

# Holland & Knight

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November 20, 2009

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RECEIVED  
DC OFFICE OF ZONING  
2009 NOV 20 PM 2:55

## VIA HAND DELIVERY

D C Zoning Commission  
441 4<sup>th</sup> Street, N W , Suite 210  
Washington, DC 20001

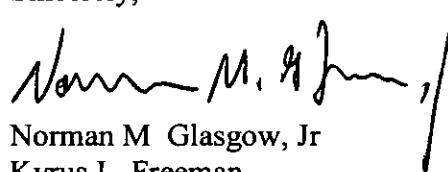
Re **Z C Case No 06-01B – Steuart H Street, LLC – PUD Modification @ Square 776 - Request for Waiver of 40 Day Posting**

Dear Members of the Commission

Enclosed, please find a copy of the affidavit attesting to the posting of notice on the subject property. Through inadvertence, notice was posted on the property thirty-five days in advance of the hearing. Pursuant to §3000.8 of the Zoning Regulations, the Applicant respectfully request a waiver of five days from §3015.3. All other forms of notice have been timely given in accordance with the Zoning Regulations. The Office of Zoning published notice of the public hearing in the D C Register on October 16, 2009 in accordance with Section 3015.2. Also, pursuant to Section 3015.3, the Office of Zoning mailed a copy of the hearing notice to the owners of property within 200 feet of the subject property. The Applicant has also met with ANC 6C a number of times to review this application. Thus, the Applicant believes the community has been well informed of the pending proposal and that there will be no prejudice to any person or party if the waiver is granted.

Please let us know if you have any questions or require any additional information.

Sincerely,



Norman M. Glasgow, Jr.  
Kyrus L. Freeman  
Holland & Knight LLP

Enclosure

# 8981288\_v1

ZONING COMMISSION  
District of Columbia

CASE NO 06-01B  
EXHIBIT NO 23

ZONING COMMISSION  
District of Columbia  
CASE NO.06-01B  
EXHIBIT NO.23

BEFORE  
THE DISTRICT OF COLUMBIA  
ZONING COMMISSION

RECEIVED  
D.C. OFFICE OF ZONING  
2009 NOV 20 PM 2:56

NOTICE See other side of affidavit form for instructions

In Re Modification to the Approved Case No 2C 06-01B  
PUD at 3rd and H St NE - (Stuart H Street LLC)  
AFFIDAVIT OF POSTING

DISTRICT OF COLUMBIA, ss

Holland Knight, LLP, being first duly sworn, does  
hereby depose and say that,

I, Freda Hobar, on 10-26-09  
(Date)  
at 12:5 AM, caused 3 Zoning Notice(s) furnished by the  
(Time)

Secretary to the Zoning Commission to be posted on private property  
known as 3rd, 4th and H St + I St N.E  
(Address of Premises)  
in plain view of the public on the following street frontages

I caused to be taken 3 photographs(s), attached  
(Number)  
hereto, of the Zoning Notice(s) in place which fairly depict each  
Zoning Notice as seen by the public The photographs are numbered  
and correspond to the following street frontages

| Number                  | Street Frontages                |
|-------------------------|---------------------------------|
| 1 thru 3 (see attached) |                                 |
| 3, 4th + H St + I St NE | <u>Freda Hobar</u><br>Signature |

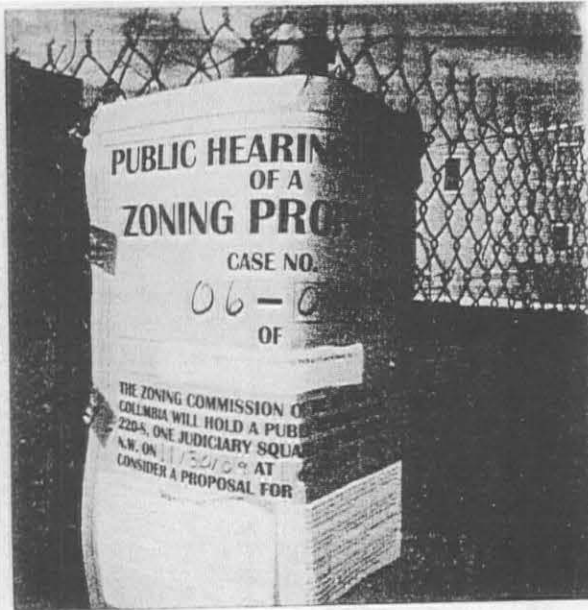
Subscribed and sworn to before me this 26th day of October, 192009

William D. Spahr  
Notary Public, D.C.

My Commission expires  
May 31, 2013

Attach photograph here  
See Instruction No 1

2C 06-01B



1. 3+4<sup>th</sup> H+I<sup>st</sup> NE

2. 3+4<sup>th</sup> st NE



3. 3+4<sup>th</sup> H+I<sup>st</sup> NE