

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: 8A05

Petition Circulation Period: **Monday, February 25, 2008 thru Monday, March 17, 2008**
Petition Challenge Period: **Thursday, March 20, 2008 thru Wednesday, March 26, 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**.

**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT**

NEIGHBORHOOD INVESTMENT FUND (NIF)

NOTICE OF FUNDING AVAILABILITY

NIF Predevelopment Grant and Project Grant Fund

The District's Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the NIF Predevelopment Grant and Project Grant Fund authorized under Resolution 17-433 "Neighborhood Investment Act Spending Plan for Fiscal Year 2008 Emergency Approval Resolution of 2007". There is \$2 million dollars available for this round of funding. The application process will be managed by a fund manager: The Local Initiatives Support Corporation (LISC).

The purpose of the NIF Predevelopment Grant and Project Grant (PDG) is to provide grants to support predevelopment and project financing activity for the construction and rehabilitation of affordable housing, mixed use and community-based facility projects in one or more of the 12 NIF target neighborhoods.

Eligible applicants include non-profit developers that are a 501(c) (3) non-profit corporation and joint ventures, partnerships, and limited liability arrangements with for-profit developers where the non-profit developer has at least 51% management control of the project. The non-profit developer must materially participate in the development project by being involved in the operations of the development and the development process on a basis that is regular, continuous and substantial.

Eligible projects are: (1) Affordable Housing: (Rental and for-sale projects with a minimum of 10 units per project). This includes: (a) Rental units for the general population; (2) Rental units for those with special needs; (b) Cooperatives; (c) Condominiums; (d) Single family homes. (2) Community-based Facility Projects: Defined as projects that will provide a public service or benefit to a diverse constituency with a strong commitment to one or more of the 12 NIF target neighborhoods. (3) Mixed Use Projects: Defined as projects that combine two or more of the following types of development: residential (minimum of 3 units), commercial, office or community facility.

Funds can be used to pay for third party professional services for determining project feasibility or pursuing a property acquisition. The use of funds includes, but is not limited to: Development analysis; Due diligence services; Accounting fees; Environmental assessment; Finance consultants; Market studies; Soil testing; Tax credit Consultants and Legal fees and Surveys.

Additional applicant and project eligibility requirements and evaluation criteria are detailed in the Request for Applications (RFA).

The Request for Applications will be released on Monday, February 25, 2008. Applications may be submitted at any time following release of the RFA and will be evaluated on a rolling basis until the NIF-PDG grant funds are expended or until July 31, 2008 at 4pm – which ever comes first. The fund manager will hold an information session in connection with the PDG. Notice of the date and location of the information session will be posted on the ODMPED website: www.dc.biz.gov. All questions and answers from the information session will be documented and posted on the ODMPED website prior to the application deadline. All clarifying questions or comments submitted to the fund manager following the information session will be posted on the ODMPED website.

The RFA will be available for pick up or by mail if requested at The Local Initiatives Support Corporation, 1825 K St., NW, Suite 1100, Washington, DC 20006 and at ODMPED, 1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004 or 2025 M St., NW, Suite 600, Washington, DC 20036. Applications are also available on-line at the ODMPED website: www.dcbiz.gov. or from DC LISC website: www.lisc.org/washingtondc. Inquiries should be directed to (202) 785-2908 or emailed to mmellett@lisc.org.

NIF Target Areas: Anacostia, Bellevue, Bloomingdale/ Eckington, Brightwood/Upper Georgia Ave., Brookland/Edgewood, Columbia Heights, Congress Heights, Deanwood Heights, H Street, Logan Circle, Shaw, Washington Highlands.

DISTRICT OF COLUMBIA OFFICE OF PLANNING

**NOTICE OF AVAILABILITY OF THE DEANWOOD/DEANWOOD HEIGHTS
NEIGHBORHOOD INVESTMENT FUND (NIF) DRAFT PLAN FOR PUBLIC
COMMENT**

ACTION: Notice of Availability of the Deanwood/Deanwood Heights Neighborhood Investment Fund (NIF) Draft Plan for Public Comment.

SUMMARY: The Neighborhood Investment Fund (NIF) is an annual non-lapsing, revolving fund to finance economic development and neighborhood revitalization in 12 target neighborhoods. The NIF is funded through an annual appropriation of 17% of a personal property tax, not to exceed \$10 million.

One of the requirements of the enabling legislation, the Neighborhood Investment Act of 2004, is for the Mayor to develop NIF Investment Plans for each of the target area using input from community stakeholders including the Advisory Neighborhood Commissioners, residents, business owners, faith community, not for profit organizations, among other groups. The purpose of the Investment Plan is to set community priorities for how the NIF funds should be utilized in the target area over a five year period.

The District of Columbia Office of Planning in partnership with the NIF Program's implementing agency, the Office of the Deputy Mayor for Planning and Economic Development, worked with community stakeholders to develop an investment plan for Deanwood/Deanwood Heights target area, which is bounded by Nannie Helen Burroughs Avenue to the north, Division Avenue to the west, East Capitol Street to the south, and Eastern Avenue to the east.

The Office of Planning is publishing the draft Deanwood/Deanwood Heights Target Area Investment Plan for a 30 day public comment period. Comments must be postmarked by the close of the comment period, which is March 21st. Information on where to review and copy of the plan and how to submit comments is set forth below.

FOR FURTHER INFORMATION CONTACT: Evelyn D. Kasongo, Neighborhood Planning Coordinator-Ward 2, DC Office of Planning, by mail at 801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002; by telephone at (202) 442-7613; fax at (202) 442-7638; or email at evelyn.kasongo@dc.gov.

SUPPLEMENTARY INFORMATION:

Public Availability

The DC Office of Planning has distributed the Draft Plan to several public entities and asked that the entire Draft Plan be made available for the public to review. The Draft Plan is available for public reviews at:

Deanwood Kiosk Library
4215 Nannie Helen Burroughs Avenue NE
Washington, DC 20019

DC Office of Planning
801 North Capitol Street NE
Washington, DC 20002

Advisory Neighborhood Commssion 7C
4651 Nannie Helen Burroughs Avenue NE, #2
Washington, DC 20019

Advisory Neighborhood Commssion 7D
5140 Nannie Helen Burroughs Ave. NE
Washington, DC 20019

Marshall Heights Community Development Organization
3939 Benning Road NE
Washington, DC 20019

The draft plan is also available online at the DC Office Planning Web site: www.planning.dc.gov

Public Comment

Written comments on the Draft Plan must be submitted by March 21, 2008. Comments must include the name, address and any organization for which the comments represent. Please send all comments to:

Evelyn D. Kasongo, Neighborhood Planning Coordinator-Ward 7,
DC Office of Planning
801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002
Phone: (202) 442-7613
Facsimile: (202) 442-7638
Email: evelyn.kasongo@dc.gov.

Submitted by: Evelyn D. Kasongo, Neighborhood Planning Coordinator-Ward 7, DC Office of Planning, by mail at 801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002; by telephone at (202) 442-7613; fax at (202) 442-7638; or email at evelyn.kasongo@dc.gov.

DISTRICT OF COLUMBIA OFFICE OF PLANNING

NOTICE OF AVAILABILITY OF THE BRIGHTWOOD NEIGHBORHOOD INVESTMENT FUND (NIF) DRAFT PLAN FOR PUBLIC COMMENT

ACTION: Notice of Availability of the Brightwood Neighborhood Investment Fund (NIF) Draft Plan for Public Comment.

SUMMARY: The Neighborhood Investment Fund (NIF) is an annual non-lapsing, revolving fund to finance economic development and neighborhood revitalization in 12 target neighborhoods. The NIF is funded through an annual appropriation of 17% of a personal property tax, not to exceed \$10 million.

One of the requirements of the enabling legislation, the Neighborhood Investment Act of 2004, is for the Mayor to develop NIF Investment Plans for each of the target area using input from community stakeholders including the Advisory Neighborhood Commissioners, residents, business owners, faith community, not for profit organizations, among other groups. The purpose of the Investment Plan is to set community priorities for how the NIF funds should be utilized in the target area over a five year period.

The District of Columbia Office of Planning in partnership with the NIF Program's implementing agency, the Office of the Deputy Mayor for Planning and Economic Development, worked with community stakeholders to develop an investment plan for the Brightwood target area, which is bounded by Fern Street and Fern Place to the north, 16th Street NW to the west, 5th Street NW to the east and Kennedy Street NW to the south.

The Office of Planning is publishing the draft Brightwood Target Area Investment Plan for a 30 day public comment period. Comments must be postmarked by the close of the comment period, which is March 21, 2008. Information on where to review and copy of the plan and how to submit comments is set forth below.

FOR FURTHER INFORMATION CONTACT: Malaika Abernathy, Neighborhood Planning Coordinator-Ward 4, DC Office of Planning, by mail at 801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002; by telephone at (202) 442-7617; fax at (202) 442-7638; or email at malaika.abernathy@dc.gov.

SUPPLEMENTARY INFORMATION:**Public Availability**

The DC Office of Planning has distributed the Draft Plan to several public entities and asked that the entire Draft Plan be made available for the public to review. The Draft Plan is available for public review at:

DC Office of Planning, Suite 4000
801 North Capitol Street NE
Washington, DC 20002

Advisory Neighborhood Commission 4C
MPD's Northern Regional Operation Command Center (ROC)
801 Shepherd Street, NW
Washington, DC, 20011

Advisory Neighborhood Commission 4D
Fourth District Police Station
6001 Georgia Avenue NW
Washington, DC 20011

Emery Recreation Center
5701 Georgia Avenue, NW
Washington, DC 20011

Hattie Holmes Senior Wellness Center
324 Kennedy Street NW
Washington, DC 20011

The draft plan is also available online at the DC Office Planning Web site: www.planning.dc.gov

Public Comment

Written comments on the Draft Plan must be submitted by March 21, 2008. Comments must include the name, address and any organization for which the comments represent. Please send all comments to:

Malaika Abernathy, Neighborhood Planning Coordinator-Ward 4,
DC Office of Planning
801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002
Phone: (202) 442-7617
Facsimile: (202) 442-7638
Email: Malaika.Abernathy@dc.gov.

Submitted by: Malaika Abernathy, Neighborhood Planning Coordinator-Ward 4, DC Office of Planning, by mail at 801 North Capitol Street, N.E., Suite 4000, Washington, DC 20002; by telephone at (202) 442-7617; fax at (202) 442-7638; or email at malaika.abernathy@dc.gov.

DC STATE BOARD OF EDUCATION

NOTICE OF PUBLIC MEETING

State Board of Education Meeting – This is a regular meeting of the State Board of Education.

There will be a Roundtable on Principal Quality and a vote on Recommendations from the State Board of Education on Support and Intervention for Low Performing Schools to the State Superintendent of Education.

Should anyone wish to testify before the SBOE, please contact the office by February 25, 2008.

Wednesday, February 27, 2008 – 5:30 pm
Old Council Chambers
441 4th Street, NW
Washington, DC 20001
Contact: Beverley R. Wheeler (202)741-0888

DC WORKFORCE INVESTMENT COUNCIL**NOTICE OF PUBLIC MEETINGS****Organizational Structure and Initiatives**

While Mayor's Order 85-99 established the District of Columbia Workforce Investment Council (DC WIC) in compliance with the federal Workforce Investment Act of 1998; Mayor Fenty's Order 2007-88, dated April 9, 2007 recently amended the purpose and organizational structure of the DC WIC. The Council is the state and local workforce investment board charged with developing consumer-driven systems and programs to support career development and self-sufficiency and to enhance the productivity and competitiveness of the District of Columbia's workforce.

The DC WIC will focus on the following initiatives:

Review of WIC Initiatives:

- Industry Sector Strategy/Industry Sector Forums
- Comprehensive Workforce Strategic Plan

Industry Sector Strategy – Industry Sector Forums

In September 2007, the D.C. WIC partnered with Reingold—a Washington, D.C.-based strategic communications firm to bring District employers, job-training providers, and employee candidates together to discuss specific industry employment and training needs; two of the four industry sector forums that they have been contracted to do have been completed – 1) Construction and 2) Hospitality, Restaurant and Tourism. In 2008, the DC WIC will continue the sector initiative with the following high-growth industries: Healthcare, Banking and Finance, Administrative and Technology Services and Green Jobs.

These sector initiatives will be long-term initiative to targeted industries in the D.C. business community designed to better prepare District residents for emerging job opportunities in specific high-growth and high-opportunity sectors. Through candid focus group discussions, key industry leaders shared their workforce challenges and forecasted human capital needs, identifying the skills gaps in the D.C. workforce that the industry-sector partners should address. The purpose of these focus groups was threefold:

- To develop a basic understanding of the current human resource needs of area employers to better inform the D.C. WIC's policy agendas
- To use the information gathered to assist in the development of a sector-based strategy for meeting the needs of D.C. employers, residents, and training providers
- To obtain information that can revitalize D.C. Chamber's and D.C. WIC's marketing and outreach strategies to both employers and jobseekers

Comprehensive Workforce Strategic Plan

The Workforce Investment Council (WIC) has contracted with the Joint Center for Political & Economic Studies to oversee the development of the District's first comprehensive workforce strategic plan.

There have been five (5) public planning processes for gathering data, information and input from various partners, stakeholders and interested residents to develop job training programs, adult education, literacy and vocational rehabilitation to residents of the District.

The next phase of this plan is the work that will take place at the DC WIC quarterly meeting. WIC members and stakeholders will review the mission, finalize a shared vision, develop strategy, and initial action steps of the comprehensive workforce strategic plan. When this is complete a preliminary draft of the comprehensive workforce strategic plan will be drafted for review.

NOTICE OF PUBLIC MEETINGS 2008

The DC WIC will hold quarterly meetings on the following dates in March, June, September and December of 2008. All quarterly meetings are open to the public. Employers, stakeholders, and residents are welcome to attend and provide comments. The meetings dates are as follows:

Tuesday, March 18, 2008
Thursday, June 19, 2008
Wednesday, September 17, 2008
Tuesday, December 16, 2008

WIC Quarterly meetings will be hosted by WIC members and the times and locations of the meetings may vary. For time and location of each meeting, please contact Ms. Amelia Lofton prior to the meeting at 202-698-5826 or email Amelia.Lofton@dc.gov.

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

Application No. 17708 of Negussie Giorgis, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the nonconforming structure provisions under subsection 2001.3, and a variance from the parking requirements under subsection 2101.1, to allow additions to an existing one-family row dwelling in the R-5-B District at premises 2239 10th Street, N.W. (Square 357, Lot 93).

HEARING DATE: January 29, 2008 and February 5, 2008
DECISION DATE: February 5, 2008 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to § 3103.2. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, (402, 403, 2001, and 2101) that there exists an exceptional or extraordinary situation or condition related to the

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property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 5-0-0 (Marc D. Loud, Shane L. Dettman, Mary Oates Walker, Ruthanne G. Miller, and Gregory N. Jeffries to grant)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: FEB 08 2008

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR

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ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 17714 of Manna, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under section 2101.1, to allow the construction of three (3) new flats (two-family dwellings) in the R-4 District at premises 1900 block of Capitol Avenue, N.W. (north side) (Square 4044, Lots 17 & 18).

HEARING DATE: February 5, 2008
DECISION DATE: February 5, 2008 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report and testified at the public hearing in support to the application. The ANC did not participate in the case.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**.

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VOTE: 5-0-0 (Ruthanne G. Miller, Marc D. Loud, Mary O. Walker, Gregory N. Jeffries and Shane L. Dettman to approve)

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

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: February 7, 2008

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.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT.

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**DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED.
VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. rsn**

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

Application No. 17715 of Manna, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under section 2101.1, to allow the construction of five (5) new flats (two-family dwellings) on vacant lots in the R-4 District at premises 1800 block of Kendall Street (both sides) (Square 4047, Lot 53, and Square 4048, Lots 13 and 802).

HEARING DATE: February 5, 2008
DECISION DATE: February 5, 2008 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report and testified at the public hearing in support to the application. The ANC did not participate in the case.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not

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prohibited by law. It is therefore **ORDERED** that this application (pursuant to Exhibit 12 – Plans) be **GRANTED**.

VOTE: 5-0-0 (Ruthanne G. Miller, Marc D. Loud, Mary O. Walker, Gregory N. Jeffries and Shane L. Dettman to approve)

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

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: February 7, 2008

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.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE

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OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. rsn

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

Application No. 17757 of Fifth Street, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, and a variance from the open court requirements under section 406, to allow an eight (8) - unit apartment building, in the DD/R-5-B at premises 1130-1132 5th Street, N.W. (Square 482, Lot 93; formerly Lots 76 and 77).

HEARING DATE: January 8, 2008
DECISION DATE: January 15, 2008 and February 5, 2008

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2C, which is automatically a party to this application. ANC 2C did not submit a report related to the application. The Office of Planning (OP) submitted a report in opposition to this application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variance relief pursuant to § 3103.2. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant has met the

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burden of proving under 11 DCMR §§ 3103.2, (402, 403, and 406) that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application for the existing improvements and completion of the rear balconies (pursuant to Exhibit No. 10 - Application Plans; and Exhibit 25 – Applicant's Pre-Hearing Statement with New Site Plan (attached as Exhibit C)) be **GRANTED**.

VOTE: 4-0-1 (Ruthanne G. Miller, Michael G. Turnbull, Shane L. Dettman and Marc D. Loud to approve. No other Board member participating)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: FEB 08 2008

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION

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THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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