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April 13, 2010

Meridith Moldenhauer, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, NW, 2nd Floor South
Washington, DC 20001

Re: BZA Appeal No. 18029
Certification of Completion of Improvements to Francis Field

Dear Chairperson Moldenhauer and Members of the Board:

We are pleased to inform the Board that construction of the improvements to Francis Field has been completed. As shown on the attached certificate of completion prepared by the landscape architect and photographs, the Field improvements include all of the improvements called for in Conditions 10(b) and 10(c) of Z.C. Order No. 06-35 and, as previously documented for the Board in prior filings, the total value of the design, materials, and labor associated with these improvements exceeds the amount stated in the conditions.

Therefore, we reiterate our position that the appeal is moot and, pursuant to 11 DCMR § 3100.7, the matter is no longer subject to the jurisdiction of the Board.

Finally, please note that counsel for Vornado has moved and is now located at the address above. Please feel free to contact me at (202) 721-1137 if you need anything further.

Sincerely,



David Avitabile

Attachments (2)

cc: Lisa Marier, Vornado

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18029

EXHIBIT NO. 21

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2010 a copy of this letter and attachments was delivered by electronic mail, first class mail, or hand delivery to the following:

Gary Griffith
Secretary, Friends of Francis Field
2501 M Street NW #609
Washington, DC 20037

Jay Surabian
Assistant Attorney General
Office of the Attorney General of the District of Columbia
Office of the General Counsel for the Department of
Consumer and Regulatory Affairs
1100 4th Street, SW, 5th Floor
Washington, DC 20024

Constance J. Miller, Esq.
Counsel for ANC 2A
Manning & Sossamon PLLC
1120 20th Street NW
Suite 700, North Building
Washington, DC 20036

Rebecca Coder
Chair, ANC 2A
2501 M Street, NW #721
Washington, DC 20037



David Avitabile

AIA[®] Document G704[™] – 2000

Certificate of Substantial Completion

PROJECT: FRANCIS FIELD
(Name and address):
2435 N ST, NW
WASHINGTON, DC 20037

PROJECT NUMBER: W801/
CONTRACT FOR: General Construction
CONTRACT DATE: APRIL 2010

OWNER: ☐
ARCHITECT: ☐
CONTRACTOR: ☐
FIELD: ☐
OTHER: ☐

TO OWNER: DPR
(Name and address):
3149 16th St, NW
WASHINGTON, DC 20010

TO CONTRACTOR: WH BOYER
(Name and address): 2945 ROUTE 97
GLEN WOOD, MD 21738

PROJECT OR PORTION OF THE PROJECT DESIGNATED FOR PARTIAL OCCUPANCY OR USE SHALL INCLUDE:

FRANCIS FIELD PARK RENOVATION LOCATE ON 25th STREET FULLY
DESCRIBED IN EXHIBIT A OF THE WH BOYER CONTRACT (SEE ATTACHED).

The Work performed under this Contract has been reviewed and found, to the Architect's best knowledge, information and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated above is the date of issuance established by this Certificate, which is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

Warranty

Date of Commencement

OCULUS
ARCHITECT

L. Grubbs
BY

APRIL 12, 2010
DATE OF ISSUANCE

A list of items to be completed or corrected is attached hereto. The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment.

Cost estimate of Work that is incomplete or defective: \$ 0.00

The Contractor will complete or correct the Work on the list of items attached hereto within Zero (0) days from the above date of Substantial Completion.

[Signature]
CONTRACTOR

EVAN S. DIAMOND
BY

APRIL 13, 2010
DATE

The Owner accepts the Work or designated portion as substantially complete and will assume full possession at (time) on (date).

P. ST
OWNER

PAUL SOUTER
BY

APRIL 12, 2010
DATE

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work and insurance shall be as follows:

(Note: Owner's and Contractor's legal and insurance counsel should determine and review insurance requirements and coverage.)

Exhibit A Scope of Work

(Index of Drawings, Specifications and Addenda)

DRAWINGS

Architectural Drawings (Oculus)

Drawing No.	Description	Date
L0.0	Cover Sheet and Drawing List	12/10/09
L1.0	Existing Conditions Plan	10/21/09
L1.1	Demolition Plan	10/21/09
L2.0	Grading Plan	10/21/09
L3.0	Hardscape Plan	12/10/09
L4.0	Planting Plan	12/10/09
L5.0	Hardscape Details	12/10/09
L5.1	Planting Details	10/21/09

Erosion and Sediment Control Plan (Bohler Engineering)

Drawing No.	Description	Date
1	Cover Sheet	12/18/09
2	Erosion & Sediment Control Plan	12/18/09
3	Erosion & Sediment Control Details	12/18/09
4	Erosion & Sediment Control Notes	12/18/09

Utility Plan (Bohler Engineering)

Drawing No.	Description	Date
1	Utility Plan	12/24/09

SPECIFICATIONS

Section No.	Description	Date
033001	Cast in Place Concrete – 5 pages	10/05/09
129300	Site Furnishings & Miscellaneous Landscape items – 2 Pages	10/05/09
321313	Concrete Walks – 7 Pages	10/05/09
323119	Fencing – 5 Pages	10/05/09
329300	Planting – 13 Pages	10/05/09

ADDENDA – N/A

Exhibit A Scope of Work

(Index of Drawings, Specifications and Addenda)

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L5.0	Hardscape Details	10/05/09
L5.1	Planting Details	10/05/09

10/21/09
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ADDENDA – N/A

EROSION AND SEDIMENT CONTROL PLAN (BOHLER ENGINEERING)

DRAWING	DESCRIPTION	DATE
1	COVER SHEET	10/01/09
2	EROSION & SEDIMENT CONTROL PLAN	10/01/09
3	EROSION & SEDIMENT CONTROL DETAILS	10/01/09
4	EROSION & SEDIMENT CONTROL DETAIL NOTES	10/04/09

SK

APPEAL NO. 18029 – FRANCIS FIELD
PHOTOGRAPHS OF COMPLETED IMPROVEMENTS



Photo 1: Aerial View – Francis Field – Southern Portion



Photo 2: Aerial View – Francis Field – Central Portion



Photo 3: Aerial View – Francis Field – Northern Portion



Photo 4: Francis Field – Main Entrance with benches, trash receptacle, and park light.



Photo 5: Francis Field – Secondary Entrance with water fountain, trash receptacle, and park light.