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January 11, 2006

Carol J. Mitten, Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

#03-03B

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RE: Supplemental Materials
Zoning Commission Case No. 03-03B
Capitol Gateway Estates PUD Modification

Dear Ms. Mitten and Members of the Commission:

On December 16, 2005, the Applicant in the above-cited case submitted an application for a Modification to the adopted 2nd-Stage Zoning Commission order, Order No. 03-03. The purpose of this submission is two-fold:

First, the December 16 Application inadvertently did not include the Zoning Commission application form for a PUD Modification. A completed Application Form is enclosed. Second, submitted herewith is supplemental information about the incorrect lots proposed to be corrected in this Modification.

Corrected Lot Numbers. One of the requests in the proposed modification is to correct several inaccurate lot numbers. These were set forth in the application statement. The Office of Zoning staff asked the Applicant also to submit complete substitute text for an amended Order, which is provided below.

1. In Zoning Commission Order No. 03-03, amend the preamble of the "Decision" section to read as follows:

> "In consideration of the Findings of Fact and Conclusions of Law stated herein, the Zoning Commission orders **APPROVAL** of the second-stage (final) PUD for property located near East Capitol Street and Southern Avenue, S.E., specifically Lots 50-56 and 66-78 in Square 5246; Lot 53 in Square 5279; Lots 99-114 and 118-204 in Square 5280; and Lots 36-92, 96-98 and 101-139 in Square 5281."

This text reflects the addition of Lots 50 and 66 in Square 5246 to the order and the removal of Lot 51 in Square 5272 from the order, for reasons set forth in the Statement dated December 16, 2005.

ZONING COMMISSION
CASE No. 03-03B
EXHIBIT No. 5

ZONING COMMISSION
District of Columbia
CASE NO.03-03B
EXHIBIT NO.5

2. In Order No. 03-03, amend the last sentence in Finding of Fact No. 1 to read as follows:

> "The property is identified as Lots 50-56 and 66-78 in Square 5246; Lot 53 in Square 5279; Lots 99-114 and 118-204 in Square 5280; and Lots 36-92, 96-98 and 101-139 in Square 5281 (the "PUD Site")."

If additional information is required, please contact the undersigned.

Sincerely,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross, AICP

Attachment
Cc: Advisory Neighborhood Commissions 7C and 7E
Office of Planning

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

APPLICATION TO MODIFY A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT

Before filling out this form, please see the instructions on the reverse side. Print or type all information unless otherwise indicated.

In accordance with the provisions of Chapter 24 of the Zoning Regulations, request is hereby made to modify a previously approved PUD, details of which are as follows:

Square No.	Lot Nos.
See attached list.	

Address or description of the premises: Irregularly-shaped land area north and south of East Capitol Street near Southern Avenue.

Area of the Site: 23.14 acres.

Baist Atlas No. ____, Page ____.

Brief description of the proposal: Replace Community Building with 12 townhouses. Correct several inaccurate lot numbers.

Date of consolidated or final approval: 12/31/04 Case No.: 03-03/02-05

Zoning Commission Order No.: 03-03

Concurrent change of zoning requested (check one): ___ Yes X No

The above information and attached documents are true to the best of my knowledge.

Larry Dwyer — 1/10/2006
Owner's Signature — Date

Larry Dwyer
Owner's Printed Name

Grimm & Parker — 301-595-1000
Name of Architect — Telephone Number

11785 Beltsville Drive, Calverton, MD — 20705
Address — Zip Code

Person to be notified of all actions:

Cynthia A. Giordano — 202-942-5840
Name Arnold & Porter LLP — Telephone Number

555 12th Street, NW, Washington, DC — 20004-1206
Address — Zip Code

DO NOT WRITE BELOW THIS LINE

Date Received:

Date Accepted: Z. C. Case No.

ZONING COMMISSION CASE NO. 03-03B
SQUARE AND LOT NUMBERS OF PUD SITE

Square No.	Lot Nos.	Zoning (as adopted in Order No. 03-03)
5246	50-56, 66-78	R-5-A
5279	53	R-5-A
5280	99-114, 118-204	R-5-A
5281	36-92, 96-98, 101-139	R-5-A