

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: August 7, 2009  
Petition Date: September 21, 2009  
Hearing Date: October 5, 2009

License No.: ABRA-082643  
Licensee: 1099 K, LLC  
Trade Name: Againn  
License Class: Retail Class "C" Restaurant  
Address: 1099 New York Avenue NW  
Contact: Andrew J. Klein, Esq., 202-686-7600

WARD 2

ANC 2F

SMD 2F06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

**NATURE OF OPERATION**

New restaurant serving English Pub style cuisine. No entertainment. Occupancy Load is 136 with Sidewalk Café of 40 seats.

**HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION OF  
ALCOHOLIC BEVERAGES INSIDE PREMISES AND SIDEWALK CAFE**  
Sunday through Thursday 11 am – 2 am and Friday & Saturday 11 am - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 7, 2009
Petition Date: September 21, 2009
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License No.: ABRA-082438
Licensee: Tenley Catering, Inc.
Trade Name: Marvelous Market
License Class: Retail Class "B"
Address: 4530 Wisconsin Avenue, N.W.
Contact: Shazed Islam, 202-448-9954

WARD 3 ANC 3E SMD 3E03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7th Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION
New full-service grocery store.

HOURS OF OPERATION
Sunday 8 am - 8 pm and Monday through Saturday 7 am - 9 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION
Sunday 10 am - 8 pm and Monday through Saturday 8 am - 9 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: August 7, 2009  
Petition Date: September 21, 2009  
Hearing Date: October 5, 2009

License No.: ABRA-082667  
Licensee: 411 Dance Associates, LLC  
Trade Name: Warehouse/Loft  
License Class: Retail Class "CX" Multi-Purpose Facility  
Address: 411 New York Avenue, NE  
Contact: Samuel Steward, 202-510-7276

WARD 5

ANC 5B

SMD 5B06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

**NATURE OF OPERATION**

Entertainment venue offering small performances (live); DJ, dancing, fashion shows, wedding parties, catered events. Occupancy load is 429.

**HOURS OF OPERATION**

Sunday 1 pm – 3 am, Monday through Thursday 5 pm – 3 am, and Saturday & Friday 5 pm - 4 am

**ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION**

Sunday 1 pm – 2 am, Monday through Thursday 5 pm – 2 am, and Saturday & Friday 5 pm - 3 am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: August 7, 2009  
Petition Date: September 21, 2009  
Hearing Date: October 5, 2009

License No.: ABRA-082569  
Licensee: Four Partners LLC  
Trade Name: Ted's Bulletin  
License Class: Retail Class "C" Restaurant  
Address: 505 8<sup>th</sup> Street, S.E.  
Contact: Candace Fitch, 202-625-7700

WARD 6      ANC 6B      SMD 6B03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

## NATURE OF OPERATION

An exciting new 1930 inspired restaurant featuring family comfort foods; home style favorites with a slight southern flair. Bar has Classic cocktails and a soda jerk. No dancing or entertainment. Occupancy load is 99. Sidewalk Café with seating for 8 patrons.

## HOURS OF OPERATION

Sunday through Thursday 11 am – 2 am and Friday & Saturday 11 am – 3 am

## HOURS OF ALCOHOLIC SALES/SERVICE &amp; CONSUMPTION

Sunday through Thursday 11 am – 2 am, Friday & Saturday 11 am – 3 am

HOURS OF OPERATION AND ALCOHOLIC SALES/SERVICE & CONSUMPTION  
FOR THE SIDEWALK CAFE

Sunday through Thursday 11 am – 2 am and Friday & Saturday, 11 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 7, 2009
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License No.: ABRA-082665
Licensee: 3rd & K Street Market, Inc.
Trade Name: Cornercopia
License Class: Retail Class "B"
Address: 1000 3rd Street SE
Contact: Albert Oh, 202-525-16-53

WARD 6 ANC 6D SMD 6D07

Notice is hereby given for this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and for objectors who are entitled to be heard before the granting of such on the hearing date at 10:00 a.m., 7th floor, Room 7200, 941 North Capitol Street, NE. A petition or request to appear before the Board must be filed on or before the petition date.

Licensee requests to open premises on Sunday and to change current hours of operation and alcoholic beverages sales.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES

Sunday - Closed and Monday through Saturday 9 am - 10 pm

PROPOSED HOURS OF OPERATION

Sunday 9 am - 6 pm and Monday through Saturday 7 am - 10 pm

PROPOSED HOURS OF ALCOHOLIC BEVERAGES SALES

Sunday 9 am - 6 pm and Monday through Saturday 9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of the license. Hearings will begin at 10:00 am at 941 North Capitol Street, NE, 7<sup>th</sup> Floor, Room 7200, Hearing Room, 202-442-4423

RENEWAL NOTICES

POSTING DATE 8/7/2009 «Posted»  
PETITION DATE 9/21/2009 «Petition»  
HEARING DATE 10/5/2009 «Roll\_Call»

THE FOLLOWING ESTABLISHMENT IS RENEWING ITS ABC LICENSE:

|                             |  |                            |
|-----------------------------|--|----------------------------|
| <b>License #ABRA-082665</b> | <b>3rd &amp; K Street Market, Inc.</b> |                            |
| <b>ANC 6D07</b>             | <b>Cornercopia</b>                     |                            |
| <b>Class Retailer B</b>     | <b>1000 3rd Street SE</b>              | <b>Voluntary Agreement</b> |
| <hr/>                       |  |                            |
| <b>Endorsement:</b>         |  |                            |

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|            | <u>Hours of Operation</u> | <u>Hours of Sales</u> |
|------------|---------------------------|-----------------------|
| <b>MON</b> | <b>7 am to 10 pm</b>      | <b>9 am to 10 pm</b>  |
| <b>TUE</b> | <b>7 am to 10 pm</b>      | <b>9 am to 10 pm</b>  |
| <b>WED</b> | <b>7 am to 10 pm</b>      | <b>9 am to 10 pm</b>  |
| <b>THU</b> | <b>7 am to 10 pm</b>      | <b>9 am to 10 pm</b>  |
| <b>FRI</b> | <b>7 am to 10 pm</b>      | <b>9 am to 10 pm</b>  |
| <b>SAT</b> | <b>7 am to 10 pm</b>      | <b>9 am to 10 pm</b>  |
| <b>SUN</b> | <b>9 am to 6 pm</b>       | <b>9 am to 6 pm</b>   |

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**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, OCTOBER 27, 2009  
SECOND FLOOR HEARING ROOM, SUITE 220-S  
441 4<sup>TH</sup> STREET, N.W.  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. TO 12:00 A.M. MORNING HEARING SESSION  
1:00 P.M. TO 6:00 P.M. AFTERNOON HEARING SESSION**

**A.M.**

**WARD SIX**

17977 ANC-6A **Application of Frederic and Laure-Anne Badey**, pursuant to 11 DCMR § 3103.2, for a variance from the height requirements under subsection 2500.4 and 2500.6, a variance from the use provisions under subsection 2500.5, and a variance from the side yard requirements under subsection 2500.6, to allow a second story addition to an existing accessory building proposed for living quarters, in the R-4 District at premises 541 14<sup>th</sup> Street, N.E. (Square 1043, Lot 860).

**WARD ONE**

17982 ANC-1D **Application of House of Mercy, Inc.**, pursuant to 11 DCMR §§ 3104.1, for a special exception for a child development center (163 children, ages 6 weeks to 5 years, and 89 full and part-time staff) under section 205, in the R-4 District at premises 2000 Rosemount Avenue, N.W. (Square 2618, Lot 155).

**WARD SIX**

17983 ANC-6C **Application of Jemal’s Bartley LLC\Jemal’s Epes Dorsey Street LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the rear yard requirements under section 774, a variance from the off-street parking requirements under subsection 2101.1, and a variance from the residential floor area requirements under subsection 1706.4, to allow the construction of a two-story commercial building with office and ground floor retail uses in the DD/C-2-C District at premises 705-707 6<sup>th</sup> Street, N.W. (Square 486, Lots 4 and 5).

**P.M.**

BZA PUBLIC HEARING NOTICE  
OCTOBER 27, 2009  
PAGE NO. 2

**WARD EIGHT**

17976            **Application of Community Development Corporation-USA, Inc.**, pursuant to  
ANC-8A            11 DCMR § 3104.1, for a special exception to establish a youth rehabilitation  
home (4 residents, ages 16 through 21 years, and two rotating staff) under section  
306, in the R-3 District at premises 1400 18<sup>th</sup> Place, S.E. (Square 5567, Lot 21).

**WARD TWO**

17971            **Appeal of Outerbridge and Georgina Horsey**, pursuant to 11 DCMR §§ 3100  
ANC-2E            and 3101, from a determination of the Office of the Zoning Administrator,  
Department of Consumer and Regulatory Affairs, to allow additions to a one-  
family dwelling by Building Permit Nos. B0902028 and B0905289, in the R-3  
District at premises 3046 N Street, N.W. (Square 1209, Lot 854).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

MARC D. LOUD, CHAIRMAN, SHANE L. DETTMAN, MERIDITH H. MOLDENHAUER  
AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING  
ADJUSTMENT, BY CLIFFORD MOY, SECRETARY TO THE BZA, RICHARD S. NERO,  
JR., ACTING DIRECTOR

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**            **Thursday, September 24, 2009, @ 6:30 p.m.**  
   **Office of Zoning Hearing Room**  
   **441 4<sup>th</sup> Street, N.W. Suite 220-S**  
   **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 09-10 (Office of Planning - Text Amendment to Allow the Establishment of a Water Tower on the Saint Elizabeths Campus)**

**THIS CASE IS OF INTEREST TO ANCs 8C and 8E**

The Office of Planning (“OP”), in a report dated July 17, 2009, petitioned the Zoning Commission for a text amendment to 11 DCMR. The proposed text amendment would allow the construction of a water tower on the east side of Saint Elizabeths Hospital campus, on property that is currently unzoned. Construction would be permitted as a matter of right unless the Office of Planning submits a report to the Zoning Administrator indicating that the design or location of the use would be inconsistent with the Comprehensive Plan or other relevant planning documents. Should that happen, the Zoning Administrator (“ZA”) would treat the application as being subject to special exception review. An amendment to the portion of the lot control regulations that requires the existence of a record lot as a prerequisite to the issuance of a building permit is also being requested, as the majority of the East Campus has not yet been subdivided.

The Zoning Regulations of the District of Columbia (Title 11 DCMR) are proposed to be amended as follows (additions to existing language shown in **bold** and underlined text, deleted language is shown in ~~strikethrough~~ text):

A.        CHAPTER 1 THE ZONING REGULATIONS

106        ZONING MAP

106.7     No building permit or certificate of occupancy shall be issued nor proceeding instituted before the Board of Zoning Adjustment, nor shall any property in private ownership be used for any purpose until after the Zoning Commission has designated zoning for the property, **except for the establishment of a water tower and related water utility facilities owned and operated by the D.C. Water And Sewer Authority (WASA) on the East Campus of the Saint Elizabeths site, subject to the requirements found in Section 3206.**

B.        Chapter 32. ADMINISTRATION AND ENFORCEMENT, § 3202.3, is amended so that the first sentence reads as follows:

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 09-10  
PAGE 2

3202.3 Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except

~~(a) buildings~~ **Buildings** and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia; ~~or~~

~~(b) the~~ **The** trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7<sup>1</sup>; **or**

~~(c) A water tower and related water utility facility on the Saint Elizabeths East Campus.~~

Notwithstanding the foregoing, a building permit may be issued for a boathouse, yacht club, or marina to be constructed on a lot that is not a lot of record, provided that such lot fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

C. CHAPTER 32 ADMINISTRATION AND ENFORCEMENT is amended by the addition of the following:

**3206 OFFICE OF PLANNING REPORT**

**3206.1 The Zoning Administrator shall not take final action on a building permit application to construct any of the following uses until a report is received from the Office of Planning, or thirty (30) days have passed since the application was submitted to the director of the Office of Planning, whichever occurs first:**

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<sup>1</sup> This text is proposed in case number ZC 09-09, another text amendment pending before the Zoning Commission with a hearing scheduled on September 21, 2009.

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 09-10  
PAGE 3

(a) A water tower and related water utility facility on the East Campus of Saint Elizabeths Hospital; and;

(b) RESERVED.

**3206.2** The Director of the Office of Planning and the Zoning Administrator may agree to lengthen the time period indicated in § 3206.1, but in no event shall the review period exceed sixty (60) days.

**3206.3** If the report of the Office of Planning concludes that the design or location of the use is not consistent with the Comprehensive Plan or with the small area plan or other adopted planning studies that pertain to the site, the Zoning Administrator shall deem the use to be one requiring approval by the Board of Zoning Adjustment as a special exception pursuant to § 3104.1 of this title.

The OP report served as the pre-hearing submittal for the case.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**           **Monday, October 26, 2009, @ 6:30 p.m.**  
                                  **Office of Zoning Hearing Room**  
                                  **441 4<sup>th</sup> Street, N.W. Suite 220-S**  
                                  **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 09-13 (Text Amendment to Explicitly Allow for a BZA Consent Calendar)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

The Office of Planning (“OP”), in a report dated July 17, 2009, petitioned the Zoning Commission for a text amendment to 11 DCMR § 3118. The proposed amendment would explicitly allow for a consent calendar for use by the Board of Zoning Adjustment (“BZA”). The consent calendar would be limited to certain cases that are routinely before the BZA and have a high probability of no opposition. The initial text proposes only §§ 223 (Additions to One-family Dwelling or Flats (R-1) and for New or Enlarged Accessory Structures) and 209 (Community Centers). The proposed text is intended to achieve the goals of: (1) reducing the BZA’s hearing backlog by permitting the expedited consideration of unopposed and straightforward applications; and (2) lowering an applicant’s costs to seek such relief by establishing a date (7 days prior to the hearing they have waived) when they will know that the hearing will not be held.

At its regular public meeting held July 29, 2009, the Zoning Commission setdown this case for a public hearing. The OP report served as the pre-hearing submittal for the case.

The proposed amendments to the Zoning Regulations are as follows:

CHAPTER 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by the additional of a new section 3118 as follows:

3118           **CONSENT CALENDAR - WAIVER OF HEARING**

3118.1       The purpose of this section is to create an expedited review process to be followed after an applicant waives their right to a hearing for an addition to one-family dwelling or flat or new or enlarged accessory structures pursuant to § 223; or for a park, playground, swimming pool, or athletic field pursuant to § 209.1.

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 09-13  
PAGE 2

- 3118.2 When an application indicates a waiver of hearing, it shall be placed on the consent calendar for the same date as the scheduled hearing and shall remain there unless, at least than ten (10) days prior to the hearing date:
- (a) Written opposition to the consent calendar placement is submitted by an affected ANC, the Councilmember representing the area in which the subject property is located, a person or entity requesting party status, or the owner or occupant of any property located within two hundred feet (200 ft.) of the subject property; or
  - (b) A Board member, including the member designated by the Zoning Commission, requests the Director to remove the item from the consent calendar.
- 3118.3 At least fourteen (14) days prior to each hearing date, the Office of Zoning shall provide each Board Member with the consent calendar for that date.
- 3118.4 Notices of public hearing shall indicate whenever an application has been placed on the consent calendar and describe the means by which it may be removed.
- 3118.5 At least seven (7) days prior to a hearing date, a list of all consent calendar items shall be posted on the Office of Zoning website.
- 3118.6 The consent calendar shall be called prior to any hearing.
- 3118.7 Applications on a consent calendar may be called and voted on together, and no discussion to approve the applications is required.
- 3118.8 Orders granting an application approved as a consent calendar item need not contain findings of facts or conclusions of law, but shall reflect the nature of the relief granted and any conditions imposed.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 09-13  
PAGE 3

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY -- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**