") for the NO/R-1-B District, but a lot must have a minimum area of 5,000 square feet and a minimum width of 50 feet. The NO/R-5-B District permits a maximum height of 40 feet, a maximum lot occupancy of 60% and a maximum density of 1.8 FAR. (Exhibit 20, Statement pp. 5-6.)

10. The proposed project is fully consistent with and fosters the goals and policies stated in the elements of the District of Columbia Comprehensive Plan. The project is consistent with the following major themes of the Comprehensive Plan:

- Stabilizing the District's neighborhoods;
- Respecting and improving the physical character of the District; and
- Preserving and ensuring community input. (Exhibit 20, Statement p. 21-22.) The project is also consistent with many Major Elements of the Comprehensive Plan, including: the Housing Element, the Urban Design Element, and the Ward 3 Element. (Exhibit 20, Statement pp. 22-26.)

11. The Generalized Land Use Map includes the Subject Property in the low density residential land use category. The Commission notes that the Generalized Land Use Map is intended to serve as a "general" map and is not intended to serve as a parcel by parcel limitation on permitted development. The Commission agrees with the Office of Planning's statement that, "The proposed moderate density residential use is not inconsistent with the Map, which outlines the predominant uses for the area but does not preclude the existence of other residential unit types if appropriate. (Exhibit 15, OP set-down report at p. 3.)

12. The applicant offered testimony and evidence from Robert R. Montagne, Jr. and John Wood Bolton, Jr., on behalf of St. Luke's Condominiums, LLC, and Anne Yarbrough, Pastor of the St. Luke's United Methodist Church. Bill Hellmuth, of Hellmuth, Obata, Kassabaum, one of the project architects testified as an expert in the field of architecture and the Commission also heard testimony from Rostand Edwards and Craig Studdert, of Niles Bolton Associates, members of the project architectural team.

13. Robert Montagne addressed the applicant's development process with respect to this project and the early and significant outreach that was made to ANC 3C and ANC 3B, various neighborhood organizations (including MAHCA and the Glover Park Citizens Association ("GPCA")), and adjacent property owners. Mr. Montagne noted that as a result of that process, the project received the support of MAHCA, GPCA, and ANC 3C; ANC 3B did not object to the project. (Testimony of R. Montagne, Tr. pp. 13-15.)

14. Pastor Yarbrough discussed the Church's role in the neighborhood, the process that Church undertook in selecting a developer to develop a portion of the Church's property and the benefits that the project will provide, not only to the Church, but also to the neighborhood and the District of Columbia. As a result of this development, the Church will have the necessary financial resources to continue funding for the following programs and ministries:

- St. Luke's Shelter – The first small transitional shelter for homeless men in Ward 3. This ministry of the Church provides a dinner meal 365 days a year that is served by neighbors, members of nearby churches and synagogues, and several Wisconsin Avenue restaurants and grocers.
- St. Luke's Kitchen – a new program that will begin in 2004 that will provide job training in restaurant skills for homeless men and women. This program has been strongly embraced and supported by the community.

- Grate Patrol – Once a month the Church prepares and distributes 150 meals to men and women living on D.C. streets.

(Exhibit 20, pp. 16-17, Testimony of A. Yarbrough, Tr. pp. 15-17.)

15. As addressed in the applicant's pre-hearing statement and through the testimony of Mr. Bolton, the following public benefits and project amenities will be created as a result of this project.

- Housing – The project will create 44 for-sale residential units on the subject property. In addition, the applicant will make a contribution of \$150,000 to the District of Columbia Affordable Housing Production Trust Fund for the creation of affordable housing units throughout the District of Columbia. (Exhibit 20, p. 12; Testimony of J. Bolton, Tr. p. 24.)

- Urban Design and Architecture – The proposed project has been carefully designed to provide both a gateway to the Massachusetts Avenue neighborhood and to act as an appropriate transition between the higher density development along Wisconsin Avenue and the single-family houses to the east. The building façade has been designed to incorporate the most attractive attributes of houses and townhouse buildings in the District of Columbia. The degree of articulation and treatment of the façade are appropriate for this site. The proposed project also includes significant landscaping enhancements for the Church and Church parking lot, as well as an interior landscaped courtyard for the residents of the new building and their guests. (Exhibit 20, pp. 13-14; Testimony of B. Hellmuth, Tr. pp. 18-22; Testimony of J. Bolton, Tr. pp. 24-25.)

- Site Planning – The proposed project has been carefully designed and oriented to the western third of the Subject Property at the intersection of Wisconsin Avenue and Calvert Street and will create a sense of vitality along its street frontages. The project has been designed to maintain an appropriate lot occupancy for the NO/R-5-B Zone District. (Exhibit 20, pp. 14-15, Testimony of B. Hellmuth, Tr. pp. 18-22.)

- Effective and Safe Vehicular and Pedestrian Access – The proposed project will not increase traffic volumes beyond capacity at the Calvert Street/Site Driveway, Calvert Street/36th Street, Wisconsin Avenue/Calvert Street, or Wisconsin Avenue/Davis Street intersections. The applicant's traffic expert concluded that vehicle queues will not interfere with traffic entering or exiting the driveway to the parking garage and loading area of the project. Moreover, the applicant has agreed with MAHCA to provide two parking spaces per residential unit, as well as 16 spaces for visitors and staff. All parking is provided below grade. (Exhibit 20, pp. 15-16, Exhibit E.)

16. Bill Hellmuth, recognized by the Commission as an expert in architecture, addressed the thought process that resulted in the proposed building and design. Mr. Hellmuth noted the transitional nature of this site from the commercial areas along Wisconsin Avenue to the south and the more residential sections of Wisconsin Avenue and the Massachusetts Avenue Heights neighborhood to the north and east. Mr. Hellmuth noted that the design of the building sought to incorporate the best aspects of houses and townhouses in the area and thus the building's façade was designed into a series of townhouse-scaled elements, with materials of cast stone, rusticated brick, and French balconies as the building moves from the ground floor to the upper levels. (Testimony of B. Hellmuth, Tr. pp. 18-22.)

17. In response to issues raised by Commissioners during the June 30, 2003 public hearing, the record of the case was left open for the applicant to provide the following materials and information:

- A revised roof plan that would allow residents of the project and their guests access to more of the roof area;
- A site circulation plan;
- A fully dimensioned site and roof plan;
- Copies of photographs of townhouse residences in the neighborhood near the subject property that were presented at the public hearing;
- Information regarding the calculation of the project's FAR if the area of the Church and Church parking lot were not included;
- Information regarding an analysis of NO/R-1-B matter-of-right single-family dwellings on the property; and
- Information regarding an agreement between the applicant and the Department of Public Works for the landscaping and maintenance of the traffic island at the intersection of 37th Street, Calvert Street, and Wisconsin Avenue, and the streetscape along Wisconsin Avenue from Calvert Street to Whitehaven Parkway.

18. The applicant submitted the post-hearing information and materials requested by the Commissioners on July 11, 2003. In this submission, the applicant noted:

- The area of the site that includes the Church and the Church parking lot is an integral part of the PUD application. In fact, the Development Agreement between MAHCA, the applicant, and the Church expressly prohibits the Church from any further development on its portion of the property for a period of 40 years. Thereafter, between the 40th and 65th years following the date that the PUD is approved, only single-family homes are permitted to be constructed on the Church property.

Nonetheless, if the FAR for the PUD project is calculated using only the area of the property on which the PUD project is located, the density would be 2.78 FAR (85,000 s.f./30,607 s.f.).

- In regards to an analysis of development potential for constructing NO/R-1-B matter-of-right single-family dwellings on the property, early in the due diligence stages of the potential development of the property, it became clear to the applicant that a matter-of-right single-family development on this property was not economically feasible. Thus, the applicant did not engage an architect to design a single-family dwelling development on this site. However, the applicant noted that the 78,000-square-foot property could be developed with 15 single-family homes (78,000 s.f./5,000 s.f.). These 15 houses could, if built to their full envelope, total 93,600 square feet in area, or an effective density for the site of 1.2 FAR. The PUD project has a density (including the Church) of 1.27 FAR.
- The applicant continues to work with the Department of Public Works Public Space Management Division to enter into an agreement regarding the landscaping of the traffic island at the intersection of 37th Street, Calvert Street, and Wisconsin Avenue, as well as the streetscape along Wisconsin Avenue from Calvert Street to Whitehaven Parkway. In the event that the applicant is not able to finalize such an agreement by the end of this month, the applicant requests that the Commission make it a condition of any Order approving this application.

(Exhibit 43.)

19. The Office of Planning (OP), in its report dated June 20, 2003 and through its testimony at the public hearing, recommended approval of the project with conditions. The OP report noted that the proposed PUD and related map amendment is not inconsistent with the requirements of the Comprehensive Plan and will bring needed housing to the District. The OP report also noted that the proposed rezoning promotes a sound land use pattern in the area. (Exhibit 31.)

20. The OP Report states: "The proposed development of the site is not contrary to the purpose of the Naval Observatory Overlay. The proposed R-5-B District permits a flexibility of design and all types of urban residential developments at a moderate height and density. The applicant is requesting a rezoning to the R-5-B zone with a PUD to accommodate a multi-dwelling use on the site in keeping with the urban nature of Wisconsin Avenue." In addition, the OP Report notes: "The R-5-B District on the property will allow the development to be at a scale that does not negatively impact the existing residences and is consistent with the intensity of the adjacent neighborhood. The proposed map amendment coupled with the accompanying PUD is intended to

facilitate a site-specific project and the assurance of a quality development.” (Exhibit 31 at p. 3, Testimony of M. Brown-Roberts, Tr. pp. 63-64.)

21. The OP report concluded that the PUD fully satisfied the purpose and standards for a PUD outlined in 11 DCMR Chapter 24. The OP report noted that the proposed development will be constructed on a property that is currently underutilized and will aid in the objective to increase the number of residents in the City. The OP report also noted that the building itself will contribute to improving the character of the community as well as providing amenities that will benefit the community directly. (Exhibit 31, p. 4, Testimony of M. Brown-Roberts, Tr. p. 64.)

22. The OP report also noted the project’s consistency with the Comprehensive Plan. OP concluded:

“The proposed moderate density residential planned unit development is not inconsistent with the Comprehensive Plan, which outlines the predominant uses for the area but does not preclude the existence of other residential unit types if appropriate. OP believes that single-family detached units would be an inappropriate use for this location based on the fact that it is an infill site, oriented to Wisconsin Avenue, and is surrounded by high-density residents and commercial uses.”

“Further, this location is more appropriate for apartments because of its orientation with Wisconsin Avenue, a busy thoroughfare. A multi-unit building at this location will be more compatible to the adjacent retail, office, and high-rise residential uses at this intersection. The proposed apartment will be of a lower scale and elevation than the existing apartment building across Wisconsin Avenue and the adjacent Savoy Hotel. The proposed building and church will provide a transition to the single-family residences to the east.” (Exhibit 31, p. 4.)

The OP report also highlighted the project’s compliance with the Major Themes of the Comprehensive Plan, including: stabilizing the neighborhood; respecting and improving the physical character of the neighborhood; and preserving and ensuring community input. The OP report also noted consistency with numerous provisions of the Housing Element and the Ward 3 Element of the Comprehensive Plan. (Exhibit 31, pp. 5-6, Testimony of M. Brown-Roberts, Tr. pp. 64-65.)

23. The District Department of Transportation (DDOT) submitted a report dated June 18, 2003, which concluded that the project would have a negligible impact on existing traffic conditions while providing substantial amount of parking. In this report, DDOT also stated that:

- the number of peak-hour trips anticipated to be generated by the proposed development would have a negligible impact on the existing traffic conditions;

- the developer's estimate that 20% of all AM and PM peak hour external person-trips will be made by means other than private automobiles, such as Metrobus, Metrorail, or walking was appropriate; and
- the applicant's provision of two parking spaces for each residential unit and additional spaces for guests of the residents will result in minimal, if any, parking impact on the surrounding neighborhood. (Exhibit 29.)

24. The DDOT report also noted that it had requested that the developer study the possibility of adding a traffic lay-by lane on Calvert Street for drop-off and pick-up of residents of the project and their guests, as well as for deliveries to the residents of the project. DDOT concluded that such a lay-by was impractical for the following reasons:

- such a lay-by would misalign the sidewalk;
- the lay-by would have to be constructed too close to Wisconsin Avenue and cause queues of two or more cars to block access to the lane;
- left-turns onto southbound Wisconsin Avenue would be required to make an abrupt maneuver that is potentially unsafe; and
- deliveries can be made from the loading dock driveway that is located a short distance to the east of the potential lay-by lane.

For all of these reasons, DDOT advised that the lay-by not be constructed. (Exhibit 29.)

25. ANC 3C adopted a unanimous resolution in support of the project at its March 24, 2003 public meeting. The ANC resolution noted the support that the project received from MAHCA and GPCA, the Agreement between MAHCA and the applicant, and the provision of a 5,000-square-foot "green roof" as benefits of the project. The ANC resolution also recommended that a lay-by on Calvert Street be approved to minimize any traffic congestion on Calvert Street that may result from vehicles discharging visitors to the building. Finally, the ANC resolution noted that it would consult with the applicant and other interested parties to create a construction management agreement to submit into the record. (Exhibit 18.)

26. The Massachusetts Avenue Heights Citizens Association (MAHCA), a party in support of the application, by written submission and testimony at the June 30, 2003 public hearing, supported the project. Paul Cunningham, on behalf of MAHCA, noted that, in the 20 years he has lived in this neighborhood, this was the first project that he was able to support. Mr. Cunningham noted the negotiation process that occurred between MAHCA and the applicant, and he commended the applicant for listening to the community's concerns. Mr. Cunningham stated that the design of the project will be beneficial to the neighborhood, that it establishes an appropriate transition between the

more dense housing and commercial activity to the south and west and the Massachusetts Avenue Heights neighborhood, and the amount of parking spaces provided is appropriate. (Testimony of Paul Cunningham, Tr., pp. 72-76.)

27. ANC 3B, by written submission, noted that it adopted a resolution on March 13, 2003 of no opposition to the project. In written testimony to the Commission, ANC 3B noted that it has great concerns regarding the failure to provide an adequate driveway for short-term parking and delivery. (Exhibits 17 and 42.)

28. 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 found that the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

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. 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. The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.

Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD and amendment to the Zoning Map of the District of Columbia. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, yards, or courts. The final project presented to the Commission does not request any areas of flexibility from the strict application of the Zoning Regulations.

The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development. The Commission finds that this PUD project provides a significant public benefits and community amenities package. The Commission believes that this project does in fact provide superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Subject Property would provide. Approval of the PUD and the related change in zoning from NO/R-1-B to NO/R-5-B is not inconsistent with the

Comprehensive Plan for the National Capital and the purposes of the Zoning Act. Moreover, the Commission finds that the project is in fact entirely consistent with numerous themes and elements of the Comprehensive Plan.

This residential development will contribute vitality and help strengthen the Glover Park/Massachusetts Avenue Heights neighborhood. The Commission concludes that the mass of the project is appropriately oriented to the portion of the Subject Property, the intersection of Wisconsin Avenue and Calvert Street, that is best suited for additional development. The proposed height and massing of the project will complement and be compatible with the existing mix of uses along Wisconsin Avenue. The project provides an appropriate transition from the major arterial of Wisconsin Avenue, with high-rise apartment buildings, to the Church building and single-family homes to the east. The Commission commends the applicant for its extensive outreach to the community during the development process for this project.

The Commission concludes that approval of the application will promote orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia. The development of this PUD is compatible with citywide goals, plans, and programs and the development patterns in the area. The proposed PUD will allow for appropriate residential development of underutilized property along a major thoroughfare. The production of multi-family housing on the Subject Property is fully consistent with the City's goals of increasing housing opportunities in the City.

The Commission takes note of Advisory Neighborhood Commission (ANC) 3C's resolution in support of the project and has accorded to the ANC's decision the "great weight" consideration to which it is entitled. In addition, the Commission notes the support that the project has received from MAHCA and the general lack of opposition to the project.

The Commission also recognizes that ANC 3B, the adjacent ANC, adopted a resolution of no opposition to the project, yet has concerns regarding the lack of a lay-by lane on Calvert Street. Based on the DDOT Report, the Commission has determined that the proposed lay-by lane on Calvert Street is not appropriate and will not require the inclusion of such a lay-by lane for the project.

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 these applications for consolidated review of a Planned Unit Development and a related amendment of the Zoning Map from NO/R-1-B to NO/R-5-B for Lot 815 in Square 1935. The approval of this PUD and change in zoning is subject to the following guidelines, conditions, and standards:

June 30, 2003

July 10, 2003
Submission

1. The PUD shall be developed in accordance with the plans and materials submitted by the applicant marked as Exhibits 38 and 43 of the record, as modified by the guidelines, conditions, and standards of this order.

2. In accordance with the plans and materials noted above, the approved PUD shall consist of a residential project that includes 44 residential units occupying 85,000 square feet of gross floor area with a density of approximately 1.27 FAR, a building height of 40 feet, and 104 total parking spaces, with two parking spaces conveyed with each residential unit (for a total of 88 parking spaces) and 16 parking spaces for guests.

3. The terms of the Development and Construction Agreement between the applicant, GPCA, ANC 3C, and ANC 3B, submitted into the record as Exhibit 37, are incorporated herein.

4. The applicant shall provide the following off-site amenities:

- Contribution of \$150,000 to the Housing Production Trust Fund, such contribution shall be made by the applicant prior to the issuance of a building permit for the construction of this project;
- Donation of \$50,000 to be used in the ANC 3B area of which \$25,000 will be for streetscape improvements and \$25,000 will be distributed as grants to non-profit neighborhood organizations that provide services in ANC 3B, such contribution shall be made by the applicant prior to the issuance of a certificate of occupancy for the project. ANC 3B will not receive any financial contribution directly, but will select the non-profit organizations that provide services in ANC 3B; and
- Donation of \$100,000 to MAHCA, of which \$50,000 will be for improvements to the Guy Mason Recreation Center with such improvements to be determined by the Friends of the Guy Mason organization, and \$50,000 for neighborhood improvements, such contribution shall be made by the applicant prior to the issuance of a certificate of occupancy for the project.

5. The applicant shall enter into an agreement with the Department of Public Works that addresses the manner in which the traffic island at the intersection of Wisconsin Avenue, Calvert Street, and 37th Street will be landscaped and maintained, as well as appropriate streetscape improvements to Wisconsin Avenue between Calvert Street and Whitehaven Parkway, costs of which shall not exceed \$25,000 in accordance with Condition No. 4 listed above.

6. The applicant shall enter into a Memorandum of Understanding with the Department of Human Rights and Local Business Development. Copies of all filings with the Department of Human Rights and Local Business Development shall be provided to the Office of Zoning.

7. The First Source Employment Agreement with the Department of Employment Services, submitted into the record as Exhibit 36, is incorporated herein.

8. The change of zoning from NO/R-1-B to NO/R-5-B for the Subject Property shall be effective upon the recordation of a covenant as required by 11 DCMR § 2409.3.

9. No building permit shall be issued for the PUD until the applicant has recorded a covenant in the land records of the District of Columbia, between the applicant and the District of Columbia that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the applicant and all successors in title to construct and use the Subject Property in accordance with this order, or amendment thereof by the Zoning Commission.

10. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of the covenant with the Office of Zoning.

11. The consolidated 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, applicant must file 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.

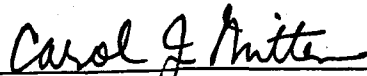
12. The applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

For the reasons stated above, the Commission concludes that the applicant has met the burden, it is hereby **ORDERED** that the applications be **GRANTED**.

On July 31, 2003, the Zoning Commission approved the applications by a vote 5-0-0 (Carol J. Mitten, James H. Hannaham, Anthony J. Hood, John G. Parsons, and Peter G. May to approve).

This order was adopted by the Zoning Commission at its public meeting held on September 8, 2003, by a vote of 5-0-0 (John G. Parsons, Peter G. May, Carol J. Mitten, Anthony J. Hood, and James H. Hannaham to adopt).

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the D.C. Register on NOV 14 2003.



CAROL J. MITTEN
Chairman
Zoning Commission

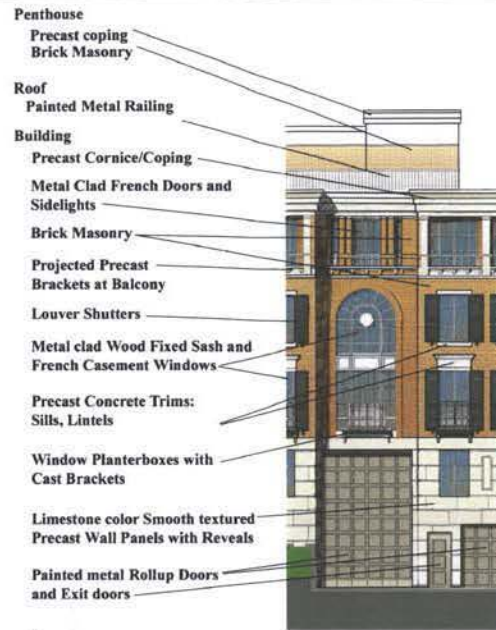


JERRILY R. KRESS, FAIA
Director
Office of Zoning

B

PUD Submission
June 26, 2003
Not to Scale in this exhibit *

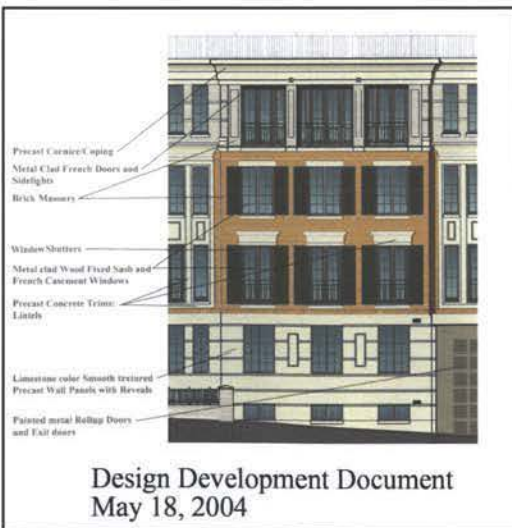
Partial Elevation / Typical Facade



Detail Elevations
"1/4" = 1' - 0"



Photo of Facade Elements shown
in PUD Documents



Design Development Document
May 18, 2004



Wisconsin Avenue

Photos of Completed Project



Calvert Street

2006

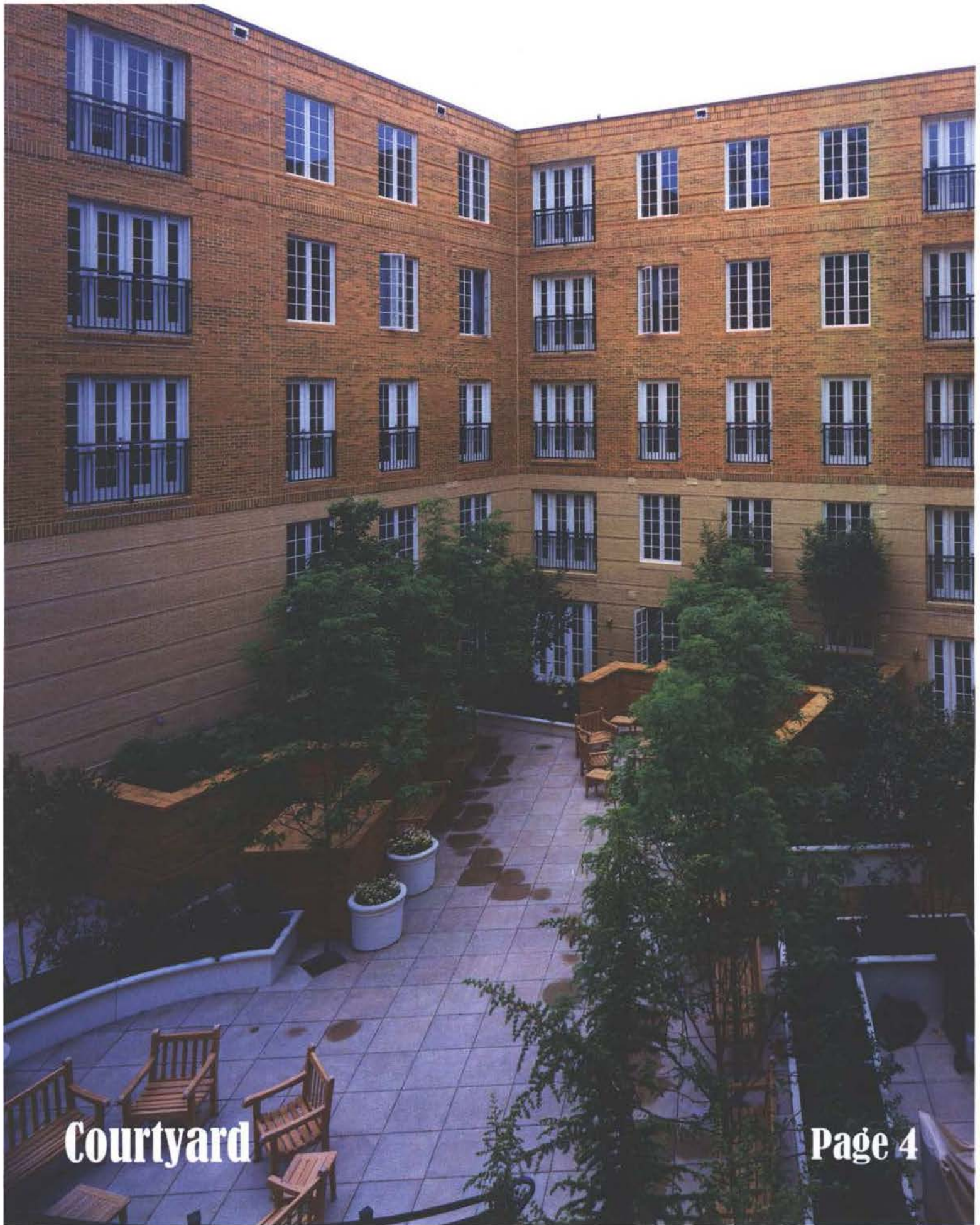


Detail of Calvert Street Elevation



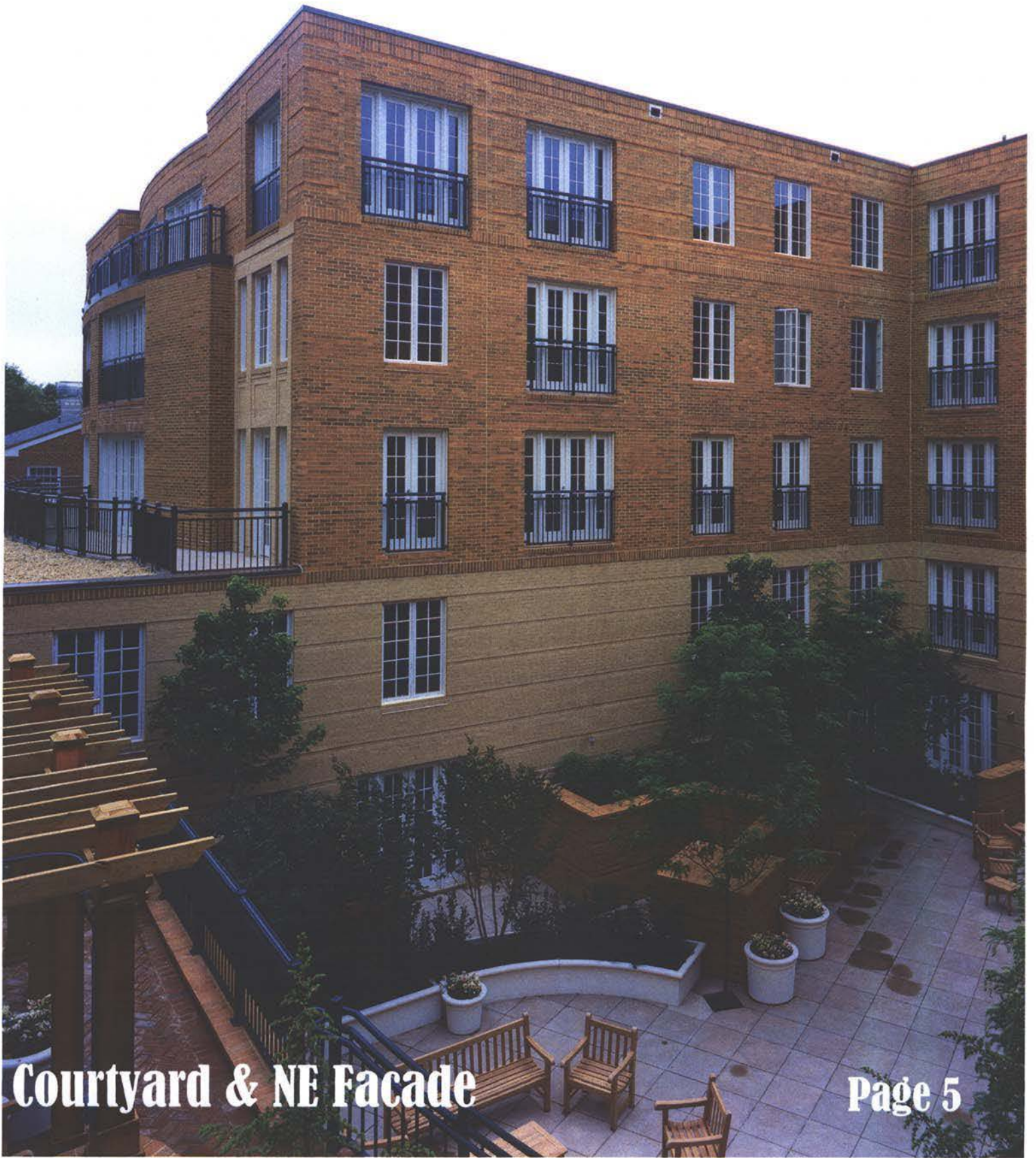
Southern & Eastern Facades

Page 3



Courtyard

Page 4



Courtyard & NE Facade



Balcony

Page 6



View of Existing Roof Structure

Existing Conditions

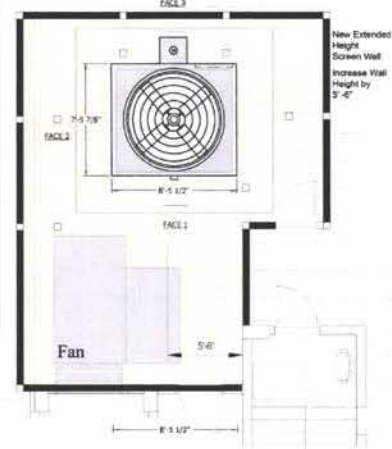


Not to Scale

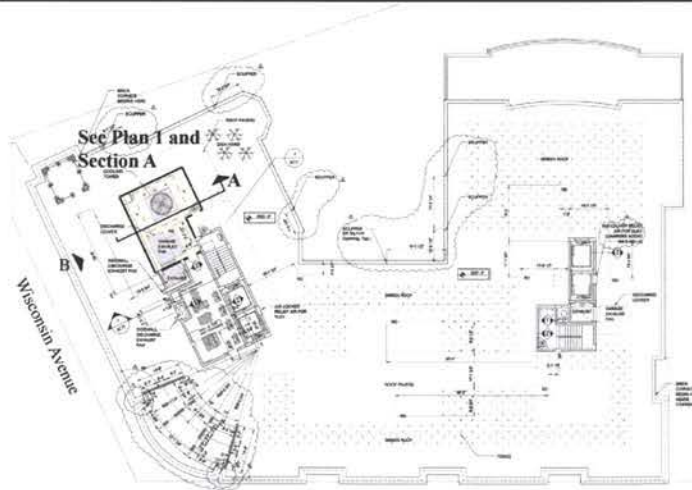
Extended Wall at Screen And Chimney Enclosures at Vents



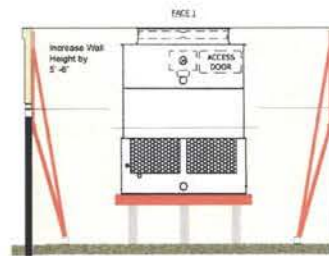
Plan 1 Screening At Cooling Tower



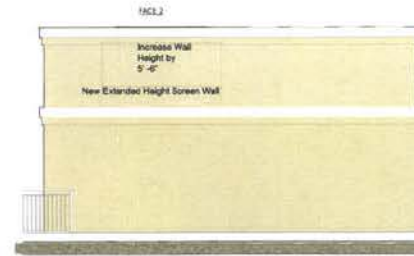
Partial Plan 1



1
A2.3 BUILDING PLAN - ROOF LEVEL
Not to Scale



Section A Screening At Cooling Tower



Elevation B Wisconsin Ave Facade at Cooling Tower

Rooftop Cooling Tower Screening

Niles Bolton Associates

Extended Wall at Screen

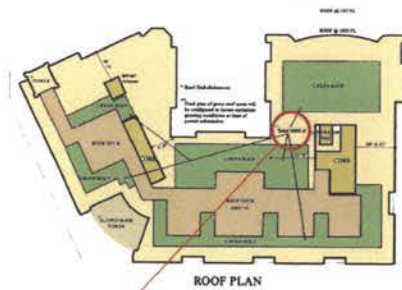
Chimney Enclosures at Vents



Rooftop Cooling Tower Screening

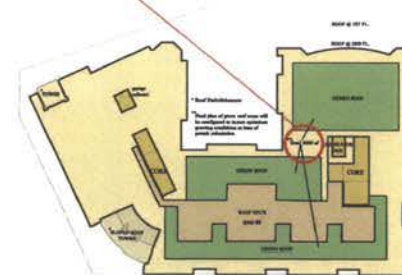
Niles Bolton Associates

Original Concept
for Green Roof

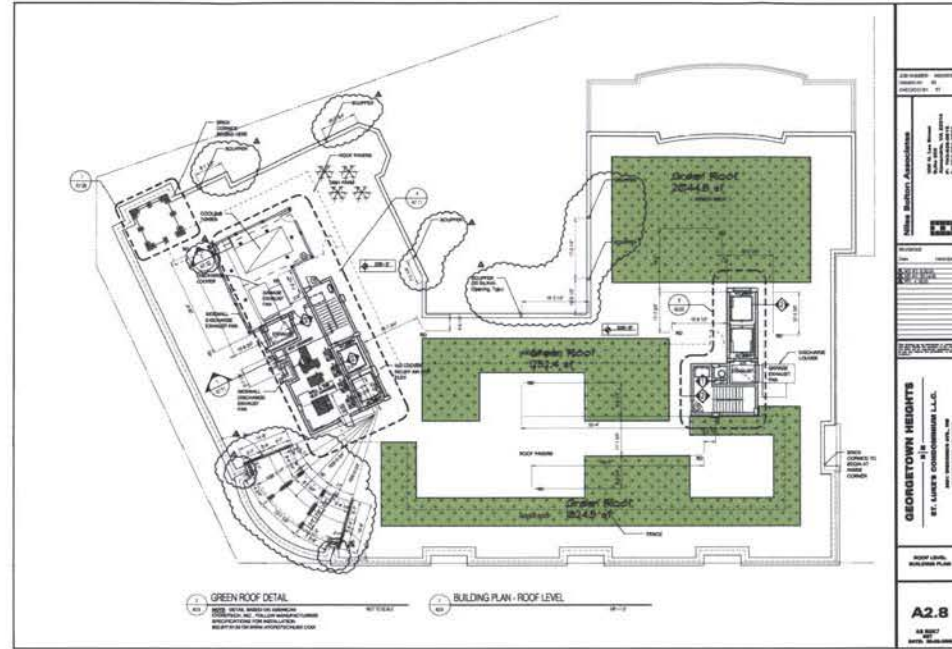


5,000 sf shown

PUD Submission Doc.
June 24, 2003



PUD Submission Doc.
July 8, 2003



Construction Document showing location of
Green Roof and area of 5,121.7 sf

Comparison of Green Roof
PUD Submission, Design and Construction

C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., May 30, 2006

Plat for Building Permit of SQUARE 1935 LOT 817

Scale: 1 inch = 40 feet Recorded in Book A&T Page 3810-O

Receipt No. 00420

Furnished to: PWSP

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

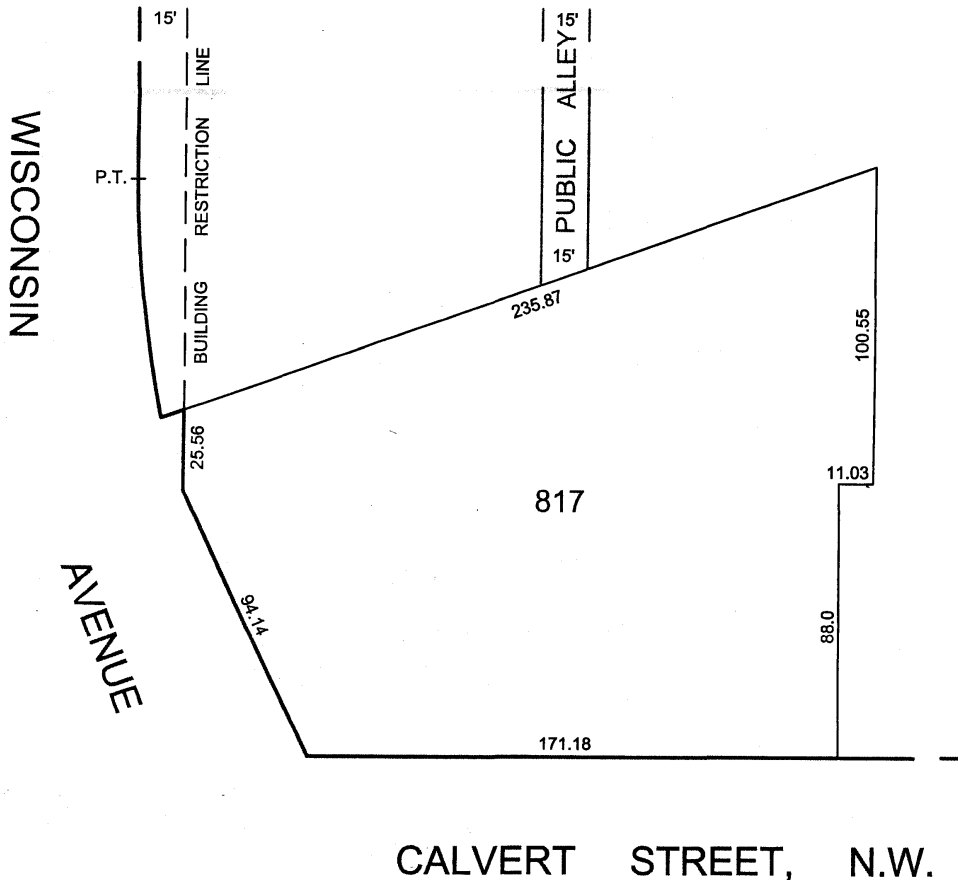
[Signature]
Surveyor, D.C.

Date: _____

By: L.M.A. *[Signature]*

(Signature of owner or his authorized agent)

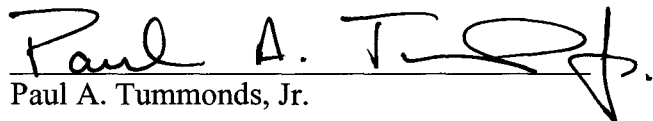
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



D

CERTIFICATE OF NOTICE

I HEREBY CERTIFY that a copy of the Notice of Intent to file a Zoning Application Modification to an Approved Planned Unit Development for Lot 817, Square 1935, was mailed to Advisory Neighborhood Commission 3C, the other parties to the initial PUD and Zoning Map Amendment application (Advisory Neighborhood Commission 3B and the Massachusetts Avenue Heights Citizens Association) and to the owners of all property within 200 feet of the perimeter of the project site on May 25, 2006, at least ten (10) calendar days prior to the filing of this application as required by the Zoning Regulations of the District of Columbia, 11 DCMR §§ 2406.7 – 2406.10.


Paul A. Tummonds, Jr.

NOTICE OF INTENT TO FILE A ZONING APPLICATION

Application to the District of Columbia
Zoning Commission
For a
Modification to An Approved Planned Unit Development

St. Luke's Condominiums, LLC hereby gives notice of its intent to file an application for a modification to an approved Planned Unit Development ("PUD") pursuant to Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003). The original PUD application included vacant land at the corner of Wisconsin Avenue and Calvert Street, NW and the land that was improved with St. Luke's United Methodist Church (Lots 817 and 818 in Square 1935). The original PUD approval was for the construction of a residential project that included 44 for-sale residential units in a building that had a measured building height of 40 feet, included approximately 85,000 square feet of gross floor area, and provided 104 total parking spaces (two parking spaces were to be conveyed with each residential unit and 16 spaces were to be reserved for guests). The PUD project was built pursuant to Zoning Commission Order No. 02-50, which became final and effective on November 14, 2003.

The property which is the subject of this modification application is located at 2501 Wisconsin Avenue, NW (Lot 817, Square 1935, the "Property"). This application requests approval of certain modifications to the building's façade and the structures on the roof. There will be no change in the size or height of the building on the Property or the number of residential units provided in the PUD project.

This modification application will be filed with the Zoning Commission not less than 10 days from the date of this notice. This notice is given pursuant to Sections 2406.7 – 2406.9 of the Zoning Regulations.

The Developer of the Project is Walnut Street Development; the architect is Niles Bolton Associates; and land use counsel is Pillsbury Winthrop Shaw Pittman LLP. If you desire further information about the modification request, please contact Paul Tummonds at (202) 663-8873.

May 25, 2006

E

**NAME AND MAILING ADDRESS OF THE OWNERS
OF ALL PROPERTY WITHIN 200 FEET IN ALL DIRECTIONS FROM
ALL BOUNDARIES OF THE PROPERTY INVOLVED IN THE APPLICATION**

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISE ADDRESS</u>	<u>OWNER & MAILING ADDRESS</u>
1299	959	2461 Wisconsin Ave, NW	HF Chambers Trustees et al c/o Local 99 IUOE 2461 Wisconsin Ave., N.W. Washington, D.C. 20007-1846
1299	974	3620 Calvert St, NW	District of Columbia Department of Administrative Services 441 4 th Street, N.W. Room 700, South Washington, D.C. 20001
1300	437	2446-48 Wisc. Ave, NW	Charles Futrovsky 8805 Montgomery Avenue Chevy Chase, MD 20815-4705
1300	489	2444 Wisconsin Ave, NW	Pablo Furman 7232 Taveshire Way Bethesda, MD 20817-1268
1300	490	2440 Wisconsin Ave, NW	2140 Wisconsin LLC c/o 2nd Floor 1228 31 st Street, N.W. Washington, D.C. 20007-3414
1300	532	2500 Wisconsin Ave, NW	Carillon House LP c/o Pinnacle Realty Management Company 4520 Eastwest Highway, # 650 Bethesda, MD 20814-3353
1300	548	3706 Calvert St, NW	Charles W. Davidson c/o Henry E. Nichols 3706 Calvert Street, N.W. Washington, D.C. 20007-1806
1300	549	2450 Wisconsin Ave, NW	First FSK LP c/o Delbe Real Estate Company 5185 MacArthur Blvd, N.W. Washington, D.C. 20016-3341

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISE ADDRESS</u>	<u>OWNER & MAILING ADDRESS</u>
1300	554	3700 Calvert St, NW	First Union National Bank c/o Wachovia Corporate Real Estate 401 South Tryon Street Charlotte, NC 28288-0001
1300	564	2650 Wisconsin Ave, NW	Mr. John Parsons, Director Cooperative Activities National Park Service 1100 Ohio Drive, S.W. Washington, D.C. 20024
1300	881	2436 Wisconsin Ave, NW	Sarah R. Eisenberg 2436 Wisconsin Avenue, N.W. Washington, D.C. 20007-1845
1935	6	3628 Davis St, NW	Edward J. Kielty 3628 Davis Street, N.W. Washington, D.C. 20007-1427
1935	7	3626 Davis St, NW	Edward R. Dyer et al 3626 Davis Street, N.W. Washington, D.C. 200071427
1935	8	3624 Davis St, NW	Robert E. & Alta Copeland, Trustees 3624 Davis Street, N.W. Washington, D.C. 20007-1427
1935	9	3616 Davis St, NW	Saint Johns Parish Vestry c/o Betsy Heine 1525 H Street, N.W. Washington, D.C. 20005-1005
1935	10	3612 Davis St, NW	R. S. Blaze 3612 Davis Street, N.W. Washington, D.C. 20007-1427
1935	12	2562 36 th St, NW	A. Ralph Rosenthal 2562 36 th Street, N.W. Washington, D.C. 20007-1458
1935	13	2560 36 th St, NW	Nicholas Friendly 2560 36 th Street, N.W. Washington, D.C. 20007-1458

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISE ADDRESS</u>	<u>OWNER & MAILING ADDRESS</u>
1935	14	2558 36 th St, NW	Ellen Seidman c/o Capin & Drysdale 2558 36 th Street, N.W. Washington, D.C. 20007-1458
1935	16	2600 36 th St, NW	Jonathan D. Taylor 2600 36 th Street, N.W. Washington, D.C. 20007-1419
1935	17	3615 Davis St, NW	Theodore J. Piccone 3615 Davis Street, N.W. Washington, D.C. 20007-1428
1935	18	2603 36 th St, NW	David C. Grinnell 2603 36 th Place, N.W. Washington, D.C. 20007-1414
1935	27	2602 36 th St, NW	Michael Cardozo, IV 2602 36 th Street, N.W. Washington, D.C. 20007-1419
1935	28	2600 36 th Pl, NW	Christopher N. Sipes 2600 36 th Place, N.W. Washington, D.C. 20007-1413
1935	40	3643 Davis St, NW	Andrew C. Cooper 3643 Davis Street, N.W. Washington, D.C. 20007-1460
1935	45	2507-15 Wisc. Ave, NW	Proprio, LP 1711 New Hampshire Avenue, N.W. Washington, D.C. 20009-2501
1935	806	3604 Davis St, NW	Nathaniel Semple 3604 Davis Street, N.W. Washington, D.C. 20007-1427
1935	808	2500 36 th St, NW	Robert D. Horvath, Jr. 2422 Tracy Place, N.W. Washington, D.C. 20008-1627
1935	816	2556 36 th St, NW	Majoarie H. Train 2556 36 th Street, N.W. Washington, D.C. 20007-1458

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISE ADDRESS</u>	<u>OWNER & MAILING ADDRESS</u>
1935	818	3655 Calvert St, NW	Trustees of St. Lukes Methodist Church 3655 Calvert Street, NW Washington, DC 20007-1831
1937	1	47 Observatory Cir, NW	Edward T. Love, Trustee 4816 Moorland Lane Bethesda, MD 20814-6145
1937	2	2557 36 th St, NW	John S. Douglass 5130 Connecticut Avenue, N.W. Washington, D.C. 20008-2006
1937	3	3540 Davis St, NW	Lawrence E. Lesueur 3540 Davis Street, N.W. Washington, D.C. 20007-1425
1937	7	53 Observatory Cir, NW	Margaret Thalwitz 53 Observatory Circle, N.W. Washington, D.C. 20008-3611
1937	8	49 Observatory Cir, NW	Alice T. Davison 49 Observatory Circle, N.W. Washington, D.C. 20008-3611
			ANC 3B Chairperson Guy Mason Rec. Center P.O. Box 32312 Washington, D.C. 20007
			ANC 3C Chairperson 2737 Devonshire Place, N.W. Washington, D.C. 20008
			Massachusetts Avenue Heights Citizens Association ("MAHCA") c/o Paul Cunningham 2707 36 th Street, NW Washington, D.C. 20007

F

**COMPLIANCE WITH THE FILING REQUIREMENTS
FOR A SECOND STAGE PUD (SECTION 2406.12)**

The applicable requirements for a second stage PUD application under Section 2406.12, and the project's compliance, are discussed below:

A. Section 2406.12(a): A copy of the completed application form is attached at p. ii of this Statement.

B. Section 2406.12(b): This document serves as a detailed statement regarding the uses to be located in the project. The PUD consists solely of residential uses consistent with the original PUD approval in Z.C. Case No. 02-50.

C. Section 2406.12(c): No changes are proposed to the site plan which was approved in Z.C. Case No. 02-50.

D. Section 2406.12(d): No changes are proposed to the landscape plan which was approved in Z.C. Case No. 02-50.

E. Section 2406.12(e): The proposed architectural elevations and roof structure plans are included with the drawings at Exhibit B.

F. Section 2406.12(f): No changes are proposed to the project which impact circulation, parking or traffic.

G. Section 2406.12(g): Additional relevant information can be found throughout this statement.

H. Section 2406.12(h): The statement contained herein describes how this application meets the intent and purposes of the Zoning Regulations and the PUD process.



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CERTIFICATE OF SERVICE

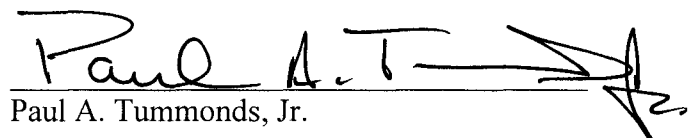
I hereby certify that on July 14, 2006, a copy of the Applicant's PUD modification application was delivered via hand delivery or first-class mail, to the following:

Jennifer Steingasser/Maxine Brown-Roberts
Office of Planning
801 N. Capitol Street, NE
3rd Floor
Washington, DC 20002

Dr. Catherine May
Advisory Neighborhood Commission 3C08
2800 36th Street, NW
Washington, DC 20007

Massachusetts Avenue Heights Citizens Association
c/o Paul Cunningham, President
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Chairperson
Guy Mason Recreation Center
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Paul A. Tummonds, Jr.