

BOARD OF ELECTIONS AND ETHICS
NOTICE OF CERTIFICATION OF VACANCY

The D.C. Board of Elections and Ethics announces that a vacancy exists in the office of District I Member of the Board of Education, which represents Wards I and 2. The Board will conduct a Special Election to fill the vacancy on Tuesday, August 21, 2007.

For further information, the public may call 727-2525 (TDD: 639-8916) or visit the Board's Web site at www.dcboee.org.

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: 2B08

Petition Circulation Period: **Monday, May 7, 2007 thru Tuesday, May 29, 2007** Petition
Challenge Period: **Friday, June 1, 2007 thru Thursday, June 7, 2007**

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 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:

Alan Blevins
Single-Member District 3B02

EXECUTIVE OFFICE OF THE MAYOR
Serve DC

PUBLIC NOTICE

NOTICE OF FUNDING OPPORTUNITIES

DISTRICT OF COLUMBIA
COMMISSION ON NATIONAL AND COMMUNITY SERVICE

AmeriCorps Grants

NOTICE: ATTENDANCE AT A TECHNICAL ASSISTANCE SESSION IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT. SESSIONS ARE SCHEDULED FOR WEDNESDAY MAY 9, 2006 FROM 5:00 TO 7:00 P.M.; MAY 16, 2007 FROM 4:00 TO 6:00 P.M.; MAY 23, 2006 FROM 5:00 TO 7:00 P.M. PLEASE SEE THE REMAINDER OF THE ANNOUNCEMENT FOR ADDITIONAL DETAILS.

Summary: Serve DC announces the availability of AmeriCorps*State Formula funds for fiscal year 2008 (FY'08) to eligible organizations. Those who apply will compete with other new, continuing, or re-competing applicants for funds made available through the Corporation on National and Community Service (CNCS). Applicants are eligible to apply for up to \$500,000 or 40 Member Service Years (MSY's) to support AmeriCorps members serving in the District of Columbia. Interested applicants can access Serve DC's prime application in eGrants by visiting www.americorps.gov.

Serve DC seeks to fund high-quality AmeriCorps programs that will address citywide goals and the priorities of the District of Columbia's Strategic Plan by mobilizing residents as volunteers and AmeriCorps members to:

- 1.) To become more civically engaged in their communities;
- 2.) Include persons with disabilities; and
- 3.) Be prepared in the event of an emergency or disaster.

AmeriCorps is a national service network that provides full- and less than full-time opportunities for participants, called members, to serve their communities and build the capacity of nonprofit organizations to meet local environmental, educational, public safety, homeland security, or other human needs. Within these five issue areas, programs may submit proposals that address specific problems of local communities.

Criteria for eligible applicants: Eligible applicants are local nonprofit organizations and state and local units of government (other than state education agencies). Programs applying to Serve DC for funding must operate the program only 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 application guidelines and instructions (RFA) will be released on April 30, 2007 at 9:00 a.m. **The deadline for submission is June 4, 2007, by 5:00 pm.** Applications must be entered in to CNCS eGrants system. Late applications will not be accepted. An application is considered late at 5:01 p.m.

All applicants are required to attend one of the following technical assistance sessions: May 9, 2007, from 5-7pm in 11th Floor City-Wide Conference Center at One Judiciary Square (441 4th Street, NW); May 16, 2007, from 4-6 pm in Old Council Chambers at One Judiciary Square (441 4th Street, NW); May 23, 2007, at One Judiciary Square (441 4th Street, NW). For more information or to RSVP for one of the training sessions, please contact John Savage (john.savage@dc.gov) at 202-727-7925.

Applications guidelines and instructions can be obtained from 441 4th Street NW, Suite 1140 North, Washington, DC 20001 or by visiting www.serve.dc.gov. For additional information please call John Savage, AmeriCorps Program Officer, at 202-727-7925 or emailing servedc1@dc.gov.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC DISTRICT APPLICATION FILING

The D.C. Historic Preservation Office has received from the Foxhall Village Community Citizens Association an application to designate the following property or properties as a historic district in the D.C. Inventory of Historic Sites and the National Register of Historic Places:

Case No. 07-33: Foxhall Village [Proposed] Historic District
Square 1324, Lots 42, 43 and 44;
Square 1327, all lots;
Square 1350, Lots 48 through 154
Square 1351, all lots;
Square 1352, all lots;
Square 1353, Lots 31, 51 through 89, 94, 95 and 820 through 829
Square 1354, Lots 40 and 41

also presently known as:

1432, 1449, and entire 1500 and 1600 blocks 44th Street, NW
4300 block and 4437 through 4447 P Street, NW;
4400 block of Q Street, NW;
1500 through 1617, odd numbers, Foxhall Road, NW;
4400 block Greenwich Parkway, NW;
4300 block Park Lane, NW;
4400 through 4478, even numbers, Reservoir Road, NW;
1700 block Surrey Lane, NW; and
4400 block of Volta Place, NW

The application is officially on file with the Board as of April 12, 2007. A copy of the application is available for public inspection at the Historic Preservation Office.

As soon as the Board's calendar permits, it will consider the application in accordance with its authority under the Historic Landmark and Historic District Protection Act of 1978. It is presently expected that the Board will review the nomination at its July 26, 2007 hearing; a notice will be mailed to each of the property owners within the proposed district at least 40 days before the hearing and likely in late May. Property owners will have an opportunity to support or object to designation in writing or by testifying at the hearing.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal

undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

**LIGHTHOUSE ACADEMIES, INC.
REQUEST FOR PROPOSALS**

Lighthouse Academies, Inc. is seeking competitive proposals to provide start-up and year-round classroom, office, janitorial, physical education and nursing supplies to Lighthouse charter schools in Bronx, NY; Chicago, Illinois; Cleveland, Ohio; East Chicago, Indiana; Gary, Indiana; Indianapolis, Indiana; and Washington, District of Columbia.

All sealed proposals shall be forwarded to the address listed below:

Attn: Kerri Charron
Lighthouse Academies, Inc.
1661 Worcester Road, Suite 207
Framingham, MA 01701
Phone: 508-626-0901 ext 27
Fax: 508-626-0905
kcharron@lighthouse-academies.org

Sealed proposals shall be received no later than May 23, 2007, by 11:00 AM EST

Sealed proposals shall be submitted according to the specifications in the Request for Proposal. In addition all sealed proposals shall be submitted in a sealed envelope marked as:

“School Supply Proposal 2007-2008.” Indicate the firm name on the envelope. Included with the hard-copy proposals shall be an electronic copy of the proposal.

Late proposals will not be accepted. Proposals submitted via facsimile (Fax) machine will not be accepted.

Lighthouse Academies, Inc., reserves the right to reject any and all proposals without limitation. Lighthouse Academies, Inc. reserves the right to award a contract as it determines to be in the best interest of Lighthouse Academies, Inc. and the schools in the Lighthouse Academies network. To acquire a copy of the proposal specification, please contact Kerri Charron at the above phone number or e-mail address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, DC 20005

ORDER

April 23, 2007

FORMAL CASE NO. 1056, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR AUTHORIZATION TO ESTABLISH A DEMAND SIDE MANAGEMENT SURCHARGE AND AN ADVANCE METERING INFRASTRUCTURE SURCHARGE AND TO ESTABLISH A DSM COLLABORATIVE AND AN AMI ADVISORY GROUP, Order No. 14264

I. INTRODUCTION

1. By this Order, the District of Columbia Public Service Commission (“Commission”) invites interested persons to comment on the Potomac Electric Power Company’s (“Pepco” or “Company”) application to establish, among other things, a demand side management surcharge and an advance metering surcharge in this matter. Accordingly, interested persons shall have fifteen (15) days from the date of publication of this Order in the *D.C. Register* to request intervention. Initial comments and the proposed issues list for this matter are due within sixty (60) days from the date of publication of this Order in the *D.C. Register*. Reply Comments are due within ninety (90) days from the date of publication of this Order in the *D.C. Register*.

II. BACKGROUND

2. On April 4, 2007, Pepco filed an Application seeking authority to establish a comprehensive demand response, advanced metering and energy efficiency plan for its District of Columbia customers.¹ The Company states that this plan called “Blueprint for the Future” will help Pepco’s electricity customers conserve energy, reduce peak electricity demand, and lessen future energy costs.² Specifically, Pepco requests Commission approval to: (1) administer non-low income demand side management (“DSM”) programs; (2) recover DSM costs through the Reliable Energy Trust Fund (“RETF”) or a new distribution surcharge; (3) establish a new Pepco-specific DSM Collaborative;³ (4) establish an advanced metering infrastructure rate

¹ *F.C. 1056, In the Matter of the Application of Potomac Electric Power Company for Authorization to Establish a Demand Side Management Cost Recovery Mechanism and an Advanced Metering Infrastructure Rate Adjustment Mechanism and Establish a DSM Collaborative and an AMI Advisory Group (“F.C. 1056”),* filed April 4, 2007 (“Pepco Application”).

² *F.C. 1056, Pepco’s Application* at 1.

³ Pepco states that its proposed DSM Collaborative should include the Commission Staff, OPC, and DDOE.

adjustment mechanism that will permit Pepco to recover the costs of the installation of advanced metering throughout the District and accompanying demand response enabling equipment for its District customers; and (5) establish an AMI (“Advanced Metering Infrastructure”) Advisory Group that will be kept apprised of the progress, status, components, and development of Pepco’s AMI installation.⁴

3. Pepco states that its AMI plan will provide customers and the utility with more detailed and timely information on their energy use.⁵ The Company asserts that it will replace 256,357 existing electric meters with new computer imbedded advanced meters.⁶ Pepco maintains that these advanced meters will ultimately allow the Company to collect and transmit customer information such as billing data, usage patterns, voltage levels and outage information, and ultimately send this information to Pepco’s computer systems, where the Company can process it and use it to better serve customers.⁷ The Company avers that in the future this system will permit Pepco to send information regarding the price of electricity to customers through a display in the customer’s homes or an Internet website.⁸

III. DISCUSSION

4. To aid the Commission in its review of Pepco’s filing, the Commission invites interested persons to submit comments. The parties’ comments will aid the Commission in determining whether Pepco’s proposal is in the public interest. Accordingly, interested persons shall have fifteen (15) days from the date of publication of this Order in the *D.C. Register* to request intervention. Initial comments and the proposed issues list for this matter are due within sixty (60) days from the date of publication of this Order in the *D.C. Register*. Reply Comments are due within ninety (90) days from the date of publication of this Order in the *D.C. Register*.

⁴ *F.C. 1056*, Pepco’s Application at 4-5. Alternatively, Pepco maintains that the Smart Meter Working Group, established by the Commission on March 23, 2007 in Order No. 14239 in Formal Case No. 1049, can be authorized to advise the Company on its implementation plans.

⁵ *Id.* at 8.

⁶ *Id.*

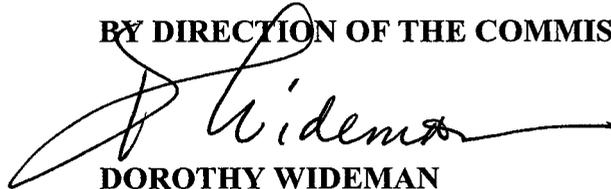
⁷ *Id.*

⁸ *Id.*

THEREFORE, IT IS ORDERED THAT:

5. Interested persons shall have fifteen (15) days from the date of publication of this Order in the *D.C. Register* to request intervention; and

6. Initial comments and the proposed issues list for this matter are due within sixty (60) days from the date of publication of this Order in the *D.C. Register*. Reply Comments are due within ninety (90) days from the date of publication of this Order in the *D.C. Register*.

A TRUE COPY:**BY DIRECTION OF THE COMMISSION:****CHIEF CLERK**

**DOROTHY WIDEMAN
COMMISSION SECRETARY**

Office of the Secretary of the
District of Columbia

April 19, 2007

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 May 15, 2007.

Abubaker, Abdulrezak A.	New	Nazareth Clinic 2017 Vt Ave, NW 20001
Adams, Renee P.	Rpt	Staas & Halsey 1201 NY Ave, NW#700 20005
Adigunlujide, Bonnie	New	Genesis 519 6 th St, SE 20003
Artis, Sherry R.	Rpt	ArmedForcesRetirementHome 3700 N Cap St, NW 20011
Ashrafi, Rafiullah	New	Avenue Title Group 2401 Pa Ave, NW#H 20037
Atayeva, Selvi	New	Sun Trust Bank 1275 K St, NW 20005
Baker, Phree Y.	Rpt	Amer Maritime Officers 490L'EntPlz E, SW#7204 20024
Bea, Dana	New	Chevy Chase Bank 1200 F St, NW 20004
Beverly, Valerie T.	Rpt	Winston & Strawn 1700 K St, NW 20006
Boothby, Dorothy A.	Rpt	Georgetown University 600 N J Ave, NW 20001
Braxton, Tabatha	Rpt	Office of the Secretary 1350 Pa Ave, NW#419 20004

Brenner, Clara S.L.	New	Urban Realty Advisors 1640 R I Ave,NW#825 20036
Brewster, A. Cory D.	New	G W University 2141 K St,NW#501 20037
Brown, John C.	New	Cooper & Kirk 555 11 th St,NW#750 20004
Brown, Tameka M.	New	DVA Fed Credit Union 1441 I St,NW#301 20005
Brown, Yvette	New	Catholic Univ/Law Library 3600 JmcCormack Rd,NE 20064
Buck, Christopher C.K.	New	Evolve Property Mgt 1375 Md Ave,NE Loft J 20002
Burke, Kathy D.	Rpt	2952 2 nd St,SE #34 20032
Burnette, Clara V.	New	Frazier's Funeral Home 389 R I Ave,NW 20001
Cash, Barbara A.	New	Washington Hospital Ctr 110 Irving St,NW 20010
Coleman, Carrie	New	1220 Trenton Pl,SE 20032
Cornell, Virginia	New	Gilbert Randolph 1100 N Y Ave,NW#700 20005
Curtis, Laura	New	O'Connell & Glock 1100 Conn Ave,NW 20036
Dabo, Alima	New	Long & Foster Real Estate 1401 14 th St,NW#200 20005
Dash, Monica D.	Rpt	Syngenta America 1399 N Y Ave,NW#750 20005
Denegal, Sakina R.	Rpt	F D I C 550 17 th St,NW 20429

Dewhurst, Jeffrey	New	Shinkuro Inc. 1025 Vt Ave,NW#820 20005
Donner, Peri S.	New	Milestone Advisors 1775 I St,NW#800 20006
Eberhart, Tara Kim	New	Morgan Lewis Bockius 1111 Pa Ave,NW 20004
Edwards, Cynthia J.	New	Eagle Bank 1425 K St,NW 20005
Eggleston, Kimberly L.	New	Metro Medical Clinics 1647Benning Rd,NE#202 20002
Flynn, Maura M.	New	Amer Insts for Research 1990 K St,NW#500 20006
Ford, Carol	Rpt	E M D Serono 975 F St,NW#330 20004
Ford, Darlene W.	New	Forest City Enterprises 1615 L St,NW#400 20036
Ford, David R.	New	2126 Conn Ave,NW#52 20008
Frank, Rachel	New	Dreyfus Property Group 2001 K St,NW 20006
French, Stacy	New	Club for Growth 2001 L St,NW#600 20036
Friend, Carol B.	Rpt	Venable 575 7 th St,NW 20004
Gray, Barbara	Rpt	1339 Underwood St,NW 20012
Hemnani, Pooja	Rpt	State Farm Insurance 1133 21 st St,NW 20036
Henderson, Rashelle L.	New	3578A Hayes St,NE#102 20019

Henderson, Shaneka D.	New	1224 Oates St,NE 20002
Henry, Angela R.	New	Cozen O'Connor 1627 I St,NW#1100 20006
Hernandez, Arthur R.	New	Sun Trust Mortgage 1445 N Y Ave,NW 20005
Hinds, Clarissa E.	New	2812 31 st St,SE #A697 20020
Howard-Gibbon, Julia	New	Housing Counseling Serv 2410 17 th St,NW#100 20009
Jackson, Charles	New	159 Irvington St,SW#201 20032
Jackson, Stacy	New	Washington Hospital Ctr 110 Irving St,NW 20010
Jackson, Tiaa	Rpt	Engraving & Printing FCU 13 th & C Sts,SW#215A 20228
Jean-Philippe, Lidtz	New	Beta Court Reporting 1140 Conn Ave,NW#600 20036
Jenkins, Monica Y.	Rpt	1325 Franklin St,NE 20017
Johnson, LaVerne Watson	Rpt	Sidley Austin 1501 K St,NW 20005
Jones, Bonnie V.	Rpt	Berliner Corcoran Rowe 1101 17 th St,NW#1100 20036
Jones, Kimberly R.	New	Joan Wilbon & Assoc 1120 Conn Ave,NW#1020 20036
Jones, Mozella D.	New	1100 Trenton Pl,SE#103 20032
Jones-Potts, Nanette	New	W R A M C/CJA 6900 Ga Ave,NW 20307

Kahikina, Stacey K.	New	Sonosky Chambers et al 1425 K St,NW 20005
Khan, Zubair	New	FedEx Kinko's 1612 K St,NW 20006
Kirkland, Sheryl	New	Access Litigation 1101 Vt Ave,NW 20005
Kirrane, Rebecca A.	New	C X I Corporation 1101 30 th St,NW#500 20007
Kitay, Michael G.	Rpt	2944 Garfield Terrace 20008
Kumar, Vipran	New	Bharwaj 2529 Pa Ave,SE 20020
Lloyd, Edwina S.	New	3137 Newton St,NE 20018
Louhisdon, Patricia M.	New	Amtrak 60 Mass Ave,NE 20002
Lovell, Rigel S.	New	225 54 th St,NE 20019
Lynch, Samantha	New	FedEx Kinko's 1612 K St,NW 20006
Mays, Carolyn Ayers	Rpt	V A/General Counsel 810 Vt Ave,NW 20420
Medina, Maria C.	New	Washington Hospital Ctr 110 Irving St,NW 20010
Melvin, Jane E.	Rpt	P B 1401 K St,NW#701 20005
Merritt, Kendra	New	Congressional F C U 15 Indep Ave,SW 20515
Metcalfe, Donna F.	New	Ellerbe Becket 1001 G St,NW#1000 20001

Miller, Evelyn	New	Acquisition Title 909 U St,NW 20001
Mitchell, William E.	New	6631 13 th St,NW 20012
Monroe, Jane B.	Rpt	Sidley Austin 1501 K St,NW 20005
Moultrie Harold L.	New	138 Michigan Ave,NE#S-31 20017
Nelson, Valerie	New	Change to Win 1900 L St,NW#900 20036
Noble, Alease D.	New	Washington Hospital Ctr 110 Irving St,NW 20010
Older, Chad	New	Chasen & Chasen 5225 Wis Ave,NW#500 20015
Olsen, Alfred Neville	New	Body Rays Tanning Salon 1635 R St,NW 20009
Outlaw, Phyllis J.	New	Attorney at Law 412 H St,NE 20002
Owens, Sharon Ann	New	Howrey LLP 1299 Pa Ave,NW 20004
Parker, Jamie	New	FedEx Kinko's 1612 K St,NW 20006
Postell, Katrina	New	525 Hilltop Terrace,SE 20032
Quinn, Kevin B.	New	AMIDEAST 1730 M St,NW#1100 20036
Rambo, Ellen M.	New	U S Court of Appeals 450 E St,NW 20442
Randolph, Thomas C.	New	Acquisition Title 909 U St,NW 20001

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Robbins, Sue	New	Form Architecture&Design 3333 K St,NW#60 20007
Samiee, Gina L.	New	Ackerman Kauffman 1250 H St,NW#850 20005
Scope, Steven A. Reeves	New	D O J/Immigration 1331 Pa Ave,NW7thF1 20044
Simko, Joyce	New	Planned Parenthood Fed 1780 Mass Ave,NW 20036
Sims, Taleva	New	EG&G Technical Services 300 M St,SE#400 20003
Singh, Indranie	New	U S Trust Company 600 14 th St,NW#400 20005
Stephens, Renee E.	Rpt	Okie Dokie 1350 Okie St,NE 20002
Stephens, Roydell N.	Rpt	Industrial Bank 2002 11 th St,NW 20001
Stratton, Naomi C.	Rpt	A S B Capital Mgt 1850 K St,NW 20036
Suarez, Mayra C.	New	Skadden Arps 1440 N Y Ave,NW 20005
Sugarman, Eliana A.	New	Bingham McCutchen 2020 K St,NW 20006
Taylor-Johnson, Michelle A.	New	Washington Hospital Ctr 110 Irving St,NW 20010
Thomas, Laquitta M.	New	Psychiatric Inst of Wash 4228 Wis Ave,NW 20016
Torregrossa, Jennifer L.	Rpt	F T I Consulting 1101 K St,NW#B100 20005
Turner, Lisa R.	New	G W University 2300 I St,NW#707 20037

Van Zandt, Aimee	New	Crowley Hoge Fein 1710 R I Ave,NW7thF1 20019
Velazquez, Sheila L.	New	Washington Post 1150 15 th St,NW 20071
Wade-Kelley, LaVerne M.	New	Manatt Phelps Phillips 700 12 th St,NW#1100 20005
Warren-Jones, Monica	Rpt	308 G St,NE 20002
Watari, Erin	New	Smith Barney 1050 Conn Ave,NW#800 20036
Weston, Ian	New	Jeffrey Kimbell & Assoc 1333 H St,NW#620E 20005
Whichard, Ronda L.	Rpt	Paralyzed Vets of Amer 801 18 th St,NW 20006
White, Donald	New	RJI Capital 1710 R I Ave,NW2ndF1 20036
Williams, Janice P.	Rpt	Bd of Gov Fed Reserve 20 th & C Sts,NW 20551
Woody, Erica T.	New	Washington Hospital Ctr 110 Irving St,NW 20010
Worrell, Melissa	New	Amer Chemical Society 1155 16 th St,NW 20036

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

Notice Seeking Comments Regarding Reappointment of Administrative Law Judges

The Commission on Selection and Tenure of Administrative Law Judges (Commission) Seeks Comments Regarding the Potential Reappointment of Administrative Law Judges Claudia Barber, Joan Davenport, Audrey Jenkins, Mary Masulla, Wanda Tucker, Nicolas Cobbs, Sharon Goodie, Scott Harvey, Arabella Teal, and Louis Burnett.

This is to notify members of the bar and the general public, pursuant to section 3705.7 of Title 6 of the DCMR, that the Commission has begun review of the qualifications for reappointment of Administrative Law Judges Barber, Davenport, Jenkins, Masulla, Tucker, Cobbs, Goodie, Harvey, Teal, and Burnett of the District of Columbia Office of Administrative Hearings. Administrative Law Judges Barber, Davenport, Jenkins, Masulla, and Tucker have filed statements with the Commission requesting reappointment to ten-year terms upon the expiration of their initial two-year terms on August 15, 2007. Judges Cobbs, Goodie, Harvey, and Teal have filed statements with the Commission requesting reappointment to ten-year terms upon the expiration of their initial two-year terms on August 29, 2007. Judge Burnett has filed a statement with the Commission requesting reappointment to a ten-year term upon the expiration of his initial two-year term on September 26, 2007.

Section 3705.21 of Title 6 of the District of Columbia Municipal Regulations (DCMR) provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications applicable to all Administrative Law Judges contained in section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline, and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), section 3703.5 of Title 6 of the DCMR states that “[a]n Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests members of the bar and other attorneys, litigants, interested organizations, and members of the public to submit any information bearing on the qualifications of Administrative Law Judges Barber, Davenport, Jenkins, Masulla, Tucker, Cobbs, Goodie, Harvey, Teal, and Burnett which it believes will aid the Commission in deciding whether to reappoint any of these Administrative Law Judges. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications should be received by the Commission on or before June 4, 2007 and should be mailed or delivered in a sealed envelope, marked "Confidential – ALJ Reappointments", addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of the Administrative Hearings
District of Columbia Government
825 North Capitol Street, NE
Suite 4150
Washington, DC 20002-4210

The members of the Commission are:

Honorable Robert R. Rigsby, Chairperson
Henry W. Lavine
Peter M. Willner
Honorable Tyrone T. Butler, *ex officio*
George Valentine, *ex officio*

**DISTRICT OF COLUMBIA
STATE EDUCATION OFFICE**

NOTICE OF FUNDING AVAILABILITY

FY 2007 Teacher Quality Improvement Grant Program

State Education Office invites the submission of applications for funding through the U. S. Department of Education to the State Education Office under Part A Title II of ESEA as amended by (Public Law 107-110).

RFA Release Date: May 4, 2007

Please visit www.seo.dc.gov or contact Sheranda Vaughan to receive a copy of the RFA.

Application Submission Deadline: June 8, 2007

Attendance Strongly Recommended at Pre-Application Conference:

WHEN: May 14, 2007

WHERE: City-Wide Conference Center
441 4th Street, NW, Room 1112
Washington, DC 20001

TIME: 1:00 - 3:00

CONTACT PERSON: Sheranda Vaughan
State Education Office
Executive Office of the Mayor
Government for the District of Columbia
441 4th Street, N.W.; Suite 350N
Washington, D.C. 20001
Tele: 202-442-4012
Fax: 202-727-2019
sheranda.vaughan@dc.gov

Grant reviewers needed: Interested grant reviewers should forward a resume to Sheranda Vaughan by June 1, 2007.

TASK FORCE ON EMERGENCY MEDICAL SERVICES**PUBLIC NOTICE****Notice of Public Meeting**

The Task Force on Emergency Medical Services, established by Mayor Adrian M. Fenty as part of the District of Columbia's settlement reached on March 8, 2007 with the family of David E. Rosenbaum, hereby gives notice that it is having a meeting for the purpose of receiving testimony from members of the public on how to improve the delivery of Emergency Medical Services in the District of Columbia. Public testimony will be held:

**Thursday, May 24, 2007
2:30 p.m.**

**Room G-9
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

To testify, please contact Lance Holt at (202) 727-6053 or by electronic mail at lance.holt@dc.gov by close of business on May 23, 2007.

Public witnesses are invited to present up to five minutes of oral testimony. Witnesses may also submit written testimony of any length to the Task Force and should bring 20 copies of written testimony to the meeting. The meeting will begin with a discussion between Task Force members from 12 p.m. to 2:30 p.m., followed by public testimony.

WILLIAM E. DOAR, JR. PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The William E. Doar, Jr. Public Charter School for the Performing Arts, in compliance with Section 2204 (C) of the District of Columbia School Reform Act of 1995 hereby solicits expressions of interest in the form of proposals with references from qualified vendors for any of the services listed below:

1. **Annual Auditing** – for the period of July 1, 2006 through June 30, 2007. Includes planning year and inaugural year of operation for charter school. Vendor must be on approved auditor list from DCPCSB.
2. **Accounting/Financial Management Services** for school year July 1, 2007 - June 30, 2008.
3. **Food Service** for Summer School 2007 and School Year 2007-2008. Must be familiar with State Education Office and FDA standards for school food service under National School Lunch Program for Breakfast, Lunch and Snack.
4. **Special Education Related Service Providers** in the following areas: Psychotherapy, Occupational Therapy, Physical Therapy, Speech and Language Pathology for school year July 1, 2007- June 30, 2008.
5. **Interior and Exterior Building Cleaning Provider** for 40,000 sq. foot internal school space and entrance ways to the building for school year July 1, 2007- June 30, 2008.
6. **HVAC maintenance Services** for school year July 1, 2007- June 30, 2008.
7. **Facility Liability Insurance Provider** for school year July 1, 2007- June 30, 2008.
8. **Staff Health Insurance Benefits Provider** for school year August 1, 2007- July 30, 2008.

Questions may be e-mailed to wedjpcs@wedjschool.us with the subject line as the type of service. Appointments for presentations can be arranged by calling school office at 202 269-4646. **Deadline for submissions is May 25, 2007.**

Please mail proposals and supporting documents to the following address:

William E. Doar, Jr. Public Charter School
Julie S. Doar-Sinkfield, Executive Director
705 Edgewood St. NE
Washington, DC 20017

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

Application No. 16836 of The Washington Home, pursuant to 11 DCMR § 3104.1, for a special exception under § 219 for an addition to an existing health care (hospice) facility, increasing the number of beds from 201 to 205 beds and increasing the number of parking spaces from 75 to 173, in an R-1-B zone district at the premises 3720 Upton Street, N.W. (Square 1825, Lot 818).

HEARING DATES: April 2, June 25, July 9, and October 15, 2002
DECISION DATES: August 6, 2002, December 17, 2002, August 5, 2003,
October 7, 2003, and April 13, 2004

DECISION AND ORDER

This self-certified application was submitted December 31, 2001 by the Washington Home ("Applicant"), the owner of the property that is the subject of the application. The application requested a special exception pursuant to §§ 219 and 3104.1 of the Zoning Regulations to permit the construction of a four-bed addition to an existing health care (hospice) facility with 201 beds, and to increase the size of the existing parking lot by 98 spaces, from 75 to 173 parking spaces, in the R-1-B zone district at 3720 Upton Street, N.W. (Square 1825, Lot 818).

Following a public hearing and public meetings, the Board initially voted on December 17, 2002 to approve the application with a maximum of 130 parking spaces, subject to certain conditions, including the required submission of a revised site plan depicting an expansion of the parking lot from 75 to 130 parking spaces, a revised landscaping plan, and a parking management plan governing use of the parking lot. Because no submission had yet been received from the Applicant, on August 5, 2003 the Board voted in executive session to rescind its vote taken December 17, 2002 and to reopen the record for submission of a revised plan from the Applicant and additional comments from the parties.

The Applicant's submission was received September 23, 2003. A decision meeting scheduled for October 7, 2003 was postponed at the Applicant's request so that all parties to the proceeding could attempt to reach agreement on additional revisions. By letter dated March 8, 2004, the Applicant submitted a "concept site improvements plan" showing further revisions to the proposed expansion of the parking lot to accommodate 130 parking spaces, its proposed stormwater management system, and its parking and transportation management plan. At its public meeting on April 13, 2004, the Board voted to approve the expansion of the parking lot at the subject property as shown in the Applicant's final submission (Exhibit No. 135).

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311 Facsimile: (202) 727-6072 E-Mail: dcoz@dc.gov Web Site: www.dcoz.dc.gov

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PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated January 14, 2002, the Office of Zoning provided notice of the application to the Office of Planning, the Department of Public Works, the Department of Human Services, the Department of Health, the Councilmember for Ward 3, Advisory Neighborhood Commission ("ANC") 3F, and Single Member District/ANC 3F06. Pursuant to 11 DCMR § 3113.13, on February 8, 2002 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, ANC 3F, and owners of property within 200 feet of the subject property. Notice was also published in the D.C. Register on February 8, 2002 (49 DCR 1091).¹

Party Status. In addition to the Applicant, ANC 3F was automatically a party in this proceeding. At the public hearing, the Board granted party status in opposition to the application to a group of residents living near the subject property known as Citizens Concerned about the Home's Expansion ("CCHE"). The Board denied an untimely request for party status submitted by ANC 3C, whose boundaries previously included the subject property.

Applicant's Case. The Applicant presented evidence and testimony from witnesses including Lynn O'Connor, president and chief executive officer of the Washington Home; Erwin Andres, an expert in transportation and parking; Laurie Dickeson, an expert in architecture; James Long, a civil engineer and expert in storm water management; Liling Tien, an expert in landscape architecture; Jeff McGee, the Applicant's director of facilities management; and John Armentrout, a construction manager. The Applicant described plans to construct a small addition that would be used to increase the number of beds at the hospice program by four (to 13), for a total of 205 beds at the health care facility. The Applicant indicated that the proposed increase in the size of the parking lot was necessary to serve the parking demand created by staff and visitors to the facility, stating that the demand for parking had increased in recent years due in part to the addition of health-care services at the facility that generated a need for additional staff.

Government Reports. By memorandum dated March 26, 2002, the Office of Planning ("OP") recommended approval of the application as consistent with the requirements of § 219. According to OP, the proposed one-story addition would "blend in architecturally with the existing two-story portion of the building at the rear of the addition," and would not pose any additional burden to the surrounding neighborhood or to Ward 3 in general. OP also commented favorably on the Applicant's effort to increase the parking availability at the subject property as a means to minimize non-residential through traffic and encroachment on the supply of street parking in the surrounding neighborhood.

By memorandum dated March 15, 2002, the Department of Public Works, District Division of

¹ The public hearing originally scheduled for April 2, 2002 was continued to June 25, 2002. Notice of the rescheduled hearing was published in the D.C. Register on May 10, 2002 (49 DCR 4330). After the public hearing was continued from the September 10, 2002 session until October 15, 2002, notice was published in the D.C. Register on August 30, 2002 (49 DCR 8330).

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Transportation ("DDOT") indicated no objection to the application. According to DDOT, an expanded parking facility at the subject property would "improve traffic circulation and safety, and reduce the on-street parking demand in the area."

By supplemental report dated June 25, 2002 and through testimony at the public hearing, DDOT again stated that "an expanded parking facility would improve traffic circulation and safety and reduce the on-street parking demand in the area," but recommended that the Applicant implement a strong transportation demand management program to reduce on-site parking demand by 10 percent, or 17 parking spaces, for a total of 156 parking spaces at the subject property. DDOT reiterated its conclusion that the Applicant's proposed expansion of the parking lot was needed and would serve employees and visitors to the site while minimizing the parking impact on neighboring streets. DDOT concurred with the concern expressed by ANC 3F that the Applicant had "not explored all available options to relieve the current parking situation for the site," such as by promoting carpooling among staff members and establishing a Metro subsidy program for employees. DDOT's recommendations included that the Applicant should (i) implement a transportation demand management plan that would include a rideshare program to attain higher vehicle occupancy, thereby reducing the number of cars going to and from the site; (ii) consider providing a Metrochek program or a shuttle bus service in the morning and evening rush hours linking the site to the nearby Tenleytown-AU and Van Ness-UDC Metrorail stations; (iii) develop a policy allocating 10 to 15 parking spaces for the exclusive use of visitors; and (iv) carefully monitor and strictly enforce parking controls to ensure that only employees and visitors to the health-care facility use the parking lot at the subject property.

ANC Report. By resolution approved by a vote of 7-0-0 at a public meeting on June 17, 2002, with a quorum present, Advisory Neighborhood Commission 3F indicated its opposition to the application. ANC 3F expressed concern about the Applicant's request to build a 173-space parking lot, which "would result in a 130 percent increase in the currently authorized amount of parking and would produce a paved parking lot of about 1.5 acres," representing "a 40 percent increase in the size of the existing parking lot and [adding] nearly half an acre of paved parking to an existing one acres parking lot in a residential zone." According to ANC 3F, the Applicant had not justified "the amount of parking that is proposed to be accommodated on this oversized parking lot," which would likely "act as incentive that would encourage more drivers into an area which already experiences high volumes of commuter cut-thru traffic as well as high levels of local traffic generated by surrounding institutional and commercial uses." ANC 3F also expressed concern about the impact that "a significant increase in the amount of impervious surface on the site" would have on stormwater management, and about the visual impact of the proposed larger parking lot, which "would create a dramatic and unalterable change in the residential character of the neighborhood in part because of the removal of 50 trees and the endangerment of several more mature trees."

By resolution adopted at a public meeting on November 18, 2002, ANC 3F indicated no objection to the Applicant's request for a four-bed addition "so long as the approval of a four bed addition by the Board is not linked to changing the existing parking lot (defined as the existing perimeter, shape, and height of the currently paved parking area including the existing islands as landscaped)." ANC 3F encouraged the Applicant to improve the existing parking situation by,

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among other things, re-striping the spaces and developing parking lot management procedures that would utilize the parking lot more efficiently. ANC 3F remained opposed to the Applicant's proposed parking lot expansion.

By resolution adopted by a vote of 6-0-0 at a public meeting on September 29, 2003, with a quorum present, ANC 3F recommended rejection of the Applicant's initial revised site plan and landscaping plans submitted to the Board on September 23, 2003. However, by resolution adopted by a vote of 5-0-0 at a public meeting on March 15, 2004, with a quorum present, ANC 3F recommended approval of the application as amended by the Applicant's final concept site improvements plan.

Party in Opposition to the Application. Citizens Concerned about the Home's Expansion, the party in opposition to the application, presented testimony from Barbara Beelar; Christopher Gay, an expert in parking and traffic; James Urban, an expert in urban arboriculture and landscape architecture; Joseph Handwerker; Wayne Curtis; Jane MacLeish; and Richard Danzig. According to CCHE, the Applicant's proposal to provide more free parking at the subject property, which is located in a residential neighborhood close to a commercial district, would create adverse traffic impacts by generating additional vehicle trips to and from the subject property.

By letter dated September 30, 2003, CCHE requested rejection of the Applicant's initial revised plans, principally because the Applicant proposed "the same amount of paved surface for 130 cars as it previously proposed for 173 spaces." According to CCHE, the initial revised plans proposed an inefficient parking configuration that would result in excessive paving of green space without justification and without adequate screening from contiguous residential property.

By letter dated March 19, 2004, CCHE indicated its agreement with the Applicant's final submission as amended by a final landscaping plan, which CCHE stated was developed jointly by the Applicant and CCHE.

Persons in Support of or in Opposition to the Application. The Board heard testimony or received letters from several persons and organizations, including ANC 3C, whose boundaries abut the subject property. Letters in support of the application, written primarily by employees at the health-care facility, cited the need for additional parking at the facility. One person expressed support for the proposed increase in the number of hospice beds but opposed the requested increase in the number of parking spaces at the subject property, citing the proximity of the site to public transportation and environmental concerns related to the need to retain green space and to discourage reliance on single-occupant vehicles. ANC 3C and persons in opposition to the application generally cited adverse traffic and environmental impacts associated with the proposed increase in the number of parking spaces at the subject property, and alleged that the Applicant had not complied with prior orders that granted zoning approvals.

BZA APPLICATION NO. 16836**PAGE NO. 5****FINDINGS OF FACT****The Subject Property and Surrounding Area**

1. The subject property is located at 3720 Upton Street, N.W., at the southwest corner of the intersection of 37th and Upton Streets, N.W. (Square 2572, Lot 36). The rectangular parcel has an area of 5.73 acres (249,537 square feet).
2. The site is improved with a three-story building used as a health-care facility providing skilled, intermediate, and sub-acute care as well as hospice services. The Washington Home, a nonprofit corporation founded in 1889, has been located at the subject property since 1923. No other property containing a community-based residential facility is located in the same square or within 1,000 feet of from any portion of the subject property.
3. The Applicant's existing building is oriented toward the southwestern corner of the subject property, and is set back for most of its length away from the Upton Street frontage. The building has a floor area ratio of 0.53, and its footprint constitutes 21 percent of the site area. Approximately 3.43 acres, or about 60 percent of the subject property, is devoted to green space or walkways.
4. The existing parking lot, which is irregularly shaped, is set back at least 90 feet from Upton Street and 58 feet from 37th Street. The parking lot is screened from view by berms running along the northeastern portion of the subject property and along Upton Street, where the crest of the berm is as much as 10 feet higher than grade. The berms are landscaped with trees and other plants to create a park-like setting. A pergola is located at the northeast corner of the site, near the intersection of 37th and Upton Streets.
5. The Applicant operates a 201-bed health-care and hospice facility at the subject property pursuant to special exceptions previously granted by the Board. In 1986, the Applicant was granted special exception approval, subject to conditions, to construct and operate a 189-bed health-care facility at the subject property, replacing a 178-bed health-care facility. (See BZA Order No. 14283, effective March 12, 1986). In 1997, the Board approved an application to increase the number of beds at the facility from 189 to 201. (See BZA Order No. 16263, effective September 15, 1997).
6. The Applicant employs a staff of 298 persons at the subject property, two-thirds of whom (approximately 203 employees) work on the day shift (7:00 a.m. until 3:30 p.m.). The day shift overlaps by 30 minutes with the subsequent shift (3:00 a.m. until 11:30 p.m.).
7. The Applicant's prior zoning approval authorized a parking lot with 75 parking spaces at the subject property. Condition No. 1 adopted in BZA Order No. 14283 states: "The number of on-site parking spaces shall be limited to seventy-five."

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8. The parking lot at the subject property has at least 78 marked parking spaces. The lot is sometimes used by as many as 136 vehicles, some of which park illegally in fire lanes or loading areas, blocking access to the health care facility by emergency vehicles.
9. A member of the Applicant's staff occasionally patrols the parking area in an attempt to ensure that only drivers going to the health-care facility parking in the parking lot at the subject property. Employees who drive to the subject property receive a parking pass to display in their vehicle; visitors are expected to sign in, indicating their vehicles' license plate number. The Applicant enforced its parking policy by leaving a notice indicating the requirement to obtain a parking pass on employee vehicles that failed to display the hang tag, and by arranging the towing of vehicles left in fire lanes.
10. The Applicant's traffic expert estimated that 154 parking spaces were needed at the subject property under current conditions: 134 for employees and 17 for visitors, including hospice volunteers, visitors, doctors, and administrative visitors.
11. Two-thirds (66 percent) of the Applicant's employees drive to work, creating a demand for 134 parking spaces. Approximately 20 percent of the employees commute by public transportation. The Applicant does not currently offer employee benefits to encourage the use of public transportation.
12. The subject property is located near two stations served by the Metrorail Red Line, and is also accessible by Metrobus, including routes along Wisconsin Avenue one block from the facility.
13. Some on-street parking in the vicinity of the subject property is subject to residential parking restrictions. The north side of Upton Street and both sides of Tilden Street are subject to a two-hour parking limit except for holders of residential parking permits, while the south side of Upton Street and both sides of 37th Street are unrestricted.
14. The area bordering the subject property to the north, east, and southeast is developed primarily with single-family detached dwellings. A private school, Sidwell Friends, is located to the south, and a post office abuts the subject property to the west.

Applicant's Project

15. The Applicant proposed to construct a one-story addition that would enlarge the existing building by 2,077 square feet to accommodate four additional patient rooms, increasing the capacity of the hospice from nine to 13 beds, and increasing the total capacity of the health-care facility to 205 beds. The new addition will extend 12 feet from the northern side of the existing building, and will be constructed of the same materials – brick and precast concrete – as the existing building.
16. By memorandum to the Applicant dated September 20, 2001, the D.C. State Health Planning and Development Agency indicated its approval of a certificate of need for the Applicant's proposal to increase in-patient hospice beds by four beds.

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17. As finally proposed, the Applicant planned to enlarge and reconfigure the parking lot at the subject property so as to provide a total of 130 parking spaces. The general layout of the expanded lot will follow the shape of the existing parking lot, but will extend 20 feet (the length of a parking space) closer toward 37th Street, the existing facility, and Upton Street.
18. The reconfiguration and expansion of the parking lot will not alter the entrance to the subject property from Upton Street or the circular driveway leading to the facility, which is used for patient pick-ups and drop-offs. The expanded lot will maintain a service entrance from 37th Street.
19. The Applicant will implement a parking management and transportation plan approved by its board of directors. The parking plan will create three zones of use in the expanded parking lot: five uncontrolled spaces in the circle at the main entrance to the facility off Upton Street will be designated only for drop-offs and pick-ups of patients or residents of the facility; 33 spaces just beyond the circle will be controlled by a gate and will be designated for use by resident, professional, and administrative visitors; and 99 gate-controlled spaces will be reserved for employees during the principal work hours from 7:00 a.m. until at least 3:00 p.m. on weekdays.
20. The parking plan also sets forth the Applicant's commitment to encourage alternative means of transportation for employees, including the adoption of the Metrochek program and the promotion of carpools through preferred parking spaces and other non-cash inducements.
21. The Applicant's redesign of the parking lot will include a new landscaping plan that will adequately screen the parking lot. The Applicant will preserve the large berm along Upton Street and the landscaped area around the pergola. The Applicant will also retain the existing mature trees within the island in the middle of the parking lot, enlarge the size of the central island to accommodate the planting of additional significant trees, and upgrade the central island so that a three-foot-high landscape berm will be established. The revisions will provide an interior "scrim" effect that will filter views into the site.
22. The Applicant proposed to provide stormwater quantity and quality management for the entire parking lot, where none is currently provided. The Applicant will employ porous pavement for approximately 45 parking spaces, to which stormwater run-off will be directed so as to permit water to percolate naturally back into the soil. For those portions of the parking lot that cannot be served by porous pavement, the Applicant will install an underground detention chamber of sufficient capacity to retain the run-off from a "50-year storm event" and slow the movement of stormwater into the public sewer system.
23. ANC 3F indicated no objection to the proposed four-bed addition or to the Applicant's final proposal to expand the parking lot. ANC 3F recommended approval of the application, as amended, on the grounds that the Applicant's final site plan, a landscaping plan developed in conjunction with CCHE, and a parking management plan and an

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employee transit plan under consideration by the Applicant met the specific criteria set forth by the Board on December 17, 2002.

Harmony with Zone Plan

24. The subject property is zoned R-1-B. The R-1 district is “designed to protect quiet residential areas now developed with one-family detached dwellings” and “intended to stabilize the residential areas and to promote a suitable environment for family life.” 11 DCMR §§ 200.1, 200.2. Area requirements applicable in the R-1-B zone permit relatively higher density than in R-1-A. 11 DCMR § 200.3.
25. The Generalized Land Use Map designates the subject property as “institutional.”

CONCLUSIONS OF LAW

The Applicant seeks a special exception under § 219 of the Zoning Regulations to expand an existing health-care and hospice facility by constructing a four-bed addition that will increase the number of beds from 201 to 205, and to expand and reconfigure its parking lot so as to increase the number of parking spaces from 75 to 130, in an R-1-B zone district at 3720 Upton Street, N.W. (Square 1825, Lot 818).² The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001), to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. *See* 11 DCMR § 3104.1.

Pursuant to § 219, use as a health-care facility for up to 300 persons may be permitted as a special exception in an R-1 District, subject to certain provisions. The provisions relevant to this application require that “adequate, appropriately located, and screened off-street parking” must be provided “for the needs of occupants, employees, and visitors to the facility,” and that the facility must “not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.” 11 DCMR §§ 219.3, 219.5. The Applicant must also demonstrate that the proposed expansion of the health-care facility use will be in harmony with the general purpose and intent of the Zoning Regulations and Map. 11 DCMR § 3104.1.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns of ANC 3F, the Board concludes that the proposed expansion of the existing health-care facility and the proposed expansion of the parking

² In its Proposed Findings of Fact and Conclusions of Law (Exhibit No. 116), the Applicant proposed a revised expansion of the parking lot that would contain 156 spaces, with a landscaped island in the middle. The revised configuration was consistent with the recommendation of DDOT that the parking lot should be enlarged to avoid the negative effects of overflow parking on neighborhood streets but also that “the Applicant could through more aggressive management and monitoring of the parking lot achieve more efficient utilization.” The 156-space expansion would have increased paved parking area at the subject property by 18,410 square feet (an increase of 40 percent over existing conditions).

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lot to 130 spaces, as shown in the Applicant's concept site improvements plan (Exhibit No. 135), can be located at the subject property so that it is not likely to become objectionable to adjoining and nearby property, and will be in harmony with the general purpose and intent of the Zoning Regulations and Map.

The Applicant proposed to construct a small addition to an existing health-care facility, which has been located at the subject property for more than 80 years. The planned addition – adding 2,077 square feet to the existing building to accommodate four new patient rooms – will not likely result in a large increase in traffic or parking demand at the subject property, affect the operation of the health-care facility, or generate an adverse impact due to noise. The Applicant intends to serve the additional patient rooms without adding additional employees, and the four additional rooms are not expected to cause a significant increase in the number of visitors to the facility. The building, as expanded, will remain well within the area requirements prescribed in the R-1-B zone. The Board concludes that the health-care facility, as expanded, will not have an adverse impact on the surrounding neighborhood because of traffic, noise, or operations.

The Board also concludes that the finally proposed expansion and reconfiguration of the parking lot for 130 spaces will provide adequate, appropriately located, and screened off-street parking that will be sufficient for the needs of occupants, employees, and visitors to the health-care facility. The Applicant's final concept site improvements plan responded to concerns raised by the Board by reducing the size of the proposed expansion from 174 to 130 spaces; by adopting a parking management plan, including means to control access to the lot during weekdays and designating spaces for employees and visitors; by proposing a stormwater management system; and by devising a comprehensive landscaping plan that will screen the parking lot adequately, in part by preserving the existing berm along Upton Street and by creating a landscaped central island.

The Board concurs with the Applicant and with DDOT that additional parking is needed at the subject property for the needs of occupants, employees, and visitors to the health-care facility. However, the Board was not persuaded that the Applicant's original proposal to expand the parking lot so as to provide 173 spaces, or its earlier revisions that would have provided 156 or 130 spaces, would have been appropriately located or screened from nearby residences, or would avoid creating an adverse impact on the neighborhood because of traffic. The Board concurs with DDOT and with ANC 3F that the Applicant could reduce demand for parking at the subject property by implementing a transportation demand management program to encourage employees not to drive to work, and could achieve more efficient use of the expanded parking lot by implementing a parking management plan that would ensure that only employees and visitors to the health-care facility use the parking lot at the subject property.

The Board concludes that the Applicant's final proposal – providing for controlled access to 130 spaces designated for employees or visitors, landscaping sufficient to maintain the site's park-like setting, and a stormwater management system – will satisfy the requirements of §§ 219.3 and 219.5. The smaller expansion will provide adequate parking with appropriate landscaping but will not be so large as to generate adverse traffic impacts created by a large number of vehicles seeking to park at the subject property.

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For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception under § 219 of the Zoning Regulations to expand an existing health-care and hospice facility by constructing a four-bed addition that will increase the number of beds from 201 to 205, and to expand and configure its parking lot so as to increase the number of parking spaces from 75 to 130 (as shown in Exhibit No. 135), in an R-1-B zone district at 3720 Upton Street, N.W. (Square 1825, Lot 818). Accordingly, it is therefore **ORDERED** that the application, as finally amended, is **GRANTED**.

VOTE: **3-0-2** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., and David Zaidain voting to approve; Zoning Commission member and one Board member not participating)³

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

Each concurring Board member approved the issuance of this order.

FINAL DATE OF ORDER: **APR 24 2007**

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 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,

³ Vote taken at a public meeting on April 13, 2004.

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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.

MN

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

Application No. 17574 of Nineteenth Street Baptist Church, pursuant to 11 DCMR § 3104.1, for a special exception to establish an accessory parking lot under section 214, in the R-1-B District at premises rear 4606 16th Street, N.W. (Square 2652, Lot 22).

HEARING DATE: March 13, 2007

DECISION DATE: April 17, 2007

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) 4C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C's initial report opposed the original application. However, in post-hearing submissions, the applicant addressed the ANC's concerns and the ANC submitted a report in support of the revised 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 pursuant to § 3104.1, for special exception under section 214. ANC 4C, the only party initially in opposition to the original application, ultimately supported the revised 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 and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 214, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17574**PAGE NO. 2**

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 (pursuant to the "Parking Lot Pervious Paving Plan" found in Exhibit 27) be **GRANTED**.

VOTE: **3-0-2** (Curtis L. Etherly, Jr. and John A. Mann II to grant; Carol J. Mitten to grant by absentee ballot; Marc D. Loud and Ruthanne G. Miller not voting, not having heard the case)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 20 2007

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 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

BZA APPLICATION NO. 17574**PAGE NO. 3**

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.

TWR

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

Application No. 17586 of 442 M Street, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the prohibition of creating a second principal structure on a single lot under subsection 3202.3, and a variance from the rear yard requirements under section 404, to allow the renovation of an existing row dwelling into six (6) residential units and the conversion of the second floor of an existing historic carriage house in the rear of the subject property in the DD/R-5-B District at premises 442 M Street, N.W. (Square 514, Lot 832).

HEARING DATE: April 10, 2007
DECISION DATE: April 10, 2007 (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) 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 participate in this application. The Office of Planning (OP) 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 pursuant to § 3103.2, for variances from § 3202.3 and 404. 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 burden of proving under 11 DCMR §§ 3103.2, 3202 and 404 that there exists an exceptional or extraordinary situation or condition related to the property that creates a

BZA APPLICATION NO. 17586

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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 (pursuant to Exhibit No. 11, Elevations/Plans) be **GRANTED**.

VOTE: 5-0-0 (Curtis L. Etherly, Jr., Ruthanne G. Miller, John A. Mann II, Marc Loud and Michael G. Turnbull to approve).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 12 2007

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

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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.

TWR

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

Application No. 17587 of Shawn Ayize Sabater, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 771, and pursuant to 11 DCMR § 3104.1, a special exception from the zoning boundary line provisions under subsection 2514.2, to allow an addition to an existing commercial building in the C-2-A District at premises 2616 Georgia Avenue, N.W. (Square 2884, Lot 34).

Note: The Board amended the application at the public hearing to include the approval of a special exception from subsection 2514.2.

SUMMARY ORDER

HEARING DATE: April 10, 2007
DECISION DATE: April 10, 2007 (Bench Decision)

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 letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Pleasant Plains Civic Association submitted a letter in support of the application. Jim Graham, the Ward One City Councilmember, submitted a letter 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 pursuant to § 3104.1, for a special exception under subsection 2514.2, and a variance pursuant to § 3103.2 from the requirements of sections 771. 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 OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2514.2, that the requested relief can

BZA APPLICATION NO. 17587

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be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Based upon the record before the Board, the Board further concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 771, 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 (pursuant to Exhibit 35 – Revised Architectural Plans) be **GRANTED**.

VOTE: 5-0-0 (Curtis L. Etherly, Jr., Ruthanne G. Miller, Marc D. Loud, John A. Mann II, and Michael G. Turnbull to Approve).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 11 2007

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

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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.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

Application No. 17588 of Thalia LLC, pursuant to 11 DCMR § 3103.2, for a variance from the parking space size requirements under subsection 2115.1, a variance from the parking space vertical space requirements under subsection 2115.5, and a variance from the parking space accessibility requirements under subsection 2117.4, to construct a new office building in the DD/C-2-C District at premises 1307-1311 L Street, N.W. (Square 247, Lots 858, 859, 860, and 861).

HEARING DATE: April 10, 2007
DECISION DATE: April 10, 2007 (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) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The National Association for the Education of Young Children submitted a letter in support of the application.

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 Office of Planning and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 2115.1, 2115.5 and 2117.4, 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 (pursuant to the architectural plans - Exhibit 23 in the record) be **GRANTED**.

VOTE: 5-0-0 (Curtis L. Etherly, Jr., Ruthanne G. Miller, Marc D. Loud, John A. Mann II, and Michael G. Turnbull to Approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: April 11, 2007

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

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,

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PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

Application No. 17601 of D.C. Department of Parks and Recreation, pursuant to 11 DCMR § 3104.1, for a special exception from the lot occupancy requirements under subsection 403.3, a special exception from the gross floor area requirements under section 408, and pursuant to 11 DCMR § 3103.2, a variance from the off-street parking provisions under subsection 2101.1, to allow the development of a new public community center in the R-5-A District at premises 49th and Quarles Streets, N.E. (Square 5162, Lot 801 and Parcel 184/95).

SUMMARY ORDER

HEARING DATE: April 17, 2007
DECISION DATE: April 17, 2007 (Bench Decision)

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) 7C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. ANC 7C submitted a letter in support of the application. The Office of Planning (OP) and the Department of Transportation also submitted reports 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 pursuant to § 3104.1, for special exceptions under sections 403.3 and 408, and variances pursuant to § 3103.2 from the requirements of section 2101.1. 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 OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 403.3 and 408, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the

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requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Based upon the record before the Board, the Board further 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 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 (pursuant to Exhibit 10, Architectural Plans) be **GRANTED**.

VOTE: 5-0-0 (Curtis L. Etherly, Jr., Ruthanne G. Miller, Marc D. Loud, John A. Mann II, and Michael G. Turnbull to Approve).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: April 18, 2007

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

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THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

Application No. 17605 of Gerald D. Levine, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to a single-family detached dwelling under section 223, not meeting the side yard requirements (section 405), in the R-1-B District at premises 3605 Livingston Street, N.W. (Square 1994, Lot 19).

HEARING DATE: April 24, 2007
DECISION DATE: April 24, 2007 (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) 3G and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. ANC 3G 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 pursuant to § 3104.1, for a special exception under section 223. 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 OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17605

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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 (pursuant to Exhibit 2 – Surveyor's Plat & Plan Sheet) be **GRANTED**.

VOTE: 5-0-0 (Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann II,
Marc D. Loud and Anthony J. Hood to approve)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 25 2007

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

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, FAMILIAL STATUS, FAMILY

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RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

TWR

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