

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director



April 28, 2008

**VIA E-MAIL and
U.S. FIRST CLASS MAIL**

AppleTree Institute for Education Innovation, Inc.
Russ Williams
Managing Director
400 7th Street, SE
Washington, D.C. 20003

Mark A. Perry, Esq.
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

**WITHDRAWAL OF NOTICE OF REVOCATION OF
BUILDING PERMIT NUMBER 89587**

On November 15, 2007, the Department of Consumer and Regulatory Affairs ("DCRA") issued a Notice of Revocation of Building Permit Number 89587 (the "Notice of Revocation"). Building Permit Number 89587 (the "Permit") had been issued on October 26, 2007 to AppleTree Institute for Education Innovation ("AppleTree") for interior renovation and demolition of an existing two-story building, and construction of a three-story addition with basement at 138 12th Street, NE, Square 0988, Lot 0320 (the "Property"). Immediately upon issuing the Permit, DCRA determined that the issuance was in error because DCRA issued the Permit prior to completion of reviews by all of the disciplines and/or agencies required to approve the application, specifically reviews by the Office of the Zoning Administrator ("OZA") and the District of Columbia Department of the Environment ("DDOE").

DDOE completed its review of the application on March 28, 2008, following AppleTree's completion of a geophysical survey, carried out utilizing ground penetrating radar. The survey indicated, "that there did not appear to be any buried fuel tanks located

941 North Capitol Street, N.E., Suite 9500, Washington, D.C. 20002
Phone: (202) 442-8947 Fax: (202) 442-9445

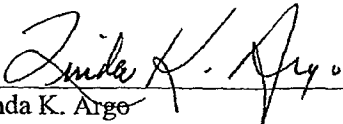
Board of Zoning Adjustment
District of Columbia
CASE NO.18241
EXHIBIT NO.26B40

within the scanned area.” In a March 28, 2008 email from James Sweeney of DDOE to Linda Argo, DCRA Director, DDOE indicated that DDOE did not have any environmental objection to allowing construction of the project to move forward.

On April 22, 2008, following the DDOE review, the OZA concluded its final review of the application and issued zoning approval of the building permit application for the Property.

Since the DDOE and OZA approvals have now been obtained, the Department of Consumer and Regulatory Affairs hereby withdraws the November 15, 2007 Notice of Revocation and confirms the validity of the Permit *nunc pro tunc*.

Any questions may be directed to the Permits Administration at (202) 442-4541.



Linda K. Argo
Director