

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Home Rule Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2008, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002. These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 535-1859 for further information or for changes in this schedule.

The BCIB is charged with examining the sanitary condition of all buildings in the District of Columbia, determining which buildings are in such insanitary condition as to endanger the health or lives of its occupants or persons living in the vicinity, and issuing orders of condemnation requiring the owners to remedy the insanitary condition. Should the owner fail to remedy the cited conditions, the BCIB shall cause the building to be made habitable, safe and sanitary or razed and removed. The cost of work performed by the District of Columbia Government shall be assessed to the property.

Calendar Year 2008 Meeting Dates

March 12th
March 26th

July 9th
July 23rd

April 9th
April 23rd

August 13th
August 27th

May 14th
May 28th

September 10th
September 24th

June 11th
June 25th

October 8th
October 22nd

November 12th
November 26th

December 10th
December 24th

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GOVERNMENT OF THE DISTRICT OF COLUMBIA**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING****NOTICE OF PUBLIC INTEREST
LIST OF CONDEMNED BUILDINGS**

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of **March 1, 2008**. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1st floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

LIST OF CONDEMNED BUILDINGS

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
6412 Barnaby Street	0091	2352	4
1442 Belmont Street	0193	2660	1
1468 Belmont Street	0813	2660	1
1472 Belmont Street	0814	2660	1
7100 Blair Road	0800	3189	4
7220 Blair Road	0812	3176	4
41 Bryant Street	0099	3127	5
41 Bryant Street-Rear	0099	3127	5
811 Butternut Street	0006	2967	4
1126 Columbia Road	0056	2853	1
5109 Connecticut Avenue	0048	1989	3
5109 Connecticut Avenue-Rear	0048	1989	3
5233 Connecticut Avenue	0041	1874	3
321 Elm Street	0082	1111	1
1212 Euclid Street	0077	2865	1
410 Florida Avenue	0040	0507	5
1461 Florida Avenue	0147	2660	1
3003 Georgia Avenue	0111	3052	1
4419 Georgia Avenue	0815	3020	4
4607 Georgia Avenue	0016	3015	4
6925 Georgia Avenue	0811	2967	4
723 Girard Street	0214	2886	1
1301 Kalmia Road	0001	2771	4
806 Kennedy Street	0812	2994	4
1026 Lamont Street	0802	2845	1
508 M Street	0071	0482	2
1002 M Street	0056	0341	2
1006 M Street	0051	0341	2
223 Missouri Avenue	0043	3331	4
1824 Monroe Street	0813	2614	1
212 Morgan Street	0083	0555	6
216 Morgan Street	0018	0555	6
3642 New Hampshire Ave.-Rear	0032	2898	1
447 Newton Place	0027	3035	1

BUILDINGS CONDEMNEDLOTSQUAREWDNorthwest (Con't)

1443 Newton Street	0430	2677	1
1424 North Capitol Street	0010	0616	5
1426 North Capitol Street	0836	0616	5
405 O Street	0802	0511	2
509 O Street	0479	2001/2002	2
1342 Otis Place	119	2835	1
1344 Otis Place	0118	2835	1
1346 Otis Place	0117	2835	1
1346 Otis Place-Rear	0117	2835	1
1350 Otis Place	0115	2835	1
340 Oakdale Place	3085	0051	1
310 P Street	0037	553W	5
605 P Street	0154	0445	2
1433 Parkwood Place	0064	2688	1
3626 Prospect Street	0061	1202	2
1427 Q Street	0009	0208	2
729 Quincy Street	0822	3131	4
53 S Street	0039	3106	5
1605 S Street	0019	0177	2
423 Shepherd Street	0038	3238	4
423 Shepherd Street-Rear	0038	3238	4
1237 Shepherd Street	0014	2908	4
5136 Sherrier Place	0826	1415	3
321 T Street	0065	3089	1
901 U Street	0100	0360	2
613 Upshur Street	0072	3226	4
613 Upshur Street-Rear	0072	3226	4
1321 V Street	0182	0235	1
1943 Vermont Avenue	0011	0361	1
1943 Vermont Avenue-Rear	0011	0361	1
909 W Street	0066	0357	1
911 W Street	0067	0357	1
1401 1 st Street	0814	0616	5
1202 3 rd Street	0837	0523	2
1506 3 rd Street	0818	0521	5
1859 3 rd Street	0810	3096	1
1922 3 rd Street-Rear	0010	3089	1
1209 4 th Street	0810	0523	6
1211 4 th Street	0502	2026	6
1314 5 th Street	0042	0480	2
1417 5 th Street	0054	0511	2
1425 5 th Street	0511	0817	2
1551 6 th Street(Carriage House)	0821	0478	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
2206 6 th Street	0033	3065	1
6919 6 th Street	0019	3191	4
5124 7 th Street	0110	3149	4
5232 7 th Street-Rear	0032	3150	4
1512 8 th Street	0832	0397	2
1905 8 th Street	0802	0416	1
1905 8 th Street -Rear	0802	0416	1
6216 8 th Street	2980	0031	4
1819 10 th Street	0212	0362	1
1819 10 th Street-Rear	0212	0362	1
2105-07 10 th Street	0802	0358	1
2130 10 th Street	0039	0331	1
1521 11 th Street	0809	0337	2
3007 11 th Street	0099	2851	1
3222 13 th Street	0034	2845	1
5113 13 th Street-Rear	0019	2929	4
2208 14 th Street	0030	0202	1
3405 14 th Street	0115	2836	1
3509 14 th Street	0053	2827S	1
4024 14 th Street	0053	2694	4
5209 14 th Street	0105	2804	4
2423 18 th Street	0093	2560	1
2617 31 st Place			

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
5212 Cloud Street	0801	5235	7
4226 Dix Street	0017	5089	7
4226 Dix Street-Rear(North)	0017	5089	7
4226 Dix Street-Rear(South)	0017	5089	7
4335 Douglas Street	0060	5115	7
1334 Downing Place	0039	4027	5
4710 Eads Street	0011	5144	7
635 Emerson Street	0008	3788	5

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
2800 Evert Street	0009	4346	5
1369 Florida Avenue-Rear	0129	1026	6
4326 Gault Place	0130	5093	7
413 H Street	0812	0809	6
1309 H Street	0088	1027	6
1311 H Street	0089	1027	6
1362 H Street	0069	1026	6
1264 Holbrook Terr.	0840	4055	5
311 I Street	0048	0776	6
1826 I Street	0032	4488	5
1830 I Street	0031	4488	5
5069 Just Street	0305	5176	7
303 K Street	0804	0775	6
1002 K Street	0020	0956	6
1854 L Street	0806	4470	5
1249 Lawrence Street	0021	3930	5
5119 Lee Street	0038	5200	7
1310 Monroe Street	0010	3964	5
1310 Monroe Street-Rear	0010	3964	5
1414 Montello Avenue	0807	4059	5
1712 Montello Avenue	0029	4053	5
1712 Montello Avenue-Rear	0029	4053	5
5706 NHB Avenue	0010	5214	7
1243 Owen Place	0188	4060	5
22 P Street	0057	0668	5
24 P Street	0056	0668	5
21 T Street	0809	5235	5
319 V Street	0801	3563	5
2511 Queens Chapel Road	4111E	0016	5
2621 Queens Chapel Road	0023	4213	5
115 Riggs Road	0085	3701	5
2925 South Dakota Avenue	0028	4339	5
21 T Street	0029	3510	5
215 Warren Street	0809	1033	6
2322 2 nd Street	0038	3540	5
2322 2 nd Street-Rear	0038	3540	5
915 3 rd Street	0801	0775	6
1811 3 rd Street	0007	3570	5
619 4 th Street	0092	0810	6
1020 4 th Street-Rear	0034	0774	6
3215 7 th Street	0010	3650	5
251 8 th Street	0064	0917	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
2250 13 th Street-Rear	0034	3942	5
704 16 th Street	0085	4509	6
3114 16 th Street	0041	4014	5
3300 18 th Street	0019	4143	5
4310 22 nd Street	0012	4232	5
2921 26 th Street	0029	4342	5
2924 26 th Street	0026	4287	5
1123 46 th Street	0111	5155	7
1227 47 th Place	0039	5160	7
811 48 th Street	0065	5149	7
1055 48 th Place	0098	5153	7
717 50 th Street	0021	5179	7
730 51 st Street	0061	5197	7
808 51 st Street	0193	5177	7
945 52 nd Street	0803	5199	7
109 53 rd Street	0091	5243	7
338 58 th Street	0813	5254	7
421 61 st Street	0009	5260	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
1523 A Street	0816	1072	6
1751 A Street	0063	1097	6
1751 A Street-Rear	0063	1097	6
4427 A Street	0107	5350	7
5019 A Street	0005	5327	7
5019 A Street-Rear (Shed)	0005	5327	7
21 Atlantic Street	0051	6170	8
5010 Benning Road	0068	5340	7
3401 Brothers Place	0803	6006	8
5201 C Street	0009	5312	7
5100 Call Place	0016	5312	7
5100 Call Place-Rear(South)	0016	5312	7
612 E Street	0814	0876	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (Con't)</u>			
1525 E Street	0087	1076	6
3326 Ely Place	0807	5444	6
647 G Street	0139	0878	6
651 G Street	0141	0878	6
3009 G Street	0807	5480	7
1500 Galen Street	0048	5795	8
1239 Good Hope Road	0089	3033	8
1410 Good Hope Road	0024	5605	8
4324 Halley Terrace	0018	6214	8
4326 Halley Terrace	0017	6214	8
4338 Halley Terrace	2001	6214	8
2256 High Street-Rear East	0850	5799	8
2309 Irving Street	0010	5846	8
2839 Jasper Road	0917	5875	8
1220 Mapleview Place	0811	5800	8
1354 Mapleview Place	0922	5804	8
1909 MLK Jr. Avenue	0829	5770	8
1911 MLK Jr. Avenue	0829	5770	8
1913 MLK Jr. Avenue	0829	5770	8
2228 MLK Jr. Avenue	0810	5802	8
2234 MLK Jr. Avenue	0811	5802	8
2238 MLK Jr. Avenue	0978	5802	8
2629 MLK Jr. Avenue-East	0192	5867	8
2629 MLK Jr. Avenue-West	0192	5867	8
2666 MLK Jr. Avenue, East bldg	1014	5868	8
2759 MLK Jr. Avenue-Rear	0802	5982	8
1354 Penn. Avenue	0051	3565	8
1431 Potomac Avenue	0045	1065NE	6
643 Raleigh Place	0804	5954	8
1005 Savannah Street	0804	5938	8
1500 Savannah Street	0801	5912	8
1502 Savannah Street	0802	5912	8
1225 Sumner Road	0980	5865	8
1326 Valley Place	0849	5799	8
1333 Valley Place	0891	5801	8
821 Virginia Avenue	0006	0929	6
1242 W Street	0099	5782	8
104 Xenia Street	0037	6128N	8

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (Con't)</u>			
535 9 th Street	0830	0926	6
535 9 th Street-Rear	0830	0926	6
742 13 th Street	0096	1045	
321 18 th Street	0801	1100	6
1427 22 nd Street	0812	5564	8
1401 22 nd Street	0812	5564	8
1401 22 nd Street-Rear	0812	5564	8

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling Vacancies
In Advisory Neighborhood Commissions**

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics "Board" from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

**Grady Edwards, III
Single-Member District 8C02**

BOARD OF ELECTIONS AND ETHICS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in six (6) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3D07, 6B11, 8B03, 8C05, 8C06, 8E01

Petition Circulation Period: **Monday, March 24, 2008 thru Monday, April 14, 2008**

Petition Challenge Period: **Thursday, April 17, 2008 thru Wednesday, April 23, 2008**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections and Ethics hereby gives notice that there is one vacancy in Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code 1-309.06(d)(2); 2001 Ed.

VACANT: 6C05

Petition Circulation Period: **Monday, March 24, 2008 thru Monday, April 14, 2008**
Petition Challenge Period: **Thursday, April 17, 2008 thru Wednesday, April 23, 2008**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions from 8:30 am to 4:45 pm, Monday through Friday at the following location:

D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N
Washington, DC 20001

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF FILING OF
VOLUNTARY CLEANUP COMPLETION REPORT**

Pursuant to § 601 (b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001(D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005)), the Voluntary Cleanup Program (VCP) in the District Department of the Environment (DDOE), is informing the public that it has received a cleanup completion report in Voluntary Cleanup Program (VCP) for a property located at 100 I (Eye) Street, S.E., in case VCP2005-005. The VCP applicant is Eye Street, L.P., c/o JPI, 8300 Greensboro Drive, Suite 600, McLean, Virginia 22102, Attn. Mr. Aaron Liebert, Authorized Representative. The primary environmental contaminants of concern were moderate levels of Total Petroleum Hydrocarbons (TPH) and Polycyclic Aromatic Hydrocarbons (PAHs) in soil and limited amounts of TPH and methyl tertiary butyl ether (MTBE) in the groundwater. Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission for the area in which the property is located.

The DDOE is required to consider all public comments it receives before issuing a certificate of completion. Interested persons may submit written comments on the issuance of a certificate of completion to the Voluntary Cleanup Program at the address listed below. The Cleanup Completion Report will be available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
51 N Street, N.E., 3rd Floor, Room 3004
Washington, DC 20002

Interested parties may also request a copy of the report for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-1337.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DDOE is required to consider all public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

**DISTRICT OF COLUMBIA
OFFICE OF THE MAYOR
OFFICE ON AGING**

PUBLIC NOTICE

NOTICE OF FUNDS AVAILABILITY

Fiscal Year 2009 Lead Agency Grant Program

The Government of the District of Columbia, Office on Aging (DCOA) is soliciting applications from qualified applicants to provide a full array of services and activities that are designed to enhance the overall health and well-being of the District's elderly population, aged 60 and above.

A total of \$4,629,200.00 is available for funding one to eight applicants to serve one or more Wards in the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

The purpose of these funds is to complement existing educational services and start up programs that target the senior population living in the District of Columbia. Examples of the service areas include, but are not limited to the following:

- case assessment/case management;
- congregate meals;
- counseling;
- health promotion;
- home delivered meals;
- literacy;
- nutrition counseling;
- recreation socialization;
- transportation of home delivered meals;
- transportation to site and activities;
- weekend congregate meals; and
- weekend home delivered meal service.

In addition, the operator of the senior wellness center has the following responsibilities:

1. Develop and implement a needs assessment to identify the needs in the target community;
2. Work in cooperation with the city's Aging and Disability Resource Center;
3. Develop and implement a structured community outreach program; and
4. Establish a Members Advisory Council to serve as advisors to help develop a coordinated service delivery system.

Applicants who apply to this Request for Application must design services to meet the complex and ever-changing needs of the elderly, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly. In addition, an applicant may apply for multiple grants in separate applications under this RFA.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Wednesday, April 9, 2008 and the deadline for submission is Friday, May 23, 2008 at 5:00 p.m. A Pre-Application Conference will be held on Wednesday, April 23, 2008 from 10:00 a.m. -12:00 noon at the D.C. Office on Aging, Conference Room 950 South. Applications can be obtained from the D.C. Office on Aging, 441 4th Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than Friday, April 11, 2008.

**DISTRICT OF COLUMBIA
OFFICE OF THE MAYOR
OFFICE ON AGING**

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2009 Senior Wellness Center Operations Grants

The Government of the District of Columbia, Office on Aging is soliciting applications from qualified applicants to operate four District of Columbia Government-owned senior wellness centers. Senior wellness centers promote healthy lifestyles, good nutrition, exercise, and general wellness among the District's elderly population, aged 60 and above.

A total of \$1,150,000.00 is available for funding one to four applicants to operate one or more senior wellness centers in the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

Specifically, this Request for Application (RFA) will seek organizations to operate senior wellness centers in the following Ward locations.

Ward 4 – Hattie Holmes Senior Wellness Center
324 Kennedy Street N.W.
Washington D.C. 20011

Ward 5 – Model Cities Senior Wellness Center
1901 Evarts Street, NE
Washington, D.C. 20018

Ward 7 – Washington Senior Wellness Center
1300 Alabama Avenue, SE
Washington, DC 20020

Ward 8 – Congress Heights Senior Wellness Center
3500 Martin Luther King Jr. Avenue
Washington, D.C. 20032

The successful organization(s) will be responsible for providing services and activities designed to enhance physical, social and emotional well-being through activities which are designed to promote good health habits among the target population such as physical exercise, nutrition counseling, health education and smoking cessation

Services for this population should include:

- Wellness/Health Promotion;
- Disease Prevention;
- Medication Management; and

other services and information which promote healthy lifestyles for seniors.

In addition, the operator of the senior wellness center has the following responsibilities:

1. Develop and implement a needs assessment to identify the needs in the target community;
2. Work in cooperation with the Office on Aging Ward-based Lead Agency and the Aging and Disability Resource Center (ADRC);
3. Develop and implement a structured community outreach program; and
4. Establish a Members Advisory Council to serve as advisors to help develop a coordinated service delivery system and community outreach.

Applicants who apply to this RFA must design services to meet the complex and ever-changing needs of the city's diverse elderly population, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly. In addition, an applicant may apply for multiple grants in separate applications under this RFA.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Wednesday, April 16, 2008 and the deadline for submission is Friday, June 13, 2008 at 5:00 p.m. A Pre-Application Conference will be held on Thursday, May 1, 2008 from 10:00 a.m. -12:00 noon at the D.C. Office on Aging, Conference Room 950 South. Applications can be obtained from the D.C. Office on Aging, 441 4th Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than April 18, 2008.

EXECUTIVE OFFICE OF THE MAYOR
Serve DC

NOTICE OF FUNDING AVAILABILITY

DISTRICT OF COLUMBIA
COMMISSION ON NATIONAL AND COMMUNITY SERVICE

DC Citizen Corps Emergency Preparedness Grants

Notice: ATTENDANCE AT A TECHNICAL ASSISTANCE SESSION IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT. SESSIONS ARE SCHEDULED FOR MARCH 26, 2008 FROM 5:00PM-7:00PM AND APRIL 22, 2008 FROM 5:00PM-7:00PM AT ONE JUDICIARY SQUARE, 441 4TH STREET NW, WASHINGTON, DC, 11TH FLOOR, SOUTH. REGISTRATION REQUIRED.

Summary: Serve DC, the DC Commission on National and Community Service, announces the availability of DC Citizen Corps Emergency Preparedness funds for **grants up to \$75,000.**

DC Citizen Corps (DCCC) is a component of USA Freedom Corps, a White House initiative designed to foster a culture of citizenship, service, and responsibility and to help all Americans answer the President's Call to Service. Serve DC is the designated coordinator of the DC Citizen Corps for the District of Columbia. DC Citizen Corps creates opportunities for individuals to help their communities prepare for and respond to emergencies. It brings together local leaders, citizen volunteers and the network of first responder organizations, such as fire departments, police departments and emergency medical personnel. The mission of the DC Citizen Corps is to have all citizens participate in making their communities safer, stronger and better prepared to prevent and handle threats of terrorism, crime, and disasters of all kinds.

Awards will be made to organizations in the District of Columbia to incorporate emergency preparedness activities, exercises, and trainings for potential volunteers in various DC communities. This initiative will support a wide range of program activities that emphasize readiness in the event of natural and man-made disasters in the District of Columbia. Additionally, applicants must propose to coordinate with and aid Serve DC in Emergency Support Function #16 - *Volunteer and Donation Management*, outlined in the District Response Plan. Prior knowledge and/or experience with Emergency Support Function #16 is preferred but not required. However, a willingness to be trained in details surrounding the Support Function is mandatory.

Criteria for eligible applicants: Eligible applicants are organizations currently operating emergency preparedness programs within the District of Columbia.

An organization described in Section 501 (c) (4) of the Internal Revenue Code, 26 U.S.C. 501 (c) (4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the application guidelines and instructions. The Request for Application (RFA) is now available. Please visit www.serve.dc.gov. **The deadline for submission is May 5, 2008 at 5:00 pm.**

Technical assistance sessions schedule is as follows: March 26, 2008 (Room 1116S) and April 22, 2008 (Room 1107S) at 441 4th Street NW, Washington, DC, 11th Floor, South. All interested applicants must register and attend the technical assistance session. Please email Regina Moran at regina.moran@dc.gov to RSVP for a training session. Technical Assistance sessions will be posted on our website at www.serve.dc.gov.

The DC Commission on National and Community Service anticipates awarding up to \$153,532 in DC Citizen Corps Emergency Preparedness grants, not to exceed \$75,000 per grant. The actual number and dollar amount of the awards will depend on the number of approved applications received.

Applications can be obtained from 441 4th Street NW, Suite 1140N, Washington, DC 20001 or our website at www.serve.dc.gov. For additional information please call Regina Moran, Coordinator of Special Initiatives, at 202/727-0709.

EXECUTIVE OFFICE OF THE MAYOR
SERVE DC

GRANT REVIEW OPPORTUNITY

2008-2009 DC Citizen Corps Emergency Preparedness Grant Competition

Serve DC is seeking individuals to review grant proposals for the 2008-2009 DC Citizen Corps funding competition. This is an excellent opportunity to network with colleagues in the emergency preparedness world, learn more about the grant-making process, develop your own grant-writing skills, learn about exciting things happening in national service programs, and contribute your knowledge and experience to our efforts to select high-quality programs for funding.

What does a grant reviewer do? A grant reviewer helps to evaluate the applications we receive for funding emergency preparedness-related programs in the 2008-2009 program year. Reviewers read, score and evaluate proposals, discuss their findings with a small group of fellow reviewers and a facilitator, and, as a panel, come to consensus to rank the proposals according to quality.

What qualifications should reviewers have? We are looking for a diverse group of reviewers--male and female of all ages, races and ethnicities--that have experience in the management of high quality emergency preparedness or community based programs. For example, they may be community service practitioners, educators, students, youth participants, people working in foundations, or people working on readiness policy issues.

We hope to recruit some reviewers with prior experience working with DC Citizen Corps. However, we are generally seeking people with a variety of experience who can review emergency preparedness grant applications and determine quality.

Reviewers must be comfortable reading a large volume of material in a short period of time and providing analysis in a small group.

Can people who work for a DC Homeland Security Emergency Management Agency-funded program serve as a reviewer? Yes, people who work for organizations affiliated with DC HSEMA programs may serve as reviewers.

What is the time commitment? Reviewers must be available on Thursday, May 8, 2008 from 10:00 AM to 2:00 PM and Monday, May 19, 2008 from 9:00 AM to 5:00 PM. The review will be conducted at a local DC site- exact location TBD. Reviewers will participate in a 2-4 hour training on the first day and spend the second day dedicated to grant review and analysis.

What are the benefits to reviewers? This is a volunteer opportunity. The grant review experience is an excellent opportunity to meet and network with colleagues, find out about exciting programming and trends in national service-learning and youth-serving programs, to develop a deeper understanding of the grant-writing and grant-making processes, and to contribute your experience to the selection of high-quality programs.

How does one apply to become a reviewer? To apply, please send your resume to: Regina Moran, Coordinator of Special Initiatives, Serve DC, 441 4th Street, Suite 1140N, Washington, DC 20001. Email to regina.moran@dc.gov or call 202-727-0709. Please share this announcement with others who are qualified to serve as a reviewer.

Is there a deadline to apply? We will begin reviewing resumes and contacting potential reviewers as the resumes arrive. Therefore, the earlier one applies, the more likely they are to be contacted and selected. Please submit resumes as soon as possible, but no later than April 21, 2008 for consideration.

What are the next steps after submitting a resume? Serve DC will review resumes and begin contacting qualified applicants. We will check for conflicts of interest and confirm scheduling at that time.

Thank you for your interest in serving as a reviewer and for sharing this announcement with others who may be interested. This is a very important part of our review process and our efforts to recommend high quality programs for funding.

FRIENDSHIP PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSAL FOR

Friendship Public Charter School is seeking bids from prospective candidates to provide the following services:

- 1.) **Copier/Business Machine Maintenance** in accordance with requirements and specifications detailed in the Request for Proposal.
- 2.) **Printing Services** in accordance with requirements and specifications detailed in the Request for Proposal

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting:

Valerie Holmes
vholmes@friendshipschools.org
202-281.1722

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 06-15: First Baptist Church of Deanwood

1008 45th Street, NE
Square 5157, Lot 801

Designated February 28, 2008

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS & SCIENCE**NOTICE OF REQUEST FOR PROPOSALS**

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Middle School of Mathematics & Science hereby posts notices that it will be accepting bids for the following five services:

1. **School Food Service:**
Complete preparation of breakfast and lunch for approximately 300 students for the remainder of the 2007-2008 School year.
2. **Advanced Supplemental Mathematics Instruction:**
The provision of supplemental instruction in mathematics based on the Project Seed model to be delivered on a part time basis.
3. **Facility Cleaning Service:**
Complete daily janitorial service for the entire middle school building which consists of four floors and approximately 30 classrooms/offices.
4. **Technology Support Service:**
Tier I & II support for the School's extensive information systems platform

Interested parties should contact Yohance Maqubela at (202) 806-7845, to receive a copy of the bid package. The deadline for responses for item #1 is April 4, 2008 at 5 pm, while the deadline for responses for items #2-4 is March 28, 2008 at 5 pm.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

March 7, 2008

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after April 1, 2008.

Ard,	M. Sherell	New	Holland & Knight 2099 Pa Ave,NW	20006
Atkins,	Thelminnette	Rpt	Feldesman Tucker et al 2001 L St,NW #200	20036
Barrs, Jr.,	Robert F.	New	Ruesch International 700 11th St,NW 4th Floor	20001
Bernhardt,	Melanie D.	Rpt	Drinker Biddle & Reath 1500 K St,NW #1100	20005
Blanco,	Carlos E.	New	Salvador Travel Services 1762 Columbia Rd,NW 2nd F	20009
Booker-Scott,	Pamela	New	A C S 1800 M St,NW #800NT	20036
Boyd,	Diane Ruth	Rpt	Weller-Davis 1335 Pa Ave,SE	20003
Bradley,	Joseph	New	Alderson Reporting 1111 14th St,NW	20005
Briotta,	Nancy C.	Rpt	K P M G 2001 M St,NW	20036
Brueggemeyer,	Beth	Rpt	I L S I 1 Thomas Circle,NW 9th Floo	20005
Buckner,	Avis D.	Rpt	W R A M C 6900 Ga Ave,NW	20307
Butler,	Brandon	New	5821 4th St,NW	20011
Carmichael,	Taiwo O.	New	GSD/RDF Ana Nav Annex Bldg 410 Dr12	20509
Corley,	Robin L.	New	Wachovia Bank 1300 Conn Ave,NW	20036

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Daniels,	Christy	New	CitiBank 3241 14th St,NW	20010
Douglas,	Constance E.	Rpt	Natl Assoc/Home Builders 1201 15th St,NW	20005
Dupree,	Teisha	New	Quagliano & Seeger 2620 P St,NW	20007
Faul,	Meghon	New	Ross Dixon & Bell 2001 K St,NW	20006
Ferguson,	Fay	New	3227 D St,SE	20019
Green,	Matnita A.	New	SEC Historical Society 1101 Pa Ave,NW #600	20004
Hagedorn,	Mary Susan	Rpt	Quagliano & Seeger 2620 P St,NW	20007
Harding,	Tanya	Rpt	Washington Hospital Center 110 Irving St,NW	20010
Hightower,	Marie V.	New	M & T Bank 1899 L St,NW	20036
Ingram,	Susan L.	New	L A D Reporting 1100 Conn Ave,NW #850	20036
Jabbour,	Rena	New	Wachovia Bank 2901 M St,NW	20007
Jason,	Lynn	New	Westin Wash DC City Ctr Hotel 1400 M St,NW	20005
Jones,	Milton N.	New	Pressley Ridge 650 Pa Ave, SE #C100	20003
Kamrad,	Leslie A.	New	Natl Trust/Hist Preservation 1785 Mass Ave,NW	20036

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Khatib,	Taher I.	New	District Properties 2615 Evarts St,NE	20018
Lawyer,	Angela	Rpt	Washington Hospital Center 110 Irving St,NW	20010
Leandri,	Annalisa	New	Williams & Connolly 725 12th St,NW	20005
Lee,	Minsun	New	American University 3201 New Mex Ave,NW#27C	20016
Lyons,	Debra Sapio	New	L A D Reporting 1100 Conn Ave,NW #850	20036
McGauley-Bradly,	Lillian R.	New	Child Support 441 4th St,NW #550N	20001
Mathis,	Michelle	Rpt	Dept of Insurance 810 First St,NE #701	20002
Mejia,	Claudia Y.	New	Robinson & Geraldo 1316 Pa Ave,SE	20003
Meyer,	Bradley	New	Wachovia Bank 1100 Conn Ave,NW	20036
Milne,	Jessica J.	New	P N C Bank 1601 K St,NW #1100	20006
Miri,	Azadeh	Rpt	The Mayflower Hotel 1127 Conn Ave,NW	20036
Nutall,	Evonne Davis	New	Sheppard Acad/Cosmetology 3921 S Cap St,SW #1	20032
Peters,	Andrew A.	New	M & T Bank 5630 Conn Ave,NW	20015
Peters,	Deborah L.	New	Shaffer Law Firm 1747 Pa Ave,NW #1100	20006

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Podgorsky,	Carolyn	New	Ross Dixon & Bell 2001 K St,NW	20006
Ringle,	Staci	New	U.S. Postal Service 475 L'Enfant Plz,SW#6107	20260
Saint-Felix,	Edwidge	New	ICMA-RC 777 N Cap St,NE	20002
Scott,	Charleese	New	Pressley Ridge 650 Pa Ave, SE #C100	20003
Simons,	Starlene M.	New	Ivins Phillips & Barker 1700 Pa Ave,NW #600	20006
Sorensen,	Heidi	New	3DG 2121 Wis Ave,NW #320	20007
Stewart,	Georgia A.	Rpt	D.C. Human Rights 441 4th St,NW #570N	20001
Terry,	Gwen M.	Rpt	All Nations Baptist Church 2001 N Cap St,NE	20002
Thompson,	Natalie M.	Rpt	CitiBank 1060 Brentwood Rd,NE	20018
Thwaites,	Carol A.	Rpt	Van Ness East Condo 2939 Van Ness St,NW	20008
Turner,	Jacqueline J.	Rpt	O F H E O 1700 G St,NW 4th Fl	20552
Turner, III,	John A.	New	Lathrop & Gage DC 1300 I St,NW #1050E	20005
Ucman,	Barbara E.	Rpt	Baptiste & Wilder 1150 Conn Ave,NW #500	20036
Vincent,	Mary F.	Rpt	Sincerely Yours 325 Pa Ave,SE	20003

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Walker, Sr.,	Samuel John	New	2711 Q St,SE #103	20019
Whitmire,	Kathryn Brie	New	Quagliano & Seeger 2620 P St,NW	20007
Zumbrun,	Megan	New	Pressley Ridge 650 Pa Ave, SE #C100	20003
Cuesta,	Shari	Rpt	Population Council 4301 Conn Ave,NW #280	20008
McMillian,	Isabelle C.	Rpt	U D C 4200 Conn Ave,NW	20008

**DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICER**

**NOTICE OF INTENT TO NOMINATE HISTORIC DISTRICTS
TO THE NATIONAL REGISTER OF HISTORIC PLACES**

The State Historic Preservation Officer hereby provides public notice of his intent to nominate the following historic district boundary expansion to the National Register of Historic Places. The Historic Preservation Review Board recently designated these properties as part of an existing historic district after a duly noticed public hearing February 28, 2008.

Under the provisions of the Historic Protection Act (D.C. Code §6-1102(5)(c)), this designation becomes effective when the State Historic Preservation Officer nominates or issues a written determination to nominate the properties to the National Register of Historic Places. Thirty (30) days after the date of this notice, the properties will become subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 08-05
Washington Navy Yard Historic District expansion**

Affected Properties: Square 770, Lots 803 and 804; Square 801, Lot 801; Square 802, Lot 801; and part of U.S. Reservation 14.

Listing in the D.C. Inventory of Historic Sites and the National Register of Historic Places provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**OFFICE OF TAX AND REVENUE
REAL PROPERTY TAX ADMINISTRATION
FY 2008 ASSESSMENT RATIO REPORT**

Overview

The Office of Tax and Revenue's (OTR) Real Property Tax Administration (RPTA) assesses real property for purposes of property taxation. A portion of all properties will be physically reviewed each year. During the review, RPTA appraisers will visit properties to verify property characteristics existing in our current assessment records. The characteristics include property type, size, quality of construction, condition of structure and any new improvements.

For Fiscal Year (FY) 2008, the District assessed approximately 183,500 properties. The magnitude of the reassessment requires the use of mass appraisal techniques. While a private fee appraiser is concerned with valuing one property at a time, a RPTA appraiser values all properties in an entire neighborhood at a time. To accomplish this, special mass appraisal procedures are used. When real property is transferred, the deed and transfer documents are filed with the Recorder of Deeds of the District of Columbia. These documents are imaged and used as a record to change ownership on the assessment roll and capture sales information. RPTA's Assessment Division reviews all deeds and property sales prices as the deed transferring the property is recorded. In the appraiser's review and analysis of the sales, the appraiser will develop land rates, depreciation tables, and sales analysis and/or market analysis reports. After completing the analysis, the appraiser applies the factors uniformly throughout the neighborhood to value all comparable properties.

Supervisory personnel carefully review each RPTA appraiser's work, and the RPTA appraiser's work is also scrutinized by individual property owners. We are continually striving for higher quality in assessment uniformity. Our quality control program begins with the individual appraiser and the appraiser's immediate supervisor. As work is completed, each supervisor reviews the analysis, making recommendations and approving the work. When the appraiser completes the revaluation, the supervisor makes a random check using procedural and data editing reports. Following the completion of the revaluation, various computer edits are made to assure good valuation quality.

A measurement of quality is the assessed value/sale price ratio. A ratio is the relationship between two numbers; in this case it is the relationship between the assessed value and sale price. The ratio measures how closely our values compare to the actual sales prices. The average assessed value/sale price ratio indicates the typical level of assessment. Because the marketplace is not perfect, there will always be properties that sell for more or less than what can be anticipated due to factors such as sales between people unfamiliar with the market or buyers willing to pay extra for a unique property, among other reasons.

In mass appraisal and assessment ratio studies, we are not only concerned with the typical level of assessment as indicated by the average assessed value/sale price levels (ratios), but also the degree of spread, or variation, from the typical ratio. One such statistical measurement of variation is called the coefficient of dispersion (COD). The lower the COD, the more uniform the assessments.

In the balance of this report, we will give a more detailed explanation of the statistical terms as applied to assessment administration and quality control and we will explain the International Association of Assessing Officers' (IAAO) Standard of Performance for ratio studies.

RATIO STATISTICS

The purpose of this ratio study is to test the quality of the assessment product of the properties most recently valued. From our most recent valuation, we have performed many ratio studies examining neighborhoods, types of structures, age of structures, etc. We use ratio studies as a performance gauge that includes several measures of central tendency. A measure of central tendency indicates the typical level of assessments to actual selling prices of real estate. These may be the average of the assessed value/sale price ratios, the weighted average of the assessed value/sale price ratios or the median of the assessed value/sale price ratios. The average assessed value/sale price ratio is simply the average of all the ratios in the sample. The weighted assessed value/sale price ratio is the result of dividing the total of the assessments by the total of the sale prices. The median assessed value/sale price ratio is the midpoint ratio of all ratios if the ratios are arrayed from highest to lowest.

In addition to the general level of assessments, we are also concerned with the relative spread or variation that individual ratios fall from the typical ratio. This is measured by the coefficient of dispersion. The coefficient of dispersion is calculated by dividing the average absolute deviation by the median ratio. To calculate the average absolute deviation, subtract the median ratio from the individual ratios and add all the results ignoring positive or negative signs and dividing by the number of ratios. The acceptable level for the coefficient of dispersion depends upon the type of properties being reviewed. According to the IAAO, coefficients of dispersion should typically be 20% or less, depending on the types of properties being valued.

Another statistical measure used to gauge assessment uniformity is the Price-Related Differential (PRD). The PRD tests to see if higher and lower valued properties are assessed at the same level. It is calculated by dividing the mean ratio by the weighted mean ratio. PRDs should range between 0.98 and 1.03, except for very small samples. For example, a PRD of 1.03 indicates under valuation of high priced properties, while a PRD of .98 shows an under valuation of low priced properties. Table 1 of this report illustrates a sample computation of these statistics.

Table 1

Illustration of Ratio Study Statistics

Sample Jurisdiction

(1) Property Number	(2) Sale Price	(3) Assessed Value	(4) Ratio A/S%	(5) Deviation From Average
1	\$280,000	\$224,000	80%	20%
2	\$220,000	\$192,500	88%	12%
3	\$635,000	\$555,750	88%	12%
4	\$559,000	\$517,000	92%	7%
5	\$200,000	\$190,000	95%	5%
6	\$210,000	\$204,750	98%	2%
7	\$800,000	\$800,000	100%	0%
8	\$400,000	\$400,000	100%	0%
9	\$330,000	\$333,000	101%	1%
10	\$450,000	\$461,250	103%	3%
11	\$240,000	\$252,000	105%	5%
12	\$390,000	\$419,250	108%	8%
13	\$370,000	\$416,250	113%	13%
14	\$403,000	\$458,000	114%	14%
15	\$510,000	\$599,250	118%	18%
TOTAL	\$5,997,000	\$6,023,000	1500%	120%

Average Ratio	=	Total of Ratios (4)	÷	Number of Sales (1)	=	100%
		1500%		15		
Weighted Ratio	=	Total of Assessed Values (3)	÷	Total of Sale Prices (2)	=	100%
		\$6,023,000		\$5,997,000		
Average Absolute Deviation	=	Total Deviations (5)	÷	Number of Sales (1)	=	8%
		120%		15		
Median Ratio	=	Middle Value of Data Array (i.e. property #8)	=		=	100%
Coefficient of Dispersion	=	Average Deviation (5)	÷	Median Ratio (4)	=	8%
		8%		100%		
Price-Related Differential	=	Average Ratio (4)	÷	Weighted Ratio	=	1.00
		100%		100%		

Other descriptive statistical methods that may be used to analyze the assessment product are frequency distributions, scatter diagrams and coefficients of variation. Due to the scope of this report, we have not fully examined these methods here. For further information on statistics relating to assessments, the IAAO's publication, "Improving Real Property Assessment," is recommended.

RATIO STUDY STANDARDS - VALUES TO SALE PRICES

The IAAO is a professional organization of assessing officials that provides educational programs, assessment administration standards and research on assessment and tax policy issues. The IAAO has developed numerous standards and texts on assessments and assessment administration. Additionally, the organization is a founding member of the national Appraisal Foundation that developed the Uniform Standards of Professional Appraisal Practice (USPAP).

The IAAO's Standard on Ratio Studies was first published in September 1990 and was revised in July, 1999. The IAAO standards are advisory in nature and provide guidance to those performing ratio studies in the mass appraisal field regarding the design, statistics, performance measures and related issues in conducting ratio studies. RPTA uses the fundamental ratio statistical measures of the IAAO standards, and is guided by the criteria of the IAAO's Assessment Ratio Performance Standards to judge the performance of the District's reassessments. See Table 2 below.

Table 2

IAAO's Ratio Study Performance Standards

Type of Property	Measure of Central Tendency	Coefficient of Dispersion	Price-Related Differential
Single-Family Residential			
Newer, homogeneous areas	.90 - 1.10	10.0 or less	.98 - 1.03
Older, heterogeneous areas	.90 - 1.10	15.0 or less	.98 - 1.03
Rural residential and seasonal	.90 - 1.10	20.0 or less	.98 - 1.03
Income Producing Properties			
Larger, urban jurisdictions	.90 - 1.10	15.0 or less	.98 - 1.03
Smaller, rural jurisdictions	.90 - 1.10	20.0 or less	.98 - 1.03
Vacant Land	.90 - 1.10	20.0 or less	.98 - 1.03
Other Real and Personal Property	.90 - 1.10	Varies with local conditions	.98 - 1.03

Source: Standard on Ratio Studies; International Association of Assessing Officers; Chicago, Illinois; July 1999, p.34.

Ratio studies may be performed for various reasons, including assessment accuracy and equity studies, to judge the need for and management of a reassessment, to identify problems with assessment procedures, to assist in market analysis, and to adjust assessed values. Many ratio study design issues must be considered depending on the purpose of the ratio study.

This study considers unadjusted sales price data during calendar year 2006 before the date of finality of January 1, 2007, which is the valuation date for the FY 2008 assessments. Generally, only sales that are arms-length transactions between a buyer and seller are included in the study. Sales between related parties, to or from financial institutions or government agencies, or sales with extreme ratios (which indicate abnormal transactions) have not been used in this study. An

attempt was made to contact the property owner and physically inspect all sales. Where property owners were not at home or failed to respond to the "Sales Verification Questionnaire" mailed to them, an exterior inspection was performed. Thus, some of these transactions may have had conditions that could have warranted their exclusion from the study, but were not. Generally, the RPTA's ratio performance is good and conforms to the IAAO standards.

While several measures of central tendency may be calculated (average, median, and weighted average), the median is less affected by extreme ratios. Therefore, the IAAO observes in its standards that the median is generally the preferred measure of central tendency for monitoring assessment performance. For this reason, median ratios are used in this study to measure compliance with IAAO standards.

In circumstances where property values are rapidly changing, ratio statistics will be adversely affected. Where real estate prices have been increasing, ratio statistics will indicate a lower assessed value/sale price ratio. This rapid escalation in property values has lowered the average ratio. However, one should review the average deviation, coefficient of dispersion, and standard deviation to assure that assessments are uniform.

COMPARISON OF RPTA's VALUES TO SALE PRICES

Quality is the degree of excellence of a product or service. Also, quality is the extent to which a product measures up to certain standards. In this case, a measure of quality is the ratio study measuring whether the RPTA appraiser assessed properties uniformly and at estimated market value. Approximately one-half of the sales data used in this study was not available for use by the appraiser in the group of properties reassessed. Assuming the appraiser applied the mass appraisal model uniformly to all properties, this ratio study should show uniformity of assessment. The ratio study is a cross-check by the RPTA management to assure quality of the mass appraisal. It was conducted on 8,311 improved residential property and 310 commercial property sales from January 1, 2006 to December 31, 2006, and compares the administration's valuations on the tax roll for FY 2008.

Table 3 summarizes the FY 2008 Real Property Assessment/Sale Ratio by neighborhood within the District of Columbia for residential properties. Table 4 displays similar information for commercial properties. Table 5 illustrates the frequency of assessment sale ratios, in the form of a histogram, for residential properties; the sales used in this study were calendar year 2006 real estate sales. Table 6 provides a summary of the sales ratio statistics, by property type, for the FY 2008 assessment program.

The histogram in Table 5 graphically represents the frequency distribution of individual residential ratios in the study. The general shape of the graph helps to illustrate the amount of dispersion existing in the data. A tall, narrow shape usually indicates less dispersion from the measure of central tendency, whereas a more flat and broad shape illustrates more dispersion and less desirable uniformity. The histogram of RPTA's results illustrates both good central tendency and reasonable dispersion. The measures of central tendency indicate that properties, on average, have been valued for FY 2008 at approximately 97% of their respective sale prices

and that on average all other properties have very similar ratios as indicated by the 10% coefficient of dispersion.

The analysis from Table 6 and the following descriptive statistics indicate that values determined by appraisers for the most recent valuation attained a uniform and appropriate level of value. Table 6 shows that of the fifty-six residential neighborhoods that were valued for FY 2006, fifty had a sufficient number of sales to be statistically relevant. Forty-five of the fifty neighborhoods met all applicable IAAO standards for assessment performance, and forty-nine met all but one. In the case of commercial property, more weight is given to the income approach to valuation and there are fewer sales allowing more thorough investigation.

The summary data presented in Table 7 indicate that District-wide, for the category of all property types, the sales ratio statistics are in full compliance with IAAO's standards.

TABLE 3

FY 2008

Residential Real Property Assessment Ratio by Neighborhood

This table shows the real property assessment ratio data for residential properties. The ratios concern arms-length sales of properties. The sales used were sold between January 1, 2006 and December 31, 2006, and such sales are compared with RPTA's FY 2008 reassessment effective January 1, 2007. In neighborhoods with fewer than 20 sales, the statistics may not represent actual market conditions due to the small sample size.

Type of Property: Residential

Number	Neighborhood Name	Number of Sales	Average Sale Price	Median Sale Price	Median Ratio	Mean Ratio	Weighted Mean Ratio	Coefficient of Dispersion	Price-Related Differential
1	AMERICAN UNIVERSITY	113	755,744	755,000	98.9	96.2	96.3	7	1
2	ANACOSTIA	75	270,142	260,000	94.4	94.4	90.9	16	1.04
3	BARRY FARMS	71	219,429	218,000	97.0	94.2	92.3	12	1.02
4	BERKELEY	32	1,244,613	1,105,000	97.1	97.9	98.0	6	1
5	BRENTWOOD	30	319,862	285,250	92.7	95.2	90.4	15	1.05
6	BRIGHTWOOD	158	451,799	435,000	96.5	97.6	96.3	10	1.01
7	BROOKLAND	241	355,392	360,000	95.3	96.4	96.0	7	1
8	BURLEITH	34	927,750	711,000	99.8	99.4	98.8	3	1.01
9	CAPITOL HILL	173	715,999	695,000	99.8	100.0	98.8	9	1.02
10	CENTRAL	584	582,277	459,700	95.0	94.7	94.7	6	1
11	CHEVY CHASE	208	821,981	800,000	99.4	100.0	99.4	5	1.01
12	CHILLUM	34	414,982	410,000	94.9	95.9	95.3	9	1.01
13	CLEVELAND PARK	228	554,580	398,775	99.6	99.3	98.5	7	1.01
14	COLONIAL VILLAGE	11	877,409	850,000	100.5	101.0	100.6	5	1
15	COLUMBIA HEIGHTS	526	423,920	394,500	98.5	99.9	99.0	9	1.01
16	CONGRESS HEIGHTS	306	245,349	240,235	92.1	92.0	88.7	13	1.04
17	CRESTWOOD	15	992,007	913,510	100.3	101.0	100.7	2	1
18	DEANWOOD	296	246,531	240,000	93.9	95.1	93.1	12	1.02
19	ECKINGTON	119	431,327	433,000	98.2	99.2	97.8	9	1.01
20	FOGGY BOTTOM	65	384,568	286,000	99.2	99.1	97.8	7	1.01
21	FOREST HILLS	74	606,872	373,112	99.9	99.3	96.9	11	1.03
22	FORT DUPONT PARK	153	253,305	249,900	95.2	95.3	93.5	11	1.02
23	FOXHALL	20	759,339	742,500	100.0	99.2	99.1	5	1
24	GARFIELD	69	734,291	535,000	98.1	97.3	94.6	8	1.03
25	GEORGETOWN	184	1,361,041	1,062,500	96.7	96.7	94.8	9	1.02
26	GLOVER PARK	132	513,807	450,000	95.0	96.6	96.9	6	1
27	HAWTHORNE	11	1,006,864	785,000	96.9	96.8	96.8	3	1
28	HILLCREST	183	264,072	219,900	97.5	95.4	96.1	10	0.99
29	KALORAMA	185	839,066	479,000	99.0	98.2	95.1	8	1.03

30	KENT	26	1,419,250	1,042,500	98.6	98.9	96.8	7	1.02
31	LEDROIT PARK	79	488,566	472,400	98.6	101.0	99.3	7	1.02
32	LILY PONDS	42	267,574	250,000	96.0	97.1	95.6	10	1.02
33	MARSHALL HEIGHTS	103	226,946	202,000	94.4	93.1	90.4	10	1.03
34	MASS. AVE. HEIGHTS	6	4,664,167	2,680,000	98.4	109.0	102.0	19	1.07
35	MICHIGAN PARK	26	431,816	431,250	95.4	99.2	97.4	11	1.02
36	MOUNT PLEASANT	300	523,719	530,400	95.8	98.9	98.9	9	1
37	N. CLEVELAND PARK	27	745,326	746,500	96.7	98.9	98.5	5	1
38	OBSERVATORY CIRCLE	94	807,297	799,900	96.5	96.3	96.1	5	1
39	OLD CITY #1	754	489,018	460,000	98.0	99.1	97.6	11	1.02
40	OLD CITY #2	1,321	497,117	427,000	98.5	98.9	97.7	8	1.01
41	PALISADES	55	847,498	725,000	99.7	98.7	99.8	3	0.99
42	PETWORTH	278	401,599	403,500	96.9	97.0	94.8	11	1.02
43	RANDLE HEIGHTS	162	263,683	260,400	93.8	95.0	94.4	8	1.01
44	R.L.A.(N.E.)	0	0	0	0	0	0	0	0
46	R.L.A. (S.W.)	82	391,935	327,500	95.8	94.2	93.9	8	1
47	RIGGS PARK	83	334,720	345,000	90.4	92.6	91.4	10	1.01
48	SHEPHERD PARK	31	703,502	695,000	99.5	101.0	99.8	6	1.01
49	16TH STREET HEIGHTS	87	586,437	575,000	99.0	98.7	97.1	10	1.02
50	SPRING VALLEY	27	1,684,378	1,475,000	99.5	99.8	98.0	5	1.02
51	TAKOMA PARK	22	396,233	386,000	93.8	93.8	93.1	11	1.01
52	TRINIDAD	140	331,378	320,500	92.2	93.8	90.0	14	1.04
53	WAKEFIELD	27	622,326	399,000	98.1	96.7	95.8	7	1.01
54	WESLEY HEIGHTS	68	677,177	550,000	99.0	96.0	97.3	6	0.99
55	WOODLEY	12	1,297,667	1,115,000	101.3	103	101.4	8	1.02
56	WOODRIDGE	104	381,941	384,063	96.2	98.3	96.5	12	1.02
66	FORT LINCOLN	25	305,517	270,000	87.1	88.4	88.1	12	1

TABLE 4

FY 2008

Commercial Real Property Assessment Ratio by Neighborhood

This table shows the real property assessment ratio data for commercial properties. The ratios concern arms-length sales of properties. The sales used were sold between January 1, 2006 and December 31, 2006, and such sales are compared with RPTA's FY 2008 reassessment effective January 1, 2007. In neighborhoods with fewer than 20 sales, the statistics may not represent actual market conditions due to the small sample size.

Type of Property: Commercial

Number	Neighborhood Name	Number of Sales	Average Sale Price	Median Sale Price	Median Ratio	Mean Ratio	Weighted Mean Ratio	Coefficient of Dispersion	Price-Related Differential
1	AMERICAN UNIVERSITY	1	10,507,145	10,507,145	89.4	89.4	89.4	0	1
2	ANACOSTIA	4	805,000	690,000	68.2	70.0	63.6	21	1.1
5	BRENTWOOD	10	2,166,557	1,241,572	64.1	83.6	75.8	52	1.1
6	BRIGHTWOOD	3	2,084,827	2,004,482	92.9	93.8	91.0	9	1.03
7	BROOKLAND	6	1,142,708	1,190,625	80.3	80.0	70.2	30	1.14
9	CAPITOL HILL	8	2,505,438	1,031,750	99.4	88.6	90.2	25	0.98
10	CENTRAL	47	53,193,331	34,050,000	100.0	100.0	100.7	10	0.99
12	CHILLUM	1	490,000	490,000	56.1	56.1	56.1	0	1
15	COLUMBIA HEIGHTS	28	1,363,496	652,500	68.8	72.7	72.6	25	1
16	CONGRESS HEIGHTS	23	1,930,667	500,000	73.9	82.8	108.4	28	0.76
18	DEANWOOD	8	469,026	487,500	73.4	77.0	69.3	31	1.11
19	ECKINGTON	4	816,250	507,500	69.9	72.8	71.2	16	1.02
22	FORT DUPONT PARK	5	1,153,800	656,000	87.1	83.4	68.2	17	1.22
24	GARFIELD	2	8,968,000	8,968,000	106.4	106.0	66.2	42	1.61
25	GEORGETOWN	17	11,635,794	1,700,000	69.7	74.5	67.6	22	1.1
26	GLOVER PARK	1	383,590	383,590	136.1	136.0	136.1	0	1
28	HILLCREST	6	878,833	712,000	71.6	69.3	63.7	24	1.09
29	KALORAMA	4	1,846,250	1,900,000	78.8	77.2	76.7	30	1.01
32	LILY PONDS	3	14,173,656	1,500,000	89.8	80.5	89.2	13	0.9
33	MARSHALL HEIGHTS	3	912,793	360,500	63.8	81.9	66.3	30	1.23
35	MICHIGAN PARK	1	400,000	400,000	101.3	101.0	101.3	0	1
36	MOUNT PLEASANT	5	953,000	650,000	63.5	71.2	63.5	27	1.12
38	OBSERVATORY CIRCLE	2	11,362,500	11,362,500	86.5	86.5	101.4	18	0.85
39	OLD CITY #1	38	5,402,930	542,500	73.9	83.6	96.5	36	0.87
40	OLD CITY #2	42	2,677,992	1,021,500	91.3	90.2	80.3	20	1.12
42	PETWORTH	11	694,091	485,000	80.0	81.9	71.0	23	1.15

43	RANDLE HEIGHTS	6	1,001,167	791,000	52.3	64.9	58.0	29	1.12
44	R.L.A.(N.E.)	2	2,763,700	2,763,700	105.7	106	100.7	30	1.05
46	R.L.A. (S.W.)	2	118,000,000	118,000,000	98.7	98.7	99.2	1	1
47	RIGGS PARK	2	8,250,000	8,250,000	92.4	92.4	60.3	46	1.53
48	SHEPHERD PARK	1	400,000	400,000	95.9	95.9	95.9	0	1
49	16TH STREET HEIGHTS	3	1,873,333	2,350,000	53.6	56.3	53.2	8	1.06
51	TAKOMA PARK	3	2,983,333	3,800,000	68.2	64.7	63.9	7	1.01
52	TRINIDAD	4	795,000	700,000	69.2	72.4	70.8	36	1.02
56	WOODRIDGE	4	411,608	304,990	93.8	93.5	103.7	36	0.9

TABLE 5

FY 2008 HISTOGRAM OF RESIDENTIAL SALES RATIOS

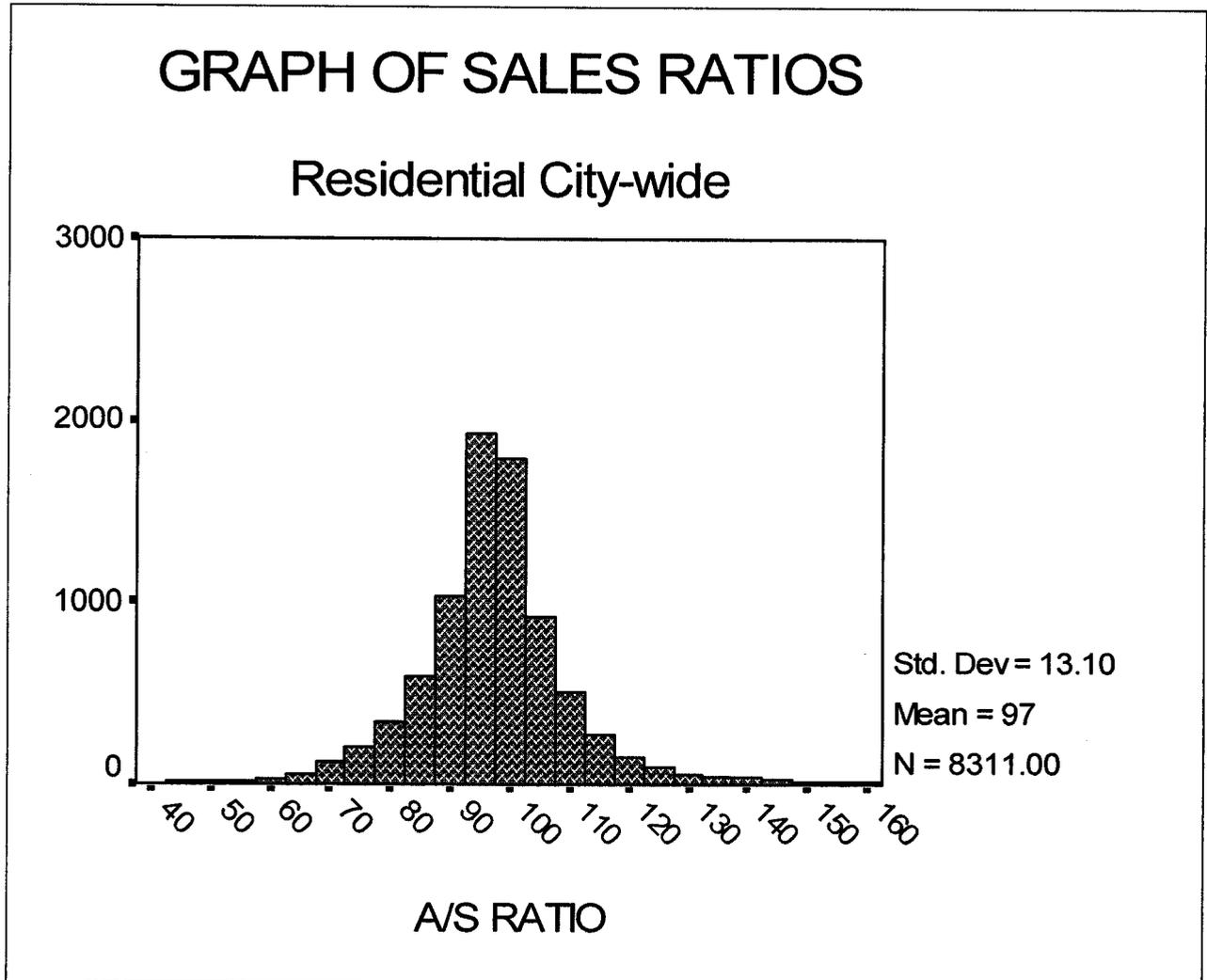


TABLE 6

Compliance with IAAO Ratio Study Performance Standards for FY 2008 Assessments

The IAAO sets advisory standards for assessment statistics. These standards are depicted in Table 2. In this table, a “+” indicates compliance with the standards.

2008	Residential Median Ratio	Residential Coefficient of Dispersion	Residential Price-Related Differential	Commercial Median Ratio
AMERICAN UNIVERSITY	+	+	+	Ø
ANACOSTIA	+	x	x	Ø
BARRY FARMS	+	+	+	Ø
BERKELEY	+	+	+	Ø
BRENTWOOD	+	+	x	Ø
BRIGHTWOOD	+	+	+	Ø
BROOKLAND	+	+	+	Ø
BURLEITH	+	+	+	Ø
CAPITOL HILL	+	+	+	Ø
CENTRAL	+	+	+	+
CHEVY CHASE	+	+	+	Ø
CHILLUM	+	+	+	Ø
CLEVELAND PARK	+	+	+	Ø
COLONIAL VILLAGE	Ø	Ø	Ø	Ø
COLUMBIA HEIGHTS	+	+	+	x
CONGRESS HEIGHTS	+	+	x	x
CRESTWOOD	Ø	Ø	Ø	Ø
DEANWOOD	+	+	+	Ø
ECKINGTON	+	+	+	Ø
FOGGY BOTTOM	+	+	+	Ø
FOREST HILLS	+	+	+	Ø
FORT DUPONT PARK	+	+	+	Ø
FOXHALL	+	+	+	Ø
GARFIELD	+	+	+	Ø
GEORGETOWN	+	+	+	Ø
GLOVER PARK	+	+	+	Ø
HAWTHORNE	Ø	Ø	Ø	Ø
HILLCREST	+	+	+	Ø
KALORAMA	+	+	+	Ø
KENT	+	+	+	Ø
LEDROIT PARK	+	+	+	Ø
LILY PONDS	+	+	+	Ø
MARSHALL HEIGHTS	+	+	+	Ø
MASS. AVE. HEIGHTS	Ø	Ø	Ø	Ø
MICHIGAN PARK	+	+	+	Ø
MOUNT PLEASANT	+	+	+	Ø
N. CLEVELAND PARK	+	+	+	Ø
OBSERVATORY CIRCLE	+	+	+	Ø
OLD CITY #1	+	+	+	x
OLD CITY #2	+	+	+	+

PALISADES	+	+	+	Ø
PETWORTH	+	+	+	Ø
RANDLE HEIGHTS	+	+	+	Ø
R.L.A. (N.E.)	Ø	Ø	Ø	Ø
R.L.A. (S.W.)	+	+	+	Ø
RIGGS PARK	+	+	+	Ø
SHEPHERD PARK	+	+	+	Ø
16TH STREET HEIGHTS	+	+	+	Ø
SPRING VALLEY	+	+	+	Ø
TAKOMA PARK	+	+	+	Ø
TRINIDAD	+	+	x	Ø
WAKEFIELD	+	+	+	Ø
WESLEY HEIGHTS	+	+	+	Ø
WOODLEY	Ø	Ø	Ø	Ø
WOODRIDGE	+	+	+	Ø
FORT LINCOLN	x	+	+	Ø

+ = Meets IAAO Standard

x = Does not meet IAAO Standard

Ø = Insufficient data

TABLE 7

SUMMARY OF SALES RATIO STATISTICS FY 2008

SALES RATIOS BY PROPERTY TYPE: CITY-WIDE

PROPERTY TYPE	SALES	AVE PRICE	MED PRICE	MEDIAN	MEAN	WEIGHTED	COD	PRD
All	8,621	\$910,869	\$414,000	97.0	96.9	96.4	10	1.01
Residential	8,311	\$514,610	\$408,450	97.0	97.4	96.6	9	1.01
Commercial	310	\$11,534,456	\$930,500	85.4	84.3	96.2	26	0.88

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 17589 of Salvatore Gorgone, pursuant to 11 DCMR § 3100 and 3101, from the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, to deny the issuance of a Certificate of Occupancy permit for a Gourmet Shop because the prior delicatessen use had been discontinued for more than three years, pursuant to 11 DCMR § 2005.

HEARING DATE: April 10, 2007

DECISION DATE: May 1, 2007

DECISION AND ORDER

INTRODUCTION

Salvatore Gorgone (“Gorgone” or “Appellant”) filed this appeal with the Board of Zoning Adjustment (“BZA” or “Board”) on November 21, 2006, pursuant to 11 DCMR §§ 3100 and 3101, challenging the administrative decision of the Zoning Administrator (“ZA”), Department of Consumer and Regulatory Affairs (“DCRA”). The ZA denied the issuance of a Certificate of Occupancy (“C of O”) permit to Appellant’s lessee for a “gourmet shop,” a commercial use not permitted in the zone district where the property was located.

The ZA concluded that even though a nonconforming delicatessen use had previously existed on the property, that use been abandoned and therefore could not be reinstated. The ZA made this determination in reliance on 11 DCMR § 2005.1, which creates a presumption that a nonconforming use is abandoned if it is discontinued for a period of at least three years. In this instance, the ZA found those elements were met as a result of the establishment in 1998, and the continuation for at least three years thereafter, of a Chinese food carry out business.

The Zoning Administrator’s determination that the carryout was a new use was based, in part, upon Webster’s Unabridged Dictionary’s definition of “delicatessen.” Appellant alleges error in the reliance upon this definition, claiming instead that the ZA should have followed past Zoning Administrator’s interpretations, which, according to the Appellant, would have considered the Chinese food carry out operations to be a delicatessen.

A public hearing on the appeal was duly noticed and held on April 10, 2007. The Board closed the record on April 10, 2007, except for those additional filings that the Board specifically requested.

At its public meeting of May 1, 2007, the Board voted 5-0-0 to deny the appeal.

BZA APPEAL NO. 17589**PAGE NO. 2****PRELIMINARY MATTERS****Notice of Appeal and Notice of Public Hearing**

The Notice of Appeal was filed on November 21, 2006 by Salvatore Gorgone and a public hearing on the appeal was held on April 10, 2007. In accordance with 11 DCMR § 3112.14, the Office of Zoning mailed notice of the hearing to the Appellant, who is the property owner, and DCRA. The Office of Zoning advertised the hearing notice in the *D.C. Register* at 54 *D.C. Reg.* 1295 (February 9, 2007).

Parties

The automatic parties in this case were the owner of the subject property Salvatore Gorgone, ("Appellant"), DCRA ("Appellee"), and the affected Advisory Neighborhood Commission ("ANC"), ANC 2B. See, 11 DCMR § 3199.

ANC 2B designated Commissioner Mark Bjorge as its representative. At the hearing, Commissioner Bjorge requested party status both as the ANC's duly authorized representative and for himself individually. Since the ANC is automatically a party, the first portion of his request was unnecessary. The second aspect of the request -- for individual party status -- was made because the ANC cannot petition the Court of Appeals to review an adverse Board decision. D.C. Official Code § 1-309.10 (g). Commissioner Bjorge believed that unless he was given party status, he could not file such a petition. Ms. Anne Marchand, a neighbor, also sought party status for the same reason. Both withdrew their requests after being informed that D.C. Official Code § 2-510 (a) provides that any "aggrieved person" can appeal an agency order regardless of whether they were a party in the proceeding below.

The Richmond Condominium Association also requested party status, but did not attend the hearing. The Board denied the request, not finding the requisite "good cause." See, 11 DCMR § 3112.15. However, the Board noted that the ANC was amenable and would be able to present evidence on the Association's behalf.

FINDINGS OF FACT

1. The property that is the subject of this appeal ("subject property") is located at 1417 17th Street, N.W. (Lot 181, Square 149) in the R-5-E zone district and within the Dupont Circle Overlay District.
2. The subject property is improved with a three-story row dwelling constructed in 1890, with a basement unit that is reached by steps leading to a below-grade doorway. At some point before May 12, 1958, a retail food establishment selling uncooked, prepared food was lawfully established in the basement.

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3. The current version of the Zoning Regulations became effective on May 12, 1958. As a result of the adoption of the regulations and the associated zoning map, the subject property was zoned R-5-D.
4. Both then and now, no type of food sales were/are permitted as principal uses in either an R-5-D District or in the current R-5-E District.
5. However, because the use was lawfully established prior to May 12, 1958, it is considered "nonconforming." 11 DCMR § 199.1 (definition of "Nonconforming use").
6. Subject to an exception not applicable here, a nonconforming use may continue in existence until it is abandoned. A nonconforming use is presumptively deemed abandoned if discontinued for a period of at least three years. 11 DCMR § 2005.1.
7. The earliest extant C of O issued for use of the basement space was issued on November 21, 1958 for a "Retail Delicatessen (Non-Conforming)." See, Exhibit ("Ex.") 17, Attachment No. 1.
8. A "delicatessen" is not among the uses recognized and defined in the Zoning Regulations as they existed on the date of the ZA's decision.¹
9. Words not defined in section 199.1 have the meaning given to them in Webster's Unabridged Dictionary. 11 DCMR 199.2 (g).
10. Webster's Third New International Dictionary (Merriam-Webster, 1986) defines "delicatessen" to mean: "1. ready-to-eat food products (as cooked or processed meats, cheeses, prepared salads, canned foods, preserves, and relishes); 2. a store where delicatessen are sold either to be taken out or to be eaten on the premises (as in sandwiches)."
11. There is no dispute that between May 12, 1958 and 1998 the use of the basement space was consistent with this definition. Specifically, at no time during this period was there any large-scale cooking of food done on the premise.
12. As a result of changes in ownership of the retail food business, seven C of O's were issued between December 6, 1979 and April 17, 1995 for a delicatessen use. See, Hearing Transcript ("Tr.") at 303-304.
13. Appellant purchased the property in 1994, at which time the basement was occupied by a retail food business operating as a "delicatessen with no seating," as per its C of O.

¹ The term has since been entirely eliminated from the Regulations by Zoning Commission Order No. 06-23, published at 54 DCR 9393 (September 28, 2007) and corrected at 54 DCR 11720 (December 7, 2007).

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14. On June 4, 1998, DCRA issued C of O #B00180991 to Mr. Ming Jin Zhang, operating as "Chef's Express." The C of O authorized Chef's Express to use the subject property as a "Delicatessen (No Seats)." See, Ex. 16.
15. In 1998, Chef's Express' owner began to renovate the basement of Appellant's property, introducing a commercial-style kitchen with cooking equipment, exhaust fans, and vents.
16. Once the renovation was complete, Chef's Express expanded its menu to include cooked items and started to receive large bulk food deliveries of raw foods, such as 50-pound bags of rice and bags of onions.
17. The raw food was prepared – chopped, diced, etc. – and cooked on the premise.
18. There is no dispute that this change in operation, from a retail food establishment that sold only prepared food to one that prepared and cooked the food on the premise, continued for at least three years, lasting from late 1998 through November of 2005, when Chef's Express ceased operating.
19. The continuing nature of these activities is corroborated by the actions of District officials taken during this period and by the conduct of the business owner.
20. As to the former, observations made by investigators from DCRA and the D.C. Department of Health resulted in the issuance of:
 - (a) Notices of Infraction on October 28, 1999, March 7 2003, and August 21, 2003 alleging that the food preparation activities being carried out on the premises were not within the scope of the delicatessen use authorized by the C of O and that the operation was actually a carry-out.. Exs. 22, 24 and 25;
 - (b) A Notice of Intent to Deny License Renewal for delicatessens on October 17, 2005. Ex. 17, Attachment No. 3; and
 - (c) A Notice of Revocation, dated November 4, 2005, of Chef's Express' Certificate of Occupancy #B00180991. The Notice states that Chef's Express is engaging in "activities that do not conform to the location and use permitted in the existing C of O," and directs Chef's Express to discontinue its unauthorized activities within 10 days of issuance of the Notice. See, Ex. 17, Attachment No. 3.
21. The business owner confirmed the nature of the activities occurring on the premises by requesting:
 - (a) A carry-out permit, denied by letter issued on April 21, 2003. Ex. 23.

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- (b) A C of O as a “Chinese Food Carry-Out” (Application No. 51341), denied on July 11, 2003. The denial, from which no appeal was taken, cited the need for Chef’s Express to obtain variance relief from the Board of Zoning Adjustment, (See, Ex. 28); and
 - (c) A variance to operate a Chinese carry-out, the application for which was withdrawn. See, Transcript of BZA No. 17075, May 11, 2004.
- 22. Following the revocation of its C of O, Chef’s Express ceased operations during November of 2005.
 - 23. On February 4, 2006, Appellant entered into a lease agreement with a new tenant, a Mr. Luna, who proposed operating a “gourmet shop” in the basement of the subject property. See, Ex. 11, Attachment No. 9.
 - 24. At some point in February, 2006, the tenant, Mr. Luna, applied to DCRA for a C of O to operate a delicatessen.
 - 25. In a March 1, 2006 letter, Mr. Luna told Appellant that the ZA had informed Mr. Luna that the subject property is not zoned for commercial use. See, Ex. 11, Attachment No. 9
 - 26. The ZA further informed Mr. Luna, in a June 11, 2006 e-mail that he was preparing a letter for the property owner, stating his determination that the nonconforming use as a delicatessen had been discontinued. See, Ex. 11, Attachment No. 13
 - 27. Mr. Luna thereafter applied for a C of O again, this time to operate a gourmet shop on the property.
 - 28. On September 22, 2006, the ZA formally denied Mr. Luna’s request for a C of O for a gourmet shop, based on the rationale that the “grandfathered” nonconforming delicatessen use had been discontinued for at least three years after it had been improperly changed to a different use – a Chinese carry-out -- and therefore had been abandoned. See, Ex. 27.
 - 29. On November 21, 2006, Appellant filed this appeal of the ZA’s September 22, 2006 denial of the application for a C of O for a gourmet shop.

CONCLUSIONS OF LAW**Motion to Dismiss Appeal as Untimely**

DCRA moved to dismiss the appeal as untimely. The Board’s Rules of Practice and Procedure

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require that all appeals be filed within 60 days after the date the person filing the appeal had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge, whichever is earlier. 11 DCMR § 3112.2.

Although this appeal was filed within 60 days of the Zoning Administrator's September 22, 2006 decision denying the February 2006 C of O application to operate a gourmet shop, DCRA claims that the Appellant is, in essence, barred from appealing that decision because he failed to appeal the July 11, 2003 denial by the ZA of Mr. Ming Jin Zhang's application for a C of O for a "Chinese food – carry-out."

The Board disagrees. While it is true that the Appellant could have appealed the July 11, 2003 denial of a C of O for a "Chinese food – carry-out," he did not have to. The denial of the gourmet shop C of O is a separate decision made by an administrative officer in the administration of the Zoning Regulations which the Appellant also has the right to appeal. See, 11 DCMR § 3100.2. Since the business still had an existing C of O, the 2003 denial had no effect upon the operations, which continued until the C of O was at last revoked in November 2005. Now that there is no C of O in place and a request for a new one has been denied, Mr. Gorgone has chosen to appeal that decision. The appeal was filed on November 21, 2006, within 60 days of the denial of the application for the C of O for use of the property as a gourmet shop, and is therefore timely.

The Merits of the Appeal

Both the Appellant and the Appellee agree that the retail food establishment in the basement was lawfully established prior to the property's rezoning to R-5-D in 1958. As a result of the rezoning, the establishment became a nonconforming use, which is defined, in relevant part, as "any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that does not conform to the use provisions for the district in which the use is located." 11 DCMR § 199.1. The first post-rezoning C of O issued for the basement space was for a "Retail Delicatessen (Non-Conforming)" (emphasis added).

There are three important distinctions between the treatment of nonconforming uses and matter-of-right uses. First, a nonconforming use cannot be expanded without zoning relief. See, 11 DCMR § 2002. Second, a nonconforming use cannot be changed to another nonconforming use, except pursuant to the provisions of 11 DCMR § 2003. Third, a nonconforming use is presumed permanently abandoned if it is discontinued for at least three years. See, 11 DCMR § 2005.

The C of O application that is the subject of this application was for a gourmet shop. The ZA did not deny the application on the ground that it sought a change from one nonconforming use to another. Instead, the ZA found that the nonconforming delicatessen use could not be resumed because it had been abandoned within the meaning of 11 DCMR § 2005. That subsection provides in relevant part:

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Discontinuance for any reason of a nonconforming use of a structure or of land ... for a period of more than three (3) years, shall be construed as prima facie evidence of no intention to resume active operation as a nonconforming use. Any subsequent use shall conform to the regulations of the district in which the use is located.

The ZA based his determination that the elements of abandonment were met in this case upon the establishment of a Chinese food carry-out use in 1998 and the continuation of that use for a period of at least three years. Appellant does not contest that a Chinese food carry-out operation existed on the premise during that period, but argues that the ZA erred in concluding that a delicatessen use did not encompass this activity. The Board concludes no error was made.

Neither "delicatessen" nor "Chinese carry-out" was defined in the Zoning Regulations in effect at the time of the appeal, but it is clear to the Board that they are not the same thing. Both may cater to "take-out" customers and off-premise consumption, but delicatessens do not usually provide food that is cooked on the premise. Delicatessens also usually offer a substantial array of pre-packaged foods, such as snack items, which would not be offered by a Chinese carry-out. In contrast, a Chinese carry-out cooks foods to order on the premise. Such cooking results in a Chinese carry-out being a much more intense use than a delicatessen, with greater impacts on the surrounding neighborhood in the way of odors, trash, and vermin. The less-intense nature of a delicatessen is borne out by its definition in Webster's Dictionary, set forth in Finding of Fact No. 10, which mentions only the sale of "ready-to-eat food products," and does not mention any cooking at all.

Applying this analysis to the facts in the record, it is clear that the use which commenced in late 1998, and which continued for at least three years thereafter, was not a delicatessen. After the June 4, 1998 issuance of a C of O for a "Delicatessen (No Seats)," Mr. Ming Jin Zhang undertook a substantial renovation of the basement area and installed a commercial-style kitchen with cooking equipment, exhaust fans, and vents. Such a commercial kitchen is not necessary to, or even necessarily compatible with, a delicatessen use. Chef's Express expanded the scope of food offerings beyond those available for approximately the preceding 40 years by including cooked items. It began to receive bulk deliveries of unprocessed food to be cooked, and engaged in substantial cooking operations of Chinese dishes. Such bulk deliveries and substantial cooking are wholly incompatible with a delicatessen use and, no matter what the use stated on the C of O, changed the true nature of the use into a Chinese carry-out restaurant.

Appellant argues that the ZA's reliance on, and application of, the definition of "delicatessen" from Webster's Dictionary amounts to a rulemaking, as, he claims, it somehow changes prior ZA interpretations that a "delicatessen" use encompasses a "carry-out." In fact, it is the Appellant who is treating prior ZA interpretations as if they were rulemakings. While the ZA may adhere to past ZA interpretations of non-defined terms, he or she cannot ignore the specific direction of 11 DCMR § 199.2 (g) to use Webster's Unabridged Dictionary to determine the meaning of undefined words. Moreover, there is evidence in the record that, at least one prior ZA had also determined that there is a difference between a "delicatessen" and a "carry-out" use.

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Although Appellant does not challenge the ZA's finding that the Chinese food carry-out operated for a continuous period of at least three years, the Board notes that there is also ample evidence to support that conclusion. The ZA based his conclusion on all that had transpired between 1998 and 2005, including his investigation of the property, the NOI's issued to Chef's Express, and the failure to bring the use into conformance with the delicatessen C of O.

Since the nonconforming delicatessen use was not re-established within three years from its discontinuance, it was properly deemed presumptively abandoned by the ZA pursuant to 11 DCMR § 2005. The ZA did not err in denying Mr. Luna's application for a C of O for a gourmet shop.

For the reasons stated above, the Board concludes that the Appellant did not meet his burden of demonstrating that DCRA erred in denying the application for a C of O to operate a gourmet shop on the subject property. Accordingly, it is ORDERED that the appeal is DENIED.

Vote taken on May 1, 2007

VOTE: 5-0-0 (Ruthanne G. Miller, Curtis L. Etherly, Jr., John A. Mann II, Marc D. Loud and Anthony J. Hood in support of the motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

MAR 04 2008

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.