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November 21, 2001

NORMAN M. GLASGOW, JR.
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Internet Address:
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VIA HAND DELIVERY

District of Columbia
Board of Zoning Adjustment
441 4th Street, NW
Room 220
Washington, DC 20001

Re: BZA Order No. 16536, Application of National City Christian Church
Request for Modification of Approved Plans

Dear Members of the Board of Zoning Adjustment:

Pursuant to the Board's request made at its November 6, 2001, public meeting, the Applicant, National City Christian Church, provides the following information in support of its request for a waiver from the six month time limitation for requesting modification of approved plans.

The Church does not independently have any real estate development capability. In order to pursue the residential development project approved in BZA Application No. 16536 on March 27, 2000, the Church engaged a development consultant in May, 2000, to prepare a request for proposals ("RFP") for developers interested in undertaking the construction project approved by the Board in Order No. 16536. After a Phase I environmental analysis was undertaken in June, 2000, the RFP, which included the approved BZA plans, was subsequently issued in July, and proposals were received and evaluated during August and September, 2000. The Church's Board of Trustees authorized the negotiation of a ground lease with the preferred developer at the

BZA
Case No. 16536
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.40

end of September, 2000.[1] A phase II environmental investigation was thereafter commenced, and an option agreement was entered into between the Church and the preferred developer on November 7, 2000.

The arrangement between the Church and the originally-selected developer was not satisfactorily completed, and the agreement was terminated at the end of December, 2000. The Church promptly resumed its search for a developer of the approved residential project and requested that the next preferred developer, that is, the second place finisher in the original RFP process, make a firm offer for the approved project. That developer declined to proceed with the project.

Immediately thereafter, in January and February, 2001, the Church contacted a variety of developers to determine any interest those developers might have in undertaking the project. A second RFP was generated and issued on February 16, 2001. The Church then held discussions with potential bidders and reviewed proposals in February and March, 2001. The Church designated a preferred developer from the second RFP process on April 5, 2001, and negotiations of ground lease terms took place between the parties in April through June, 2001. Negotiations stalled between the parties in mid-June, however, after further negotiations, an agreement was reached between the parties in August, 2001.

The Church entered into a ground lease with the new developer on August 29, 2001. The new developer agreed to pursue development of the residential project in compliance with the drawings approved by the Board in Application No. 16536, with the exception of the minor changes set forth in the present request for modification of approved plans. The new developer has determined that the minor modifications proposed, primarily relating to the relocation of community spaces within the building and changes to the fenestration pattern of the building, are necessary to improve the marketability of the project. With specific regard to the relocation of interior space, the new developer seeks to exchange space on the ground level of the building such that the residential uses planned for that level are relocated to the quieter N Street, NW frontage of the building.

This agreement reached between the Church and the new developer in August is contingent upon approval by the Board of the current request for modification of approved plans. Because the modifications proposed were only

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1 Owing to the public nature of the records of the BZA, the names of the numerous developers involved in the RFP process have been omitted to insure protection of their privacy.

made subsequent to the new ground lease being entered into at the end of August, 2001, the Church had no opportunity to present the Board with the proposed modifications any sooner than it did, at the end of September, 2001.

The Church has presented its proposed modifications to Advisory Neighborhood Commission ("ANC") 2F, which has offered a letter of support for the proposed modification. The D.C. Office of Planning ("OP") has also offered its support for the proposed modification of plans. Likewise, owing to the National City Christian Church's listing on the D.C. Inventory of Historic Sites, the Church has discussed its plans with the staff to the Historic Preservation Review Board, which has no objection to the proposed changes. (See copies of the ANC and OP letters, and Board Memorandum citing contacts with community and government agencies relating to this request, included as Attachment A.) The Church is not aware of any opposition to its request for modification of approved plans.

Approval of a waiver from the six month modification filing requirement of §3129.3 is appropriate in this case. The Board has approved such waivers in numerous past cases, including occasions where the delay in requesting modifications to approved plans was significantly greater than that presented by the Church. Likewise, the history of the Zoning Regulations pertaining to time limits on Board actions indicates the appropriateness of flexibility in such cases as here presented.

Waiver of the limitation in the present case is in fact necessary as a result of a discrepancy in time periods created by the Zoning Commission when it amended the provisions of the Zoning Regulations involving time limits on Board Action. Section 3130 of the Regulations currently provides that an application for a building permit may be filed up to two years after the date of an order.(See Order No. 810, included as Attachment B). Prior to that amendment, the Regulations provided that orders of the Board were effective for no more than six months without the filing of a building permit. As testified to by the chairperson of the Board at that time, such an extension of the effectiveness of the Board's orders from six months to two years "did not appear to provide an opportunity for abuse of the process but provided applicants with ample time to proceed to the permitting process." Those intended to benefit most from the extension were those applicants "comparatively lacking in market power," including "small businesses, nonprofits [and] participants in restrictive public-private ventures." (Zoning Commission Order No. 810, page 2).

In approving the extension of effectiveness of the Board's order (§3130 of the Regulations), the Commission did not revise the time period for filing for modification of approved plans (§3129.3), even though these provisions provided

for the same period when originally included in the Zoning Regulations. This has resulted in a situation where a party is granted two years to file for a building permit but only six months to request modifications. The Church suggests that the very same rationale for extending the effective date of the Board's order applies to this request for modification, i.e. providing relief to those most in need, including nonprofits and others comparatively lacking in market power.

For all the above reasons, National City Christian Church requests that the Board, under its authority established in §3101.6, waive the six month limitation for requests to modify approved plans, set forth in §3129.3. The Church further requests that the Board then approve its request for modification of previously approved plans in Application No. 16536. Thank you for your continued consideration.

Very truly yours,

HOLLAND & KNIGHT LLP

Norman M. Glasgow, Jr.

Enclosures
cc: ANC 2F

BCC: Lois Vermillion
David Weisel
Tim Smith

WAS1 #1031463 v1

ANC 2F ADVISORY NEIGHBORHOOD COMMISSION 2F
GOVERNMENT OF THE DISTRICT OF COLUMBIA
P.O. Box 9348, Mid-City Station, Washington, DC 20005
Telephone: (202) 667-0052 Fax: (202) 667-0053

Commissioners:
2F01 David Stephens, *Chair*
2F02 Jim Brandon
2F03 vacant
2F04 Helen M. Kramer, *Secretary*
2F05 Leslie Miles, *Vice Chair*
2F06 Bob Hinterlong, *Treasurer*

October 19, 2001

Board of Zoning Adjustment
441 4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: BZA Application No. 16536 (National City Christian Church)
Request for Modification of Approved Plans

Dear Members of the Board:

At its regularly scheduled October 3, 2001, public meeting at which a quorum was present, Advisory Neighborhood Commission 2F voted unanimously (5-0) to support the applicant's request for minor modifications of the approved BZA plans.

The ANC requests the Board to approve the matter at its upcoming November public meeting. The Commission is eager to have this long-delayed project proceed as soon as possible.

Thank you for giving great weight to our views.

Sincerely,

David Stephens
Chair

D.C. OFFICE OF ZONING
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Attachment A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman
Director

DATE: October 15, 2001

SUBJECT: BZA Application 16536 - Request for Modification to BZA Order 16536 for the National City Christian Church

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The Office of Planning (OP) has reviewed the applicant's request for a minor modification to the BZA Order Number 16536, the National City Christian Church and has no objection to the modification requested.

The applicant has provided information that states there will be no change to the Floor-Area-Ratio, the number of units, or the number of parking spaces originally approved for the project. Based on the information provided, the changes all relate to modification of the window plan for the building.

The Historic Preservation Office has also reviewed the modification request and has no objection.

BZA
Case No. 16536
Exhibit No. 37

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

MEMORANDUM

TO: Board of Zoning Adjustment

THRU: Jerrily R. Kress, FAIA
Director

FROM: Richard S. Nero, Jr. RSN
Special Assistant

DATE: September 28, 2001

RE: BZA Application No. 16536 (National City Christian Church)
Request for Modification of Approved Plans

On September 25, 2001, the above-cited application (attached) was filed with the Office of Zoning. On Thursday, September 27, 2001, the Office of Zoning (OZ) received telephone calls from Leslie Miles, Vice Chairperson of Advisory Neighborhood Commission (ANC) 2F and Stephen Callcott with the Historic Preservation Review Board. Ms. Miles advised OZ that the ANC 2F Community Development Committee met and voted unanimously to support the request for modification of plans. However, the full ANC had yet to vote on the matter. Mr. Callcott advised OZ that his office had reviewed the applicant's modification plans and supported the application being considered as a consent calendar item by the Board.

Attachment

16536
34

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 810
Case No. 95-14/93-8
(Text Amendments - "Good Cause" and Miscellaneous Amendments,
Sections 2408, 3104 and 3331)
January 13, 1997

The Zoning Commission for the District of Columbia initiated this case in response to a petition from the Office of Zoning in conjunction with the Office of the Corporation Counsel, requesting the Commission to amend the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Amendments to the text of the Zoning Regulations are authorized pursuant to the Zoning Act [Act of June 20, 1938, 52 Stat. 797, as amended, D.C. Code Ann. Section 5-413 (1981)].

The petition filed on October 16, 1995 and supplemented on October 23, 1995, requested the Zoning Commission to adopt amendments to Section 2408 that would provide clear guidelines for defining "good cause" for extending the validity of orders/decisions in planned unit development (PUD) cases, and would provide for the circumstances under which an extension request would require a public hearing. The proposed amendments to Section 3104 would extend the time limit on Board of Zoning Adjustment (BZA) action; and the proposed amendments to Section 3331 would allow for service of BZA orders by first class mail.

At its regular public meeting on October 23, 1995, the Commission authorized a public hearing on the petition and incorporated the record from Z.C. Case No. 93-8 which contains the Office of Zoning's first attempt to address the issues surrounding what constitutes "good cause" for granting an extension of the validity of a PUD.

The public hearing in this case was properly noticed for January 11, 1996. The January 11th hearing session was canceled because of inclement weather. Pursuant to further notice, a re-scheduled public hearing was held on March 25, 1996. The hearing session was conducted in accordance with the provisions of 11 DCMR 3021.

At that hearing session, the Commission heard the presentation of the Office of Zoning (OZ) and the Office of Planning (OP), the testimony of the chairperson of the Board of Zoning Adjustment, and eight witnesses, including representatives from law firms, various community groups and interested citizens. Four witnesses testified in opposition to the proposed amendments, and four witnesses testified in support of the proposal, three of whom proposed modifications.

By memorandum dated March 20, 1996, and by testimony at the public hearing, the Office of Zoning recommended adoption of the text amendments related to good cause as used in Subsection 2408.10; the adoption of longer time limits for Board action pursuant to Section 3104; and adoption of the text proposal to authorize service of Board orders by regular mail.

The Office of Zoning noted that the amendment to Subsection 2408.10 was necessitated by the Commission's need for clear guidelines about good cause for granting extensions of the validity of its PUD orders/decisions, and in part, because of the Court of Appeals decision in the case of the Hotel Tabard Inn vs. District of Columbia Zoning Commission. In that case, the Court noted that the Commission had indicated that it would put rules in place to govern good cause for the extension of the validity of its PUD orders/decisions.

The Office of Zoning provided the Commission with background information about the decline of the office market, and noted that during this time the Commission began to receive requests for extensions of the validity of PUD orders/decisions from developers who were unable to proceed with construction because of market conditions.

The Office of Planning by report dated March 21, 1996 and by testimony presented at the public hearing, recommended approval of the proposed amendments with modifications. The OP recommended modifications in two areas of the proposal. The OP recommended that the provision which reads "No substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development" be reworded by deleting the "No" and moved from the Subsection which provides the specific criteria for an extension, to the Subsection indicating when a public hearing would be required. The Commission noted that when it set the case for hearing, it moved the paragraph in question to the Subsection which sets forth the initial requirements for the Commission's consideration in PUD extension requests. The OP recommendation was based on the text in the Supplemental Report of the Office of Zoning and not the text that the Commission actually set for hearing.

OP's second recommendation was that the time limit on Board of Zoning Adjustment action be increased to one year, but allow for the BZA to grant an additional year if the applicant makes an acceptable argument. The Office of Planning recommended approval of the other portions of the proposal as advertised for public hearing.

The chairperson of the Board of Zoning Adjustment presented testimony on behalf of the Board of Zoning Adjustment supporting an increase of the time limit on Board action, and supporting the proposal to serve Board orders by first class mail. She noted that the proposal to increase the effectiveness of the Board's orders to no more than two years did not appear to provide an opportunity for abuse of the process but provided applicants with ample time to proceed to the permitting process. She noted that applicants before the Board are more frequently ready to go forward before the Board's orders are issued rather than wanting or needing a delay. She indicated that those applicants who return for reapproval tend to be small businesses, nonprofits, participants in restrictive public-private ventures and other applicants comparatively lacking in market power. She stated that the proposal would benefit those who are most in need of the relief.

As to the proposal regarding the change from certified to first class mail, the chairperson indicated that the change could not be implemented soon enough. She stated that certified mail has become burdensome. It particularly burdens ANCs, who do not have staff or commissioners who can get to the post offices to retrieve the certified mail.

Advisory Neighborhood Commission 2E requested that a copy of its report for Z.C. Case No. 95-17 be placed in the record of this case. The report did not comment on the proposal in this case.

Advisory Neighborhood Commission 2A submitted a resolution in opposition to the proposal. The issues and concerns raised by ANC 2A are summarized as follows:

1. The comment period of seven days to review and comment by all parties is too short and should be extended to at least 30 days.

2. The proposal provides for a public hearing only if there is a material factual conflict. This denies the ANCs the opportunity to submit new information such as a change in circumstances in the neighborhood since the PUD was originally approved.

Testimony in support of the proposed amendments with modifications was presented by the Committee of 100 on the Federal City; the law firm of Wilkes, Artis, Hedrick and Lane on behalf of the Archdiocese of Washington; and the law firm of Robins, Kaplin, Miller and Ciresi on behalf of the Dupont Circle Citizens Association. The salient issues raised at the hearing and in post-hearing submissions, and the Commission's disposition of them are summarized as follows:

1. The proposed terms defining good cause are too lenient and are likely to result in unrealistic projects where financing never materializes, and developers lose interest or go out of business. Even if the project is not abandoned, when the developer is ready to proceed after five to seven years, additional hearings are required because the project will likely require substantial modification. The Commission believes that its proposed rules permit additional hearings where substantial changes in relevant facts or policies have occurred. The Commission notes that its current regulations provide for hearings where major PUD modifications are proposed.

2. The response period of seven days is too short given that many organizations only meet once a month, and there would need to be time to get a report to the Commission even after a meeting and vote. All PUD extension requests should be advertised in the D.C. Register for a period of 30 days, in addition to serving all the parties. The Commission agrees that the proposed response time of seven days is too short and that 30 days is appropriate. However, the Commission believes that parties to the original PUD application should be served, and there is no need to publish the PUD request in the D.C. Register.

3. The proposed rules suffer from lack of reasonable definition and are inconsistent with the nature of the proof required to obtain the initial PUD approval. The Commission believes that its proposed rules clearly define good cause for extensions and do not allow for a rehearing on the initial PUD.

4. The economic viability of a PUD should be considered during the initial approval process. Without such consideration, an applicant's claim that a project cannot secure financing or is economically not viable as proffers for a showing of "good cause" have no basis in fact from the applicant's case in chief. The Commission does not regard this evaluation as being within the purview of the Zoning Regulations and presumes that an applicant would not expend resources on obtaining an approval without a reasonable probability of obtaining sufficient financing for the proposed project.

5. Changes in material facts should be addressed as related to the good cause criteria. The Commission believes that before reviewing the good cause criteria related to a PUD extension request, there shall have been no substantial change in the material facts upon which the Commission based its original approval of the PUD.

6. The only good cause that should be considered legitimate grounds for a PUD extension is failure of city staff to process its required actions in time despite demonstrated proof from the developer about its having made every reasonable effort to discharge its responsibilities in a timely fashion. The Commission believes that market conditions beyond the control of the applicant may justify a PUD extension.

7. Because all extension orders are appealable, the Commission should enact a tolling provision to bring some finality to the process. The Commission has this suggestion under advisement in a case that is still pending.

8. The Commission's language should clearly reflect that the determination of good cause is made by the Commission. The Commission agrees.

9. Clarify the type of substantial change by adding the phrase "that would undermine the Commission's justification for approving the original PUD" to paragraph 2408.10 (b). The Commission accepts this suggestion.

10. Change the phrase "substantial change of material facts" to "a factual dispute with regard to the criteria." The Commission believes that its formulation has greater clarity.

11. Pending litigation initiated by third parties over whom the applicant has no control which renders the applicant unable to comply with the time limits of the PUD order should be considered as good cause for an extension. The Commission agrees with this suggestion.

Testimony in opposition to the proposed amendments was presented by the Residential Action Coalition, the D.C. Federation of Citizens Associations, Tabard Inn and two private citizens. Their testimony raised many of the same issues and made many of the same recommendations as the previous group. The additional issues raised and the Commission's disposition are summarized as follows:

1. The Zoning Commission routinely approves extensions without benefit of hearings or standards. The Commission does not approve extension requests without the application of appropriate standards.

2. The proposed text creates a one-sided covenant that could run perpetually with the land binding the District and its citizens to honor a developer's rights but allowing the developer to change, delay, trade or sell the benefits without ever again having to address the merits of the proposal. The Commission believes that its standards prevent this from occurring.

3. Public hearings should be required for all extension requests. This suggestion would treat each extension request as a de novo application, which would not be in the public interest.

4. The only three instances where the Commission should find good cause to grant an extension should include an act of God which prevents the applicant from proceeding, where an absolutely unique building proposal was previously approved, or where 50 percent of the financing has been raised. The Commission finds these criteria too restrictive and does not agree with this suggestion.

5. No extension should be granted if more restrictive text language regarding PUDs has been passed since the initial approval of the PUD. The Commission believes that its proposed rules adequately address instances where the Zoning Regulations have changed since the original PUD was approved.

6. An extension should be granted once for a one-year period, where a public hearing on the extension has been held and one month prior to the hearing, the record contains a set of unchanged plans, all underlying zoning requirements are lined up against what the PUD would produce – height, lot occupancy, FAR, parking, housing, retail, etc., projected revenue for matter of right and for the PUD, and a demonstration of firm financing. The Commission again finds these criteria unreasonably burdensome and does not agree with this suggestion.

The last three suggestions or recommendations are premised on the notion that there are no benefits flowing to the city and neighbors from an approved PUD, and that all the benefits of Commission action accrue only to an applicant. The Commission's review and approval of PUD applications provide an occasion for design review and flexible regulation not otherwise provided under matter of right zoning. As such, the Commission believes that its approval of a

PUD application imposes on an applicant important responsibilities for the benefit of the city and a neighborhood that would otherwise not occur and that extension of the approval for events and circumstances beyond the control of the applicant is in the public interest unless there has been a substantial change of material fact or policy that would call into question the initial approval.

In response to the issues and concerns of the ANCs, and in responding to issues raised in the record, the Commission believes the proposed amendments should be adopted for the following reasons:

1. They provide clear guidelines for defining "good cause" for extending the validity of orders/decisions in planned unit development cases, and provide the specific circumstances where an extension request would require a public hearing.

2. They adequately address the Court of Appeals concerns in the Hotel Tabard Inn vs. District of Columbia Zoning Commission case regarding the Commission's stated intent to put rules in place to govern good cause for the extension of the validity of PUD orders/decisions.

3. They provide for relief from a burdensome requirement to serve BZA orders by certified or registered mail.

4. They provide for an adequate time limit on BZA action so that applicants have a reasonable time following BZA decisions to proceed to the permitting process.

The Commission agrees with the ANC and others that a seven-day response time is too short for ANCs, community organizations and other parties to meaningfully respond to a PUD extension request. The Commission noted that ANCs and other community organizations often meet only once a month, and need time to give notice to the community and take a formal vote. The Commission believes that a 30-day response period is appropriate.

The Commission believes that an extension request is not an opportunity to rehear a previously approved PUD, and therefore, the appropriate time for a public hearing in an extension proceeding is where there is a material factual conflict that has been generated by the parties to the PUD concerning the good cause criteria. The Commission believes that a public hearing under these circumstances does not undermine its original approval and allows its approval process to have some degree of finality.

The Commission further believes that a PUD extension request should only be served on the parties to the original application, including the ANC, and that publication of notice in the D. C. Register is not necessary or appropriate.

The Commission believes that the amendments are appropriate and adequate, that they do not encourage land banking or maintain artificially high land values for developers. The Commission notes that the inability to obtain sufficient financing is an appropriate criteria to review when based on changes and conditions beyond the applicant's reasonable control.

Having discussed, considered and resolved the issues and concerns of the ANCs, the Commission determined that it has accorded the ANCs the "great weight" to which they are entitled.

A notice of proposed rulemaking was published in the D.C. Register on August 9, 1996. As a result of the publication of the proposed rules, the Commission received comments from the law firm of Wilkes, Artis, Hedrick & Lane on behalf of the Archdiocese of Washington and the law firm of Robins, Kaplan, Miller & Ciresi on behalf of the Dupont Circle Citizens Association. The Commission determined that no new issues were raised by the comments and believes it has addressed the issues appropriately.

The Zoning Commission believes that its decision to approve the text amendments set forth in this order is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act and is not inconsistent with the Comprehensive Plan for the National Capital.

The proposed decision to approve the text amendments was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated June 27, 1996, found that the proposed amendments would not adversely affect the Federal Establishment or other Federal interests in the National capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the following amendments to the Zoning Regulations:

1. Amend 11 DCMR 2408.10 to read as follows:

2408.10 The Zoning Commission may extend the periods set forth in Subsections 2408.8 and 2408.9 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; Provided, that the Zoning Commission determines that the following requirements are met:

(a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;

(b) There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission's justification for approving the original PUD; and

(c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in Subsection 2408.11.

2. **Add a new Subsection 2408.11 to read as follows:**

2408.11 For purposes of Paragraph 2408.10(c), an extension of the validity of a planned unit development may be granted by the Zoning Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria:

(a) An inability to obtain sufficient project financing for the planned unit development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;

(b) An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order.

3. **Add a new Subsection 2408.12 to read as follows:**

2408.12 The Zoning Commission shall hold a public hearing on a request for an extension of the validity of a planned unit development only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the planned unit development concerning any of the criteria set forth in Subsection 2408.11. The hearing shall be limited to the specific and relevant evidentiary issues in dispute.

4. **Renumber existing Subsections 2408.11 through 2408.13 to 2408.13 through 2408.15.**

5. **Amend Subsection 3104.1 by deleting "six (6) months" and inserting "two (2) years."**

6. **Amend Subsection 3104.4 by deleting "six (6) months" and inserting "two (2) years."**

7. **Amend Subsection 3331.4 by deleting "registered or certified mail, return receipt requested" and inserting "first class mail, postage prepaid."**

Vote of the Zoning Commission taken at its regular meeting on May 23, 1996: 5-0 (Howard R. Croft, Maybelle Taylor Bennett, John G. Parsons, Herbert M. Franklin and Jerrily R. Kress to approve).

This order was adopted by the Zoning Commission at its public meeting on January 13, 1997 by a vote of 4-0 (Herbert M. Franklin, John G. Parsons and Maybelle Taylor Bennett to adopt, Jerrily R. Kress to adopt by absentee vote; Howard R. Croft not present not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on FEB 14 1997.

JERRILY R. KRESS
Chairperson
Zoning Commission

MADELIENE H. DOBBINS
Director
Office of Zoning

zco810/MHD