

Phil T Feola
pfeola@goulstonstorrs.com
202-721-1114 Tel
202-263-0514 Fax

Christine A Roddy
croddy@goulstonstorrs.com
202-721-1116 Tel
202-263-0516 Fax

August 17, 2015

VIA ELECTRONIC MAIL

Mr Anthony J Hood
Chairperson
District of Columbia Zoning Commission
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re ZC Case No 05-28A Request to Modify Condition of Approved PUD (Square
5041, Lots 852-915) ("Property")

Dear Chairperson Hood and Members of the Commission

K Hovnanian Parkside Holdings LLC ("**Applicant**"), owner of the above-referenced Property, hereby requests to modify condition number 11 of Order No 05-28A. This project is the subject of Zoning Commission Case Nos 05-28A, 05-28G, and most recently, a minor modification approved in Case No 05-28M. The project consists of 100 townhomes, which were approved as a part of the Parkside Planned Unit Development ("**PUD**") First Stage approval of the Parkside PUD was initially approved pursuant to Zoning Commission Order No 05-28 in April 2007. This order approved 142 residential townhomes for the Property, Second Stage approval was approved pursuant to Order No 05-28A ("**Order**") on October 3, 2008, which approved 112 townhomes. The approved project was subsequently modified in Case No 05-28G, which increased the size of the townhomes but reduced the overall number of them to a maximum of 100 homes. The Zoning Commission approved a minor modification to the design of the facades of the townhomes in December 2014 in Case No 05-28M. This project has not sought a time extension for any of the aforementioned approvals.

The Applicant now seeks approval to modify condition number 11 of Order No 05-28A. This condition states,

The PUD shall be valid for a period of two (2) years from the effective date of Z C Order No 05-28. Within such time, an application must be filed for a building permit for the construction of one of the buildings to be located on

ZONING COMMISSION
District of Columbia

CASE NO 05-28N
1, 1A-1C
CASE NO.05-28N
EXHIBIT NO.1

Blocks A, B, or C, and construction must start within three (3) years of the date of the effective date of this Order. The filing of the building permit application will vest this Order as to the building being constructed. An application for the final building permit completing the development of the PUD approved herein must be filed within three (3) years of the issuance of the final certificate of occupancy of the first building.

The senior housing building (Block A) timely filed for its building permit prior to the expiration of the two year period. Building Permit No. B0905238 was issued on March 21, 2011, approving the construction of 98 affordable senior-living units on Block A. A certificate of occupancy was issued for the senior housing on July 6, 2012. Pursuant to the language of condition number 11, building permits for the townhomes were required to be filed by July 6, 2015. The Applicant met this deadline for Block B (39 townhomes), but must still submit a permit application for Block C (remaining 61 townhomes) ("**Block C Townhomes**")

K. Hovnanian is phasing the construction of the proposed townhomes. It has secured building permits for the Block B townhomes but must still submit a building permit application for the Block C homes. Attached as Exhibit B are copies of the building permits for the construction of the 39 townhomes included in Phase 1. The Applicant has already started construction of these homes under the permit and expects substantial completion in December 2015. The Block C townhomes, however, were not included as a part of the attached building permits. Accordingly, the Applicant requests approval to modify the existing condition to allow for an additional six months to apply for the final building permits for the Block C Townhomes.

K. Hovnanian anticipates filing a building permit application for the Block C Townhomes once subdivision of the lots is recorded by the Office of the Surveyor. It has already secured a grading permit and public space permit and has completed work under these permits, both of which are attached as Exhibit C. In addition to starting work under these permits, K. Hovnanian has retained a third-party reviewer to facilitate the permitting process and it has satisfied all zoning conditions for the issuance of the building permit, including recordation of the affordable housing covenant against the Property. The only outstanding item prior to issuance of the building permit is the recordation of the subdivision, which has been approved.

The Applicant proposes the following language to supersede the existing language of condition number 11:

The PUD shall be valid for a period of two (2) years from the effective date of Z.C. Order No. 05-28. Within such time, an application must be filed for a building permit for the construction of one of the buildings to be located on Blocks A, B, or C, and construction must start within three (3) years of the date of the effective date of this Order. The filing of the building permit application will vest this Order as to the building being constructed. An application for the final building permit completing the development of the PUD approved herein must be

filed within ~~three (3) years~~ **forty-two (42) months** of the issuance of the final certificate of occupancy of the first building

The Applicant asks that the Commission approve the modification of the PUD condition pursuant to its authority under Section 3030 and include this request on the next consent calendar agenda

Sincerely,



Phil T Feola


Christine A Roddy

cc Mike Irons, K Hovnanian

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to the following by first-class mail or by hand delivery on August 24, 2015.

Joel Lawson
Steve Mordfin
Office of Planning
1100 4th Street, SW
Washington, DC 20024

ANC 7D
4058 Minnesota Avenue, NE
Suite 1400 (DOES Building)
Washington, DC 20019

Justin Lini, SMD 7D07
721 Anacostia Avenue, NE
Washington, DC 20019



Christine Roddy