

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning




**Z.C. CASE NO.: 04-14B**

As Secretary to the Commission, I hereby certify that copies of this Z.C. Procedural Order were mailed first class, postage prepaid, hand-delivered, or sent by inter-office government mail to the following:

1. Allison Prince, Esq.  
Christine Roddy, Esq.  
Goulston & Storrs  
(hand-delivered on 11/14/12)
2. ANC 6D  
1101 4<sup>th</sup> Street, S.W.  
Suite W130  
Washington, D.C. 20024  
(U.S. Mail & e-mail on 11/15/11)
3. Office of Planning (Harriet Tregoning)  
(emailed on 11/15/12)
4. Office of the Attorney General (Alan Bergstein) (emailed on 11/15/12)

ATTESTED BY:

  
**Sharon S. Schellin**  
Secretary to the Zoning Commission  
Office of Zoning

**ZONING COMMISSION**  
District of Columbia

CASE NO. 04-14B

EXHIBIT NO. 40

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**



**ZONING COMMISSION CASE NO. 04-14B**  
(Florida Rock Properties Inc. & MRP Realty), PUD Modification @ Square 708

**PROCEDURAL ORDER**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), Chapter 24 and § 3024.7 of the Zoning Regulations (Title 11 DCMR); having taken proposed action to approved the above-captioned application, hereby establishes the following obligations and deadlines:


1. By November 21, 2012, Florida Rock Properties Inc. & MRP Realty (“Applicant”) must file with the Office of Zoning (“OZ”) and serve the Office of Planning (“OP”), the Office of the Attorney General (“OAG”), and ANC 6D with the portion of the Applicant’s proposed order that describes the public benefits being proffered for the PUD (“Proffer”) and, for each proffered public benefit, provide a draft condition that is both specific and enforceable. This information shall be presented in the form of a chart in which one column recites each Proffer exactly as it appears or will appear in the Applicant’s proposed order and a second column that recites a corresponding condition. For example:

Proffer	Condition
42. The Applicant has agreed to contribute _____ to _____ for the purpose of _____ prior to applying for a certificate of occupancy for the PUD.	B.4. <b><u>Prior to applying for a certificate of occupancy for the PUD,</u></b> the Applicant shall contribute _____ to _____ for the purpose of _____.

2. By November 28, 2012, OAG, OZ and OP must complete any dialogue they feel is needed with the Applicant with respect to any deficiencies in the Applicant’s proposed conditions.
3. By December 5, 2012, the Applicant must file with OZ and serve OP, OAG, and the ANC with any revisions to the Proffer and conditions, or a statement that none have been made.
4. By December 12, 2012, OAG, OP, and the ANC must file any responses each has to the Applicant’s final Proffer and conditions. Any response shall be limited to the issue of whether the proposed conditions are specific and enforceable as to the proffers to which they relate. The OAG response will be treated as a confidential attorney client communication.

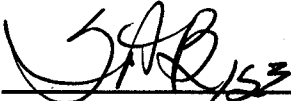
The Commission will consider the PUD to contain only those public benefits described in the final Proffer.

**SO ORDERED** on November 14, 2012.



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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**



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**SARA BENJAMIN BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**