OFFICE OF THE CHIEF FINANCIAL OFFICER

Notice of Request for Proposals for Bond Counsel Services

The Office of Contracts within the District of Columbia Office of the Chief Financial Officer ("OCFO") hereby gives notice of publication of a Request for Proposals ("RFP") for bond counsel services.

Copies of this RFP, which includes instructions for submitting proposals, may be obtained by contacting: the OCFO Office of Contracts, attn: Eric Payne, Contracting Officer, tel: (202) 442-6346, or e-mail: Eric.Payne@dc.gov; or the OCFO Office of General Counsel, attn: Charles Barbera, Deputy General Counsel, tel: (202) 727-1711, or e-mail: Charles.Barbera@dc.gov .

The last day on which a proposal may be received and considered is May 19, 2008.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Notice of Request for Proposals for Outside Legal Counsel Services

The Office of Contracts within the District of Columbia Office of the Chief Financial Officer ("OCFO") hereby gives notice of publication of a Request for Proposals ("RFP") for outside legal counsel services.

Copies of this RFP, which includes instructions for submitting proposals, may be obtained by contacting: the OCFO Office of Contracts, attn: Eric Payne, Contracting Officer, tel: (202) 442-6346, or e-mail: Eric.Payne@dc.gov; or the OCFO Office of General Counsel, attn: Charles Barbera, Deputy General Counsel, tel: (202) 727-1711, or e-mail: Charles.Barbera@dc.gov .

The last day on which a proposal may be received and considered is May 19, 2008.

D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

April 2008

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Theresa Ennis	Board of Accountancy	No meeting this month	
Leon Lewis	Board of Appraisers	16	10:00 am-12:00 pm
Leon Lewis	Board Architects and Interior Designers	11	9:00 am-1:00 pm
Dorothy Thomas	Board of Barber and Cosmetology	14	10:00 am-12:00 pm
George Beatty	Boxing and Wrestling Commission	8	7:00-pm-9:00 pm
Dorothy Thomas	Board of Funeral Directors	21	1:30 pm-5:00 pm
Theresa Ennis	Board of Professional Engineers	24	9:30 am-12:00 pm
Leon Lewis	Board of Real Estate	8	10:30 am-12:30 pm
Pamela Peters	Board of Industrial Trades	15	10:00 am-1:00 pm
	Asbestos Electrical Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 941 North Capitol Street, NE., Suite 7616, Washington, DC 20001. For further information on this schedule, please contact The front desk 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

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

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

Calendar Year 2008 Meeting Dates

April 9th	August 13th
April 23rd	August 27th
May 14th	September 10th
May 28th	September 24th
June 11th	October 8th
June 25th	October 22nd
July 9th	November 12th
July 23rd	November 26th

December 10th
December 24th

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

NOTICE OF PUBLIC INTEREST
LIST OF CONDEMNED BUILDINGS

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

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

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

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

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

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS

LIST OF CONDEMNED BUILDINGS

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Northwest			
6412 Barnaby Street	0091	2352	4
1442 Belmont Street	0192	2660	1
1472 Belmont Street	0814	2660	1
4334 Bladgen Avenue	0800	2659	4
7100 Blair Road	0800	3189	4
7220 Blair Road	0812	3176	4
41 Bryant Street	0099	3127	5
41 Bryant Street-Rear	0099	3127	5
811 Butternut Street	0006	2967	4
1859 California Street	0018	5127	1
1126 Columbia Road	0056	2853	1
5109 Connecticut Avenue	0048	1989	3
5109 Connecticut Avenue-Rear	0048	1989	3
5233 Connecticut Avenue	0041	1874	3
321 Elm Street	0082	1111	1
1212 Euclid Street	0077	2865	1
410 Florida Avenue	0040	0507	5
1461 Florida Avenue	0147	2660	1
3003 Georgia Avenue	0111	3052	1
3218 Georgia Avenue	0879	2892	1
3919 Georgia Avenue	0035	3027	4
4419 Georgia Avenue	0815	3020	4
4607 Georgia Avenue	0016	3015	4
6925 Georgia Avenue	0811	2967	4
723 Girard Street	0214	2886	1
1710 Irving Street	0001	2771	4
1301 Kalmia Road	0001	2771	4
806 Kennedy Street	0812	2994	4
508 M Street	0071	0482	2
1002 M Street	0056	0341	2
1006 M Street	0051	0341	2
223 Missouri Avenue	0043	3331	4
1824 Monroe Street	0813	2614	1
212 Morgan Street	0083	0555	6

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Northwest (Con't)			
216 Morgan Street	0018	0555	6
3642 New Hampshire Ave.-Rear	0032	2898	1
447 Newton Place	0027	3035	1
1443 Newton Street	0430	2677	1
1424 North Capitol Street	0010	0616	5
1426 North Capitol Street	0836	0616	5
1428 North Capitol Street	0835	0616	5
405 O Street	0802	0511	2
509 O Street	0479	2001/2002	2
1344 Otis Place	0118	2835	1
1346 Otis Place	0117	2835	1
1346 Otis Place-Rear	0117	2835	1
1350 Otis Place	0115	2835	1
340 Oakdale Place	3085	0051	1
310 P Street	0037	553W	5
605 P Street	0154	0445	2
1433 Parkwood Place	0064	2688	1
3626 Prospect Street	0061	1202	2
1427 Q Street	0009	0208	2
729 Quincy Street	0822	3131	4
53 S Street	0039	3106	5
1605 S Street	0019	0177	2
423 Shepherd Street	0038	3238	4
423 Shepherd Street-Rear	0038	3238	4
1237 Shepherd Street	0014	2908	4
5136 Sherrier Place	0826	1415	3
1754 Swann Street	0130	0152	2
321 T Street	0065	3089	1
901 U Street	0100	0360	2
613 Upshur Street	0072	3226	4
613 Upshur Street-Rear	0072	3226	4
1321 V Street	0182	0235	1
1943 Vermont Avenue	0011	0361	1
1943 Vermont Avenue-Rear	0011	0361	1
909 W Street	0066	0357	1
911 W Street	0067	0357	1
1202 3rd Street	0837	0523	2
1506 3rd Street	0818	0521	5

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Northwest (Con't)			
1859 3rd Street	0810	3096	1
1922 3rd Street-Rear	0010	3089	1
1209 4th Street	0810	0523	6
1211 4th Street	0502	2026	6
1314 5th Street	0042	0480	2
1417 5th Street	0054	0511	2
1425 5th Street	0511	0817	2
1551 6th Street(Carriage House)	0821	0478	2
2206 6th Street	0033	3065	1
6838 6th Street	0013	3169	4
5124 7th Street	0110	3149	4
5232 7th Street	0032	3150	4
5232 7th Street-Rear	0032	3150	4
1512 8th Street	0832	0397	2
1543 8th Street	0046	0421	2
1905 8th Street	0802	0416	1
1905 8th Street -Rear	0802	0416	1
6216 8th Street	2980	0031	4
1216 9th Street	0906	0368	2
1218 9th Street	0896	0368	2
1819 10th Street	0212	0362	1
1819 10th Street-Rear	0212	0362	1
2105-07 10th Street	0802	0358	1
3571 10th Street	0337	0809	1
1107 11th Street	0066	0341	2
1521 11th Street	0809	0337	1
3007 11th Street	0099	2851	1
2226 13th Street	0075	0234	1
3222 13th Street	0034	2845	1
5113 13th Street-Rear	0019	2929	4
2208 14th Street	0030	0202	1
3405 14th Street	0115	2836	1
3509 14th Street	0053	2827S	1
4024 14th Street	0053	2694	4
5209 14th Street	0105	2804	4
2423 18th Street	0093	2560	1
2617 31st Street	0032	4553E	5

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Northeast			
224 Adam Street	0031	3557	5
2027 Benning Road	0815	4515	7
5212 Cloud Street	0801	5235	7
4226 Dix Street	0017	5089	7
4226 Dix Street-Rear(North)	0017	5089	7
4226 Dix Street-Rear(South)	0017	5089	7
4403 Dix Street	0892	5803	7
4335 Douglas Street	0060	5115	7
1334 Downing Place	0039	4027	5
4710 Eads Street	0011	5144	7
635 Emerson Street	0008	3788	5
2800 Evart Street	0009	4346	5
1369 Florida Avenue-Rear	0129	1026	6
4326 Gault Place	0130	5093	7
413 H Street	0812	0809	6
1309 H Street	0088	1027	6
1311 H Street	0089	1027	6
1264 Holbrook Terr.	0840	4055	5
311 I Street	0048	0776	6
1826 I Street	0032	4488	5
1830 I Street	0031	4488	5
5069 Just Street	0305	5176	7
303 K Street	0804	0775	6
1002 K Street	0020	0956	6
1692 Kramer Street	0241	4540	6
1308 L Street	0064	1047	6
1854 L Street	0806	4470	5
1249 Lawrence Street	0021	3930	5
5119 Lee Street	0038	5200	7
1310 Monroe Street	0010	3964	5
1310 Monroe Street-Rear	0010	3964	5
1414 Montello Avenue	0807	4059	5
1712 Montello Avenue	0029	4053	5
1712 Montello Avenue-Rear	0029	4053	5
5706 NHB Avenue	0010	5214	7
1243 Owen Place	0188	4060	5
22 P Street	0057	0668	5
24 P Street	0056	0668	5
21 T Street	0809	5235	5

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Northeast (Con't)			
2511 Queens Chapel Road	4111E	0016	5
2621 Queens Chapel Road	0023	4213	5
115 Riggs Road	0085	3701	5
2925 South Dakota Avenue	0028	4339	5
21 T Street	0029	3510	5
19 U Street	0070	3509	5
215 Warren Street	0809	1033	6
2322 2nd Street	0038	3540	5
2322 2nd Street-Rear	0038	3540	5
915 3rd Street	0801	0775	6
1111 3rd Street	0773	0243	6
1811 3rd Street	0007	3570	5
619 4th Street	0092	0810	6
1020 4th Street-Rear	0034	0774	6
3215 7th Street	0010	3650	5
251 8th Street	0064	0917	6
2250 13th Street-Rear	0034	3942	5
704 16th Street	0085	4509	6
3114 16th Street	0041	4014	5
3300 18th Street	0019	4143	5
4310 22nd Street	0012	4232	5
2921 26th Street	0029	4342	5
2924 26th Street	0026	4287	5
1121 46th Street	0070	5155	7
1123 46th Street	0111	5155	7
1227 47th Place	0039	5160	7
811 48th Street	0065	5149	7
1055 48th Place	0098	5153	7
717 50th Street	0021	5179	7
730 51st Street	0061	5197	7
808 51st Street	0193	5177	7
945 52nd Street	0803	5199	7
109 53rd Street	0091	5243	7
220 56th Street	0026	5249	7
338 58th Street	0813	5254	7
421 61st Street	0009	5260	7

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Southeast			
1523 A Street	0816	1072	6
1751 A Street	0063	1097	6
1751 A Street-Rear	0063	1097	6
4427 A Street	0107	5350	7
5019 A Street	0005	5327	7
5019 A Street-Rear (Shed)	0005	5327	7
21 Atlantic Street	0051	6170	8
5010 Benning Road	0068	5340	7
3401 Brothers Place	0803	6006	8
5201 C Street	0009	5312	7
5100 Call Place	0016	5312	7
5100 Call Place-Rear(South)	0016	5312	7
612 E Street	0814	0876	6
1525 E Street	0087	1076	6
3326 Ely Place	0807	5444	6
647 G Street	0139	0878	6
651 G Street	0141	0878	6
1500 Galen Street	0048	5795	8
1239 Good Hope Road	0089	3033	8
1410 Good Hope Road	0024	5605	8
4324 Halley Terrace	0018	6214	8
4326 Halley Terrace	0017	6214	8
4338 Halley Terrace	2001	6214	8
2256 High Street-Rear East	0850	5799	8
1812-16R Independence Ave-Rear(East)	0095	1111	6
1812-16R Independence Ave-Rear(West)	0095	1111	6
2309 Irving Street	0010	5846	8
2839 Jasper Road	0917	5875	8
1220 Maple View Place	0811	5800	8
1303 Maple View Place	0892	5803	8
1354 Maple View Place	0922	5804	8
1909 MLK Jr. Avenue	0829	5770	8
1911 MLK Jr. Avenue	0829	5770	8
1913 MLK Jr. Avenue	0829	5770	8
2228 MLK Jr. Avenue	0810	5802	8
2234 MLK Jr. Avenue	0811	5802	8
2238 MLK Jr. Avenue	0978	5802	8
2629 MLK Jr. Avenue-East	0192	5867	8
2629 MLK Jr. Avenue-West	0192	5867	8
2666 MLK Jr. Avenue, East bldg	1014	5868	8
2759 MLK Jr. Avenue-Rear	0802	5982	8

BUILDINGS CONDEMNED	LOT	SQUARE	WD
Southeast			
1354 Penn. Avenue	0051	3565	8
1431 Potomac Avenue	0045	1065NE	6
643 Raleigh Place	0804	5954	8
1005 Savannah Street	0804	5938	8
1500 Savannah Street	0801	5912	8
1502 Savannah Street	0802	5912	8
1225 Sumner Road	0980	5865	8
1326 Valley Place	0849	5799	8
1333 Valley Place	0891	5801	8
821 Virginia Avenue	0006	0929	6
1242 W Street	0099	5782	8
104 Xenia Street	0037	6128N	8
535 9th Street	0830	0926	6
535 9th Street-Rear	0830	0926	6
742 13th Street	0096	1045	6
321 18th Street	0801	1100	6
1427 22nd Street	0812	5564	8
1401 22nd Street	0812	5564	8
1401 22nd Street-Rear	0812	5564	8

DISTRICT OF COLUMBIA

EDUCATION LICENSURE COMMISSION

NOTICE OF EDUCATION LICENSURE COMMISSION PUBLIC SESSIONS

The Education Licensure Commission (the "Commission"), pursuant to the Advisory Neighborhood Commission Act, CODE Ann., § 1-261 (1987), AND THE ADMINISTRATIVE PROCEDURE ACT, D.C. CODE ANN., § 1-1506 (1987), hereby gives notice that the Commission's public meetings are going to take place as follows:

Meeting Dates	Session	Time
April 24, 2008	PS-04-08	3:00 p.m.
May 13, 2008	PS-05-08	9:00 a.m.
June 12, 2008	PS-06-08	11:00 a.m.
July 8, 2008	PS-07-08	4:00 p.m.
AUGUST	**RECESS**	**RECESS**
September 25, 2008	PS-09-08	9:00 a.m.

Unless otherwise noted, meetings are held monthly at:

441 4th Street, NW
One Judiciary Square
Citywide Conference Center
Suite 1114
Washington, DC 20001

Please visit our website at www.osse.dc.gov to confirm times as it varies from month to month.

Should you have any questions regarding these public sessions, please contact Robin Jenkins, Program Manager, at 202-724-2095.

EUPHEMIA L HAYNES PUBLIC CHARTER SCHOOL

Notice of Request for Proposals

The E. L. Haynes Public Charter School in the District of Columbia, hereby solicits requests for proposals for the following services:

Integrated Security System and Services
Classroom and Office Furniture

To obtain an electronic or hard copy of the Request for Proposal (RFP) please contact the owner's representative:

Ivan Baumwell
Brailsford & Dunlavey
(202) 289-4455
ibaumwell@facilityplanners.com

Deadline for submissions is April 25, 2008 at 5pm.

DEPARTMENT OF HEALTH
ADDICTION PREVENTION & RECOVERY ADMINISTRATION

NOTICE OF FUNDING AVAILABILITY #APRA ASM 08-01

FY 2008 City-Wide Medical Mobile Outreach Vehicle – District of Columbia Grant

The Government of the District of Columbia, Department of Health/ Addiction Prevention & Recovery Administration (APRA) is soliciting applications for qualified applicants to operate a medical mobile outreach vehicle to reduce the spread of substance abuse and related HIV/AIDS and infectious diseases using District appropriated funds as required by the Substance Abuse Prevention And Treatment (SAPT) block grant program contingent upon availability of funds.

Approximately $225,000 in funds will be able to support these services:

- Service No. 1 – Outreach.
- Service No. 2 - Infectious Disease Screening – Medical Diagnostic Testing and Screening by Infectious Disease for TB, hepatitis A, B, and C, Syphilis, Gonorrhea, Chlamydia and HIV.
- Service No. 3 – Other general medical care when requested by a client (i.e. physical examinations).
- Service No. 4 – Educational Interventions:
  - a) HIV and substance abuse risk reduction education interventions and counseling;
  - b) HIV rapid testing including post-test counseling and referral services;
  - c) Safe sex and risk reduction counseling while waiting for HIV test results;
  - d) Referrals into detox and substance abuse treatment;
- Service No. 5 – Case Management services to substance abusers and people living with HIV.

The Request for Applications (RFA) will be released on Friday, April 18, 2008, and the deadline for submission is Friday, May 16, 2008. Applications may be obtained from APRA at 1300 First Street, NE – 3rd Floor Reception Area. The RFA will also be available on the Office of Partnerships and Grants Development website, www.opgd.dc.gov under the District Grants Clearinghouse. A Pre-Application meeting will be held in the District of Columbia at the APRA Headquarters, 1300 First Street, NE Washington, DC 20002, Third Floor Conference Room, Wednesday, April 30, 2008, from 10:30am – 12:30pm. Please contact Michael Snoddy at (202) 535-1263 for additional information.

Applicants obtaining this RFA through the Internet should provide APRA with the following c/o Michael Snoddy (michael.snoddy@dc.gov) in order to receive any amendments or clarifications which might be issued:

- Name of organization;
- Key contact;
- Mailing address;
- Telephone, fax numbers and E-mail address.

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
Community Health Administration

Maternal and Child Health Community Stakeholder Meeting

May 1, 2008 from 2-5 pm
441 4th Street. NW
Old Council Chambers

The D.C. Department of Health, Community Health Administration will conduct a Maternal and Child Health Community Stakeholder Meeting on the Maternal and Child Health Block Grant (Title V) prior to submission of the Fiscal Year 2008 application to the Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau.

This meeting is being held to inform providers, consumers, community representatives, faith-based organizations and businesses about the Title V Maternal and Child Health Block Grant. As well as foster dialogue among those that service Maternal and Child Health (Title V) clients. Additionally we hope to better understand the community's needs, to find solutions to common concerns, as well as discuss the administration of the Block Grant funded by the federal government under Title V of the Social Security Act. Current and future projects dealing with Maternal and Child Health will also be discussed, along with how best to establish opportunities for future stakeholder meetings and communication.

While there is no registration fee, we ask that interested persons register to attend. To register, please contact Mary Frances Kornak at Mary.Kornak@dc.gov with your name, organization, title, address, telephone number and email by April 25, 2008. If you do not have access to a computer please contact Ms. Kornak at (202) 442-9167. Approximately 20 people from the community can speak for 3 minutes only. In order to be included on the speakers list you must express this to Ms. Kornak as soon as possible by contacting her as listed above

DOCUMENTS:
To view the **District's Title V Application for Fiscal Year 2007** visit the HRSA website at http://mchb.hrsa.gov/programs and follow these steps:

1. Choose Title V Information System link
2. Choose State MCH Application and Content Information link
3. Choose State Narrative link.
4. Select District of Columbia link to view, print, or download documents.

PAUL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSAL

Paul Public Charter School is seeking proposals from **Qualified Contractors** to furnish and install a 98'x 68'modular classroom building.

Bid specifications may be obtained by contacting:

Mr. Harold Bardonille
5800 Eighth Street, NW
Washington, DC 20011
(202) 291-7499.

Site inspection may be arranged by appointment on Monday through Friday between the hours of 9:30 AM and 4:00 PM.

Proposals will be accepted on Friday, April 30, 2008 by 4:00 PM.

DC STATE BOARD OF EDUCATION

NOTICE OF LEARNING STANDARDS AVAILABLITY

The draft Academic Standards for The Arts: Dance, Music, Theater and Visual Arts are available for public review.

Copies of the draft learning standards can be obtained by downloading them from the Office of the State Superintendent of Education website at:

www.osse.dc.gov

or by contacting:

Beverley R. Wheeler
Executive Director
State Board of Education
(202)741-0888

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, 2007 through June 30, 2008. Vendor must be on approved auditor list from DCPCSB.
2. Accounting/Financial Management Services for school year July 1, 2008 - June 30, 2009.
3. Contracting individuals/agencies to fulfill needs in the following areas: Occupational Therapy, Speech-Language Therapy, Special Education, English Language Learners, Counseling. Only licensed, independent and responsible professionals who have experience working in a school environment need apply.
4. Interior and Exterior Building Cleaning Provider for 40,000 sq. foot internal school space and entrance ways to the Northeast Campus for school year July 1, 2008- June 30, 2009.
5. Interior and Exterior Building Cleaning Provider for Northwest Campus for school year July 1, 2008- June 30, 2009.
6. HVAC maintenance services for school year July 1, 2008- June 30, 2009.
7. Liability Insurance for facility for school year July 1, 2008- June 30, 2009.
8. Staff health insurance (medical and dental) benefits for school year September 1, 2008- August 30, 2009.

Questions may be e-mailed to wedjpcs@wedjschool.us with the subject line as the type of service. Deadline for submissions is May 23, 2008. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

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

WILLIAM E. DOAR, JR. PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

I. Purpose

The purpose of this Request for Proposals ("RFP") is to identify qualified firm(s) to serve as Senior Managing and/or Co-Managing Underwriter for prospective revenue refunding bond financings for the William E. Doar School for the Performing Arts (the "WEDJ School") projected issuance of the Series 2008 Revenue Bonds. The selected Underwriter(s) will work as part of a financing team that includes the WEDJ School's Financial Advisors (Phoenix Capital Partners) and Bond Counsel (Orrick Herrington & Sutcliffe).

II. Financing Schedule

Expected Sale Date: August - September 2008
Proposals Due: April 25, 2008 5:00PM EST

III. Information on General Requirements, Specific Requirements, and the Evaluation and Award can be found on the RFP page of WEDJ School's website at

www.wedjschool.us/rpf.html.

Questions maybe emailed to wedjpcs@wedjschool.us

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17724 of Francis Fabrizio and Glen Thomas, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of eight (8) row dwellings under section 353, in the R-5-A District at premises northwest corner of the intersection of 50th Street and Fitch Place, N.E. (Square 5181, Lots 40-43, 55 and 803).

HEARING DATE: February 26, 2008
DECISION DATE: April 1, 2008

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 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.

The ANC

The ANC did not participate in the public hearing. However, it submitted a letter signed by Commissioner Catherine Woods, dated January 18, 2008, stating that it was opposed to the application, and also stating that it would submit a "detailed response as required [in] Section 3115.1 [of the Zoning Regulations]. Section 3115.1 of the Regulations enumerates the information required for ANC reports to be afforded great weight by the Board, notably if and when the ANC meeting was held, if the meeting was publicly noticed, a vote on a motion to adopt the report to the Board, and whether a quorum of commissioners was present at the meeting.

The ANC submitted a second letter dated February 14, 2008, also signed by Commissioner Woods, stating that the ANC discussed the application with the applicant, and its views had not changed. The letter also requested that the Board postpone the February 26, 2008

hearing "pending the outcome of further meeting(s)" between the applicant and the ANC "to discuss other possibilities for the site in question."

Under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Code § 1-309.10(d)(3)(A), (the ANC Act), the Board must give great weight to the issues and concerns raised in the written report of the affected Commission. Except for identifying the application and public meeting date, neither ANC letter met the requirements of the ANC Act (as restated in § 3115 of the Board's rules) related to the official action of Advisory Neighborhood Commissions. As a result, neither letter was afforded great weight. Further, the letters stated only that the ANC was opposed to the application. The letters did not explain why the ANC was opposed, only that it wished to discuss other possible development with the applicant. Thus, even were the Board to have waived its rules and afforded the letters great weight, there were no specific issues or concerns for the Board to address.

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 § 3104.1, for special exception under section 353. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 353, 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.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** per revised plans **Exhibit No. 32** of the record.

VOTE: **4-0-1** (Ruthanne G. Miller, Mary Oates Walker, Shane L. Dettman to approve, Marc D. Loud to approve by absentee ballot; No Zoning Commissioner participating)

BZA APPLICATION NO. 17724
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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 07 2008

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

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

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

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

SG/TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17728 of Family Place, pursuant to 11 DCMR § 3104.1, for a special exception for a community service center (last approved under BZA Order No. 16910) under section 334, in the R-5-B District at premises 3309 16th Street, N.W. (Square 2676, Lot 469).

HEARING DATE: March 11, 2008
DECISION DATE: April 1, 2008

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A 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 special exception under section 334. 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 334, 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. 17728
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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 be **GRANTED, SUBJECT to the following CONDITIONS:**

1. Approval shall be for a term of **FIVE (5) YEARS** from the final date of this order.
2. There shall be two (2) parking spaces provided on site.
3. The hours of operation shall be from 9:00 a.m. to 7:30 p.m., Monday through Friday, with occasional meetings on weekends or weeknights.
4. The number of full time employees shall not exceed 13.
5. There shall be a maximum of 45 persons on site at any given time.
6. Trash shall be picked up from the center two (2) times per week. Bulk trash shall be kept inside the building and shall not be placed outside more than 24 hours before removal is scheduled.
7. Dusk-to-dawn lighting shall be installed and maintained on the front and rear of the building.
8. New bilingual (English and Spanish) signage shall be placed and maintained on the front porch indicating that:

   a. donations are accepted only during regular business hours; and
   b. there is to be no loitering.

9. The Family Place shall hold a meeting with its neighbors on a quarterly basis to discuss operations of the center. Such meeting shall be advertised by flyer to all homes in the 3300 block of 16th Street, N.W. and to Advisory Neighborhood Commission 1A and the Single Member District Commissioner for ANC 1A05.

VOTE: **5-0-0** (Ruthanne G. Miller, Curtis L. Etherly, Jr., Mary Oates Walker and Shane L. Dettman to approve; Marc D. Loud to approve by absentee vote)

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

FINAL DATE OF ORDER: APR 07 2008

BZA APPLICATION NO. 17728
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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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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. 17741 of Fort Lincoln – Eastern Avenue LLC, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception under section 353 (New Residential Development) and section 2516 (Theoretical Lot), and variance relief from the floor area ratio and side yard requirements under section 2516, to construct 56 residential dwelling units (28 stacked townhouses in 4 separate buildings) in the R-5-A and R-5-D Districts on property bounded by Bladensburg Road, N.E., Eastern Avenue, N.E., and Fort Lincoln Drive, N.E. (Square 4325, Lots 44, 802 and Parcel 174/15).

SUMMARY ORDER

HEARING DATE: April 1, 2008
DECISION DATE: April 8, 2008

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. The Applicant modified the requested variance relief at the public hearing.

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) 5A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5A, which is automatically a party to this application. The ANC 5A12 Single Member District Commissioner testified in support of the application. However, no official report from ANC 5A was filed in the record of this case. 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 § 3104.1, for special exceptions under sections 353 and 2516, and a variance pursuant to § 3103.2 from the requirements of section 2516. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 353, and 2516 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. 17741
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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 2516, 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 23 - Plans) be **GRANTED**.

VOTE: **4-0-1** (Ruthanne G. Miller, Shane L. Dettman, Mary Oates Walker 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 09 2008

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

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

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

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

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

Appeal No. 17444[1] of Kuri Brothers, Inc. pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Department of Consumer and Regulatory Affairs (DCRA) on August 4, 2005 to revoke Certificate of Occupancy No. 33951 for the use of the premises at 4221 Connecticut Avenue, NW, as an "Automotive Service Center", and from the administrative decision of August 4, 2005 to revoke Certificate of Occupancy No. 33914 for use of the premises at 4225 Connecticut Avenue, NW. as an "Automotive Service Center".

HEARING DATES: April 25, 2006, September 19, 2006, October 3, 2006, and November 28, 2006

DECISION DATES: April 25, 2006, March 6, 2007, and April 3, 2007

DECISION AND ORDER

This consolidated appeal was filed on September 30, 2005 with the Board of Zoning Adjustment (the Board). The appeal challenges decisions by DCRA to revoke two certificates of occupancy for the premises located at 4221 and 4225 Connecticut Avenue, NW (the "4221 C of O" and the "4225 C of O"). On April 25, 2006, the Board voted to deny the appeal of the 4221 C of O revocation without a hearing because none of the pertinent facts had changed since the Board upheld (and the Court of Appeals affirmed) the revocation of the immediately preceding C of O for the same use. In addition, the Board concluded that it lacked the subject matter jurisdiction to consider the constitutional claims raised by Kuri. After a full hearing regarding the 4225 C of O, the Board found that the C of O had been properly revoked and denied that portion of this appeal. A discussion of the facts and law follows.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Public Hearing

This appeal was filed with the Board on September 30, 2005 (Exhibit 1) challenging DCRA's decisions to revoke two C of Os authorizing Kuri Brothers to use its premises at 4221 and 4225

[1] The appeal number of this case was erroneously referred to as including an "A" during certain portions of this proceeding.

Connecticut Avenue, NW, as an "Automotive Service Center". In accordance with 11 DCMR § 3113.4, the Office of Zoning mailed notice of the hearing to the Appellant, ANC 3F (the ANC within whose Commission the boundaries of the subject property is located), the property owner and DCRA.

Parties

Appellant

Appellant, Kuri Brothers, Inc., (Kuri) is a corporation organized under the laws of the District of Columbia, and is the lessee of the premises at 4221 and 4225 Connecticut Avenue. Kuri is also the owner and operator of "Van Ness Auto Care", a business which is located at the property. Kuri was represented by the law firm of Roetzell & Andress, LPA, initially by Tamir Damari, Esq., and later by Stanley Goldschmidt, Esq., and Thomas Rosenberg, Esq.

DCRA

The Appellee, DCRA, is the agency of the government of the District of Columbia that is authorized, among other things, to issue certificates of occupancy. Title 12A DCMR, § 110. DCRA was represented by Assistant Attorney General, Matthew Green, Jr., Esq. The Zoning Division of DCRA is headed by the Zoning Administrator (ZA) and is part of the Building and Land Regulation Administration (BLRA), which is, in turn, part of DCRA. The ZA is charged with administering and enforcing the Zoning Regulations. *Id.* At the time this appeal was filed, William Crews was the ZA. Mr. Crews testified at the public hearing on behalf of DCRA.

The Affected ANC

ANC 3F, as the affected ANC, was automatically a party to the appeal by virtue of 11 DCMR § 3199.1(a) and was represented at the public hearings by Commissioner Karen Perry.

ANC Report

In a resolution dated April 10, 2006, issued after a regularly scheduled monthly meeting with a quorum present, the ANC voted to oppose the appeal (Exhibit 14). Among other things, the ANC stated in its report that Kuri had been unlawfully operating an automobile repair garage at the 4221 property for "at least 16 years" The ANC report also described the operations at the 4225 property, noting that there was an existing motor vehicle fueling station, a service office for customers of the 4221 repair garage, and two service bays for automobile repairs. The ANC filed several documents detailing past enforcement steps taken by DCRA regarding the 4221 property; *i.e.*, prior civil infraction cases initiated against Kuri by DCRA for illegally operating a repair garage and prior Board appeals (Exhibit 19). The ANC also filed a supplemental report supporting DCRA's revocation of the 4225 C of O for an "automobile service center", stating that it did not object to the gas station use or the two existing service bays, as long as the service

bays were used for "minor repairs [which were] incidental to a gas station" (Exhibit 26). The supplemental report also stated that it "[did] not support [Kuri's] claim of laches [or] estoppel" (Exhibit 26).

Preliminary Matters

On October 2, 2006, DCRA filed a "Motion for Summary Judgment" with the Board, requesting that the Board sustain DCRA's revocation of the 4225 C of O. DCRA's motion for "summary judgment" was based upon prior determinations relating to the 4221 C of O. The Board heard argument on the motion and voted to deny the motion, finding there were material issues of fact in dispute, *i.e.*, the nature of the operations and activities at the 4225 premises. (T., November 28, 2006, p. 270-280)

On or about September 29, 2006, DCRA served Kuri with an "Order to Cease All Business Operations" at the 4221 premises. DCRA stated that Kuri continued to operate a repair garage at the premises despite DCRA's revocation of the 4221 C of O, and decisions by the Board sustaining DCRA's actions and the District of Columbia Court of Appeals affirming the BZA's determination. (Tab marked as Exhibit 1 appended to Exhibit 29)

In response, Kuri filed a motion to stay DCRA's enforcement of the "Order to Cease All Business Operations" at the 4221 premises (Exhibit 29). The Board denied Kuri's request for a stay, finding there was no likelihood of success on the merits, denial of the stay would not cause irreparable injury to Kuri, granting the stay would harm the neighborhood, and, it is not in the public interest to grant a stay.

FINDINGS OF FACT

The 4221 Connecticut Avenue C of O

1. DCRA issued C of O No. B 00181657, dated August 12, 1998 to Kuri for an "Automobile Service Center" at 4221 Connecticut Avenue, NW (1st 4221 C of O).

2. As a result of a changer in the property owner of 4221 Connecticut Avenue, DCRA issued C of O 33951 (2nd 4221 C of O), dated May 15, 2002. Although no change in use was requested, the actual description of the use was changed from "Automobile Service Center" to "Automotive Service Center".

3. A little over a month later, on June 27, 2002, DCRA issued a written Notice of Intent to Revoke the 1st 4221 C of O. A final notice revoking the 1st 4221 C of O was issued August 19, 2002. Neither notice mentioned the 2nd 4221 C of O, which therefore remained in effect.

4. DCRA premised its revocation on 12A DCMR § 118.4.1 (now 12A DCMR § 110.5.1), which provides that a certificate of occupancy may be revoked, "if the actual occupancy does

not conform with that permitted".

5. The Board denied Kuri's subsequent appeal by written order dated September 8, 2003 (Kuri I).

6. The Board found that Kuri had been operating an automobile "repair garage" at 4221 Connecticut Avenue, NW and reasoned that since a repair garage was not a use permitted by right in a C-3 zone district, Kuri's operations could not and did not conform with whatever its C of O intended to permit.

7. Kuri petitioned the District of Columbia Court of Appeal's to review the BZA decision on September 24, 2003.

8. Almost a year later, on August 4, 2005, DCRA issued a notice of revocation for the 2nd 4221 C of O. This time, DCRA relied upon 12A DCMR § 110.5.3, which authorizes the DCRA Director to revoke a C of O "found to have been issued in error."

9. Kuri then timely filed the instant appeal.

10. In addition to asserting that the C of O was properly issued, Kuri also alleged that DCRA violated the Constitution of the United States by revoking the C of O without a hearing and by allowing others to engage in similar operations in the same zone district.

11. On Feb. 2, 2006, the District of Columbia Court of Appeals (DCCA) issued a decision affirming the Board's decision in Kuri I. *Kuri Bros., Inc. v. District of Columbia Bd. of Zoning Adjustment*, 891 A. 2d 241 (D.C. 2006).

12. The decision found that:

    a. 4221 Connecticut Avenue, N.W., is in an area zoned "C-3-A";
    b. Operation of a "repair garage" is not permitted in a C-3-A zone without a special exception;
    c. The BZA's finding that Kuri was operating a repair garage was supported by substantial evidence of record;
    d. Kuri was never granted a special exception to operate a repair garage at 4221 Connecticut Avenue;
    e. The BZA's conclusion that the 1st 4221 C of O was not intended and could not be construed to allow operation of a repair garage was supported by substantial evidence; and
    f. DCRA did not unreasonably delay enforcement once it became aware that Kuri was operating a repair garage on the premises and therefore *laches* was not an available defense.

13. It is not disputed that the operations at 4221 Connecticut Avenue existing as of the date that the 2nd 4221 C of O was revoked did not materially differ from the operations found by the BZA in Kuri I to fall within the definition of a repair garage.

14. As explained in greater detail in the conclusions of law, because the facts in Kuri I are identical to those before the Board in this appeal, the conclusions made in Kuri I, as summarized in Finding of Fact No. 6 above, and as affirmed by the DCCA, is binding upon the parties.

The 4225 Connecticut Avenue C of O

A. Events leading to the Appeal

15. The subject property is located at 4225 Connecticut Avenue, NW, Square 2051, Lot 5 (the 4225 premises). The property is owned by Van Ness, Inc. and leased by Kuri.

16. DCRA issued C of O No. 33914, dated May 15, 2002, to Kuri for an "Automotive Service Center" at 4225 Connecticut Avenue, NW, 1st Floor, (the 4225 C of O).

17. At that point in time, Kuri did not operate the gasoline filling station located on the premises, but took over that operation at some time between 2003 and 2004 (Hearing transcript (Tr.) pp. 366-367.

18. Kuri advised DCRA of the type of repairs that would be carried out on the premises. The operations Kuri engaged in at the 4225 premises prior to the revocation, as described in Findings of Fact 30 through 36, *infra*, are substantially similar to what DCRA intended to authorize when it issued the certificate of occupancy.

19. Kuri does not claim to have made significant improvements to the property after receiving the C of O.

20. The 4225 C of O was revoked by a notice of revocation issued on or about August 4, 2005, the same date on which the 2nd 4221 C of O was revoked.

21. The notice asserted that DCRA had concluded that "an automobile service center[2] use was not an appropriate use in a C-3-A zone" and that the revocation of a similar C of O for "that same operation at a different location" had been affirmed by the BZA in Kuri I.

22. Kuri timely appealed this administrative decision, asserting that the Zoning Administrator has the discretion to issue C of O's for uses other than those expressly stated in the Zoning Regulations and has done so in many similar instances.

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[2] As pointed out by the Appellant in its proposed findings of facts, the C of O was issued for an Automotive Service Center, not an Automobile Service Center.

23. Kuri also asserted the same constitutional claims it made in the first portion of this appeal, but also asserted that DCRA's enforcement actions against the 4225 premises was motivated by its animus towards Kuri arising from the as yet unsuccessful efforts to close the 4221 Connecticut Avenue operations.

B. Permitted uses on the subject property

24. The property is located in the C-3-A zone district.

25. A gasoline service station operates on the premises.

26. The definition of a "gasoline service station" specifically excludes a "repair garage", but includes "incidental services" and the "minor repair of tires, batteries, or other automobile accessories", 11 DCMR § 199.1.

27. In addition to the matter of right uses permitted in a C-3 zone, 11 DCMR § 741.4 also permits as a matter of right any "[o]ther service or retail use similar to that allowed [in a C-3 zone district]..., including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises."

28. Accessory uses are also allowed if "customarily incidental and subordinate to the uses permitted in C-3 Districts", 11 DCMR § 742.3.

29. Operating an automotive "repair garage" in a C-3 zone requires special exception approval by the Board, 11 DCMR § 743.1.

30. A "repair garage" is defined as "a building or other structure, or part of a building or structure, with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping, or other motor vehicles maintenance or repair", 11 DCMR § 199.1.

C. Activities conducted at the 4225 premises

31. At the times the subject C of 0 was revoked, the 4225 premises had six to eight gas pumps, a small express food mart and three service bays. Two of the service bays had lifting capacity and were to be used for automobile repairs. The third bay is without lifting capacity and served as an office area and as a flat service bay.

32. In the addition to and separate from the fueling of motor vehicles, Kuri offered maintenance and repair services including oil and tire changes, fluids checks, exhaust, brake, and air conditioning work, tune-ups, electrical, heating and tire repairs, emissions tests, and such work as was required to cure defects noted in Department of Motor Vehicle safety inspections.

33. The business did not offer "body and fender repair, painting, rebuilding, reconditioning, or upholstering", 11 DCMR § 199.1 (definition of "repair garage").

34. On a typical day there would be anywhere between three and twenty cars on the 4225 premise being given these services. (Exhibit 38, p. 8, para. 3, citing T., p. 358).

35. The Sales and Invoice Summary submitted by Kuri indicates an average customer bill of $311.50 for repair services.

36. According to Kuri, "the repair business is based on the model of the customer dropping off a car in the morning on the way to work and picking up the car by the end of the day. When there are too many cars to be worked on simultaneously, the excess cars are parked in the neighboring underground garage, and not on the neighborhood streets." (Excerpt from Appellant's Proposed Findings of Fact and Conclusions of Law, Exhibit 38, p. 8, para. 2, citing T., p. 342).

CONCLUSIONS OF LAW

Jurisdiction

Section 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07, authorizes the Board of Zoning Adjustment to "hear and decide appeals where it is alleged by the Appellant that there is error in any order, requirement, decision, determination, or refusal made by the [Director of the Department of Consumer and Regulatory Affairs] or the Mayor of the District of Columbia or any other administrative officer or body in the carrying out or enforcement of any regulation adopted pursuant to [the Act]". Among Appellant's assertions is that its C of Os were revoked without a hearing, which Appellant believes violates the procedural due process guaranteed by the Fifth Amendment to the Constitution of the United States.[3] Appellant also alleges that DCRA violated the Constitution because it has allowed others to engage in the same activities and because this enforcement action was motivated by DCRA's animus towards Kuri.

The rules that establish the grounds and the process for revoking a certificate of occupancy are not in the Zoning Regulations, but in § 110 of the Construction Codes Supplement (DCMR 12A). The Board has no jurisdiction to hear allegations of error concerning the DCRA Director's interpretation of a provision not contained in the Zoning Regulations, *Appeal No. 03-0001(Peter Choharis)*, 51 DCR 8210 (2004). Neither can it declare this or any other regulation unconstitutional, *Appeal No. 17504 of JMM Corporation*, 54 DCR 9871 (2007) (Board can hear, but not decide, an applied takings claim). Similarly, DCRA motivations for taking an enforcement action are not germane to the question of legal error, at least in terms of this Board's

[3] Although the Fifth Amendment does not apply directly to the states, it does so apply to the District. *Bolling v. Sharpe*, 347 U.S. 497, 499 (U.S. 1954).

administrative mandate. Therefore, the Board dismissed this aspect of the appeal as being beyond its subject matter jurisdiction.

The 2nd 4221 C of O Revocation

The Board voted to deny the appeal of the 2nd 4221 C of O revocation without a hearing. It did so because there was no dispute that the repair operations taking place at the subject property had not changed materially since the 1st 4221 C of O was revoked. Because the facts had not changed, neither should the result.

Kuri is bound by the Board's prior determination under the doctrine of issue preclusion, which "prevents the same parties from relitigating an issue actually decided in a previous final adjudication whether on the same or a different claim." *Rhema Christian Center v. District of Columbia Bd. of Zoning Adjustment*, 515 A.2d 189, 193 (D.C. 1986). A similar circumstance was presented to the Board in *Appeal No. 16679-A of Spring Valley Wesley Heights Citizens Association,* 52 DCR 6007A (2005), which challenged a building permit because it authorized the same substandard driveway as the Board had rejected in a prior proceeding involving the same property. The Board summarily granted the appeal because the:

> issue had already been litigated and decided by the Court of Appeals... [T]he Board has already concluded that the original garage permits were erroneously issued due to the too-narrow easement width, and nothing has changed with respect to the width of the easement since this conclusion was made. ... [T]he Intervenor is bound by the Board's earlier conclusion and cannot re-litigate it.

Id. at 6014.

The same principles apply here. No change occurred in the operations taking place at the 4221 Connecticut Avenue address between the dates of the first and second revocations. The Board in Kuri I found that those operations constituted a repair garage and the DCCA found there was substantial evidence to support that conclusion. The Board also concluded that since a repair garage is not a matter of right use, and Kuri was never granted a special exception, those operations must exceed whatever its C of O might have allowed. The DCCA agreed with this as well. Nor does it matter that the first word of the use in the 2nd 4221 C of O changed from "automobile" to "automotive". Based upon the representations of the parties, the DCCA found that "the new C of O (# CO33951),...merely reflected a change of property ownership," *Kuri*, 891 A.2d at 244.

That DCRA cited a different ground for the revocation is also irrelevant. Just as "an appellate court may sustain a correct judgment on a ground different from that adopted by the trial court", *Max Holtzman, Inc. v. K & T Co., Inc.*, 375 A.2d 510, 513 (D.C. 1977), this Board may sustain this revocation based upon 12A DCMR § 110.5.1 (different occupancy than authorized) rather than 110.5.3 (C of O issued in error).

Nevertheless, the Board's disposition of the second portion of this appeal also permits it to sustain this revocation based upon the C of O being issued in error. As will be explained below, the Board has determined the 4225 Connecticut Avenue operations are less intensive than a repair garage, but nevertheless exceed what DCRA could have lawfully authorized. If DCRA erred when it issued a C of O for an "automotive repair center" at the 4221 premises, it follows that is also erred when it issued a C of O for the exact same use at the 4221 Connecticut Avenue location.

The 4225 Appeal

This portion of the appeal concerns how the Zoning Administrator may satisfy the requirement of 11 DCMR § 3203.8 (a) that uses designated on a C of O shall "be in terms of use classification that is established by this title" when the ZA believes that the use in question falls within the scope of § 741.4. That subsection follows §§ 741.2 and 741.3, which list specific uses allowed in a C-3 District. Subsection 741.4 then indicates that:

> Other service or retail use similar to that allowed in §§ 741.2 and 741.3 shall be permitted in a C-3 District, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.

Clearly the section recognizes that there are other permitted uses in a C-3-C District other than those stated in to §§ 741.2 and 741.3. The question then is how those uses get described on a C of O? Appellant offered testimony of former Zoning Administrator Gladys Hicks, who indicated that the past practice of DCRA was to select a term that best described the use, which DCRA did in this instance when it selected "automotive service center". Bill Crews, the Zoning Administrator in place at the time of the hearing, acknowledged the past practice, but believed it violated § 3203.8 (a) because such a description was not a "use classification ... established" in Title 11. (Tr. 451). Instead, Mr. Crews testified that certificates of occupancy issued in these circumstances indicate; (1) the "service or retail use" that the § 741.4 use is "similar to" or "clearly incidental to"; and (2) the nature of the § 741.1 use. As an example, Mr. Crews noted that he had recently approved a C of O for a "braiding salon", which was a use similar to a "beauty shop". The C of O was issued using both terms (Tr. 452).

The Board agrees with Mr. Crews and finds that the use designated on the 4225 C of O was not "in terms of use classification that is established" in Title 11. For this C of O to have been lawful it should have stated "Gasoline service station existing on May 12, 1958[4] - automotive service center" as the designated use.

However, even if it had done so, its issuance would still have been in error because it conferred more authority to Kuri than is permitted as a matter-of-right. Specifically, the Board finds that the term "automotive service center" as it was understood by DCRA at the time this C of O was

[4] This use is permitted in C-1 zones pursuant to § 701.1 (h) and is carried through to the C-3 zone by §§ 721.1 and 741.1.

issued, involved activities that were not "clearly incidental to the conduct of a permitted service or retail establishment on the premises".

The Board credits Kuri's contention that the activities being carried out at the 4225 premises were more or less what DCRA thought it was authorizing when the C of O was issued. Therefore, the Board concludes, based upon findings of facts 30 through 36, that the Zoning Administrator, in May of 2002, believed that the term "automotive service center" meant a facility, other than a repair garage, where motor vehicles are dropped off in the morning and picked at the end of the day for such services as oil and tire changes, fluids checks, exhaust, brake, and air conditioning work, tune-ups, electrical, heating and tire repairs, and emissions tests.

Kuri urged the Board to focus on the nature of the work performed rather than the relation of that work to the existing gasoline station use. Kuri relied upon the fact that the term "minor repairs" .is not defined in 11 DCMR § 1991.1. However, the term "minor repair" is found only in the definition of "gasoline service station " and used to identity what types of repair may be performed without the need for a separate C of O. Here, Kuri has recognized the need for a C of O for the type of repairs being undertaken; which makes the entire issue of "minor repair" irrelevant.

Alternatively, Kuri argues in its proposed conclusions of law that "the phrase 'Automotive Service Center' must be understood to allow activities beyond those which may be performed at a gasoline service station but short of <u>all</u> of those activities that may be performed at a repair garage" (emphasis supplied). The Board disagrees that any repair use less intensive than a repair garage is permitted. Subsection 741.4 does not focus on the intensity of a proposed repair use, but rather on the relationship between the existing and proposed uses, requiring that the latter must be "clearly incidental to the conduct of a permitted service...establishment on the premises," in this instance a gasoline service station.

The Board must first look to the meaning of the term "incidental", a term which is not defined in the Zoning Regulations. Section 199.2(g) of the Regulations provides that "[w]ords not defined in this section shall have the meanings given in Webster's Unabridged Dictionary. Relevant portions of the definition of "incidental" are: "subordinate or attendant in position or significance." Webster's Third New International Dictionary, (Unabridged) (1986). Since a use that is "subordinate to the uses permitted in C-3 Districts" is considered an accessory use under 11 DCMR § 742.3, the focus becomes whether the repair operations will be attendant in position or significance to the gasoline service station operations.

In the Board's view, the automotive service center use authorized in 2002 by the then Zoning Administrator was to be and remains entirely independent of the gasoline service station use. At least three factors support this conclusion. First, customers in need of repairs drop off their cars for the day; they do not get their cars repaired in connection with the purchase of gasoline. Second, the average car repair bill exceeds $300, whereas the average cost for gasoline does not

come close to this amount. Third, the volume of the repair business is significant (three to twenty cars per day) and is not driven by the gas station business. In addition, not only were these activities occurring at the time that the C of O was issued, but Kuri was not even operating the gasoline service station activity to which it claims these repair operations were clearly incidental.

An additional factor to consider when determining whether an activity falls within the matter of right uses permitted by § 741.4 is whether the proposed use would tend to have adverse impacts separate from the existing use. The potential for such impacts would warrant a conclusion that the proposed use is not one that would customarily be permitted as of right. In this instance, the additional amount of vehicular traffic and the potential for queuing on public space makes it unlikely that an automotive service center should be permitted as of right in a mixed use commercial zone such as C-3-A. At a minimum, such a use would require the type of case-by-case review undertaken in special exception proceedings. Kuri's assertion that this niche of repair work did not exist when the current version of the Zoning Regulations was adopted in 1958 only proves this point. For if true, it is for the Zoning Commission, not the Zoning Administrator, to determine the locations and circumstances under which this new use may be permitted.

For these reasons, the Board finds that the certificate of occupancy authorized activities that were not clearly incidental to the gasoline service station use, but authorized a separate and distinct use involving activities that exceeded what could have been permitted as a matter of right in a C-3 zone district. DCRA erred in issuing the certificate of occupancy, but did not err in revoking in on that ground.

Kuri nevertheless argues that DCRA should be precluded from revoking the C of O by invoking the equitable doctrines of estoppel and laches.[5] Kuri claims (1) that the District Government explicitly authorized the current uses at the property; and (2) DCRA has routinely authorized "automobile service centers" in the C-3-A zone, and that these businesses operate in a manner which is identical to Kuri's use of the property. As will be explained below,
Kuri has not established the elements of estoppel or laches.

The elements that must be shown in order to raise an estoppel against enforcement of a zoning regulation are: (1) that a party, acting in good faith, (2) on affirmative acts of a municipal corporation, (3) makes expensive and permanent improvements in reliance thereon, and (4) the equities strongly favor the party seeking to invoke the doctrine. See, *Saah v. District of Columbia Bd. of Zoning Adjustment*, 433 A.2d 1114 (D.C. 1981); *Wieck v. District of Columbia Bd. of Zoning Adjustment*, 383 A.2d 7 (D.C. 1978).

[5] Kuri did not discuss these arguments in his Proposed Findings of Fact and Conclusions of Law (Exhibit 38). However, he raised these issues in his initial Appeal documents (Exhibit 1) and in his Pre-Hearing Brief (Exhibit 23). Consequently, the Board will address them herein.

Kuri claims to have relied in good faith on DCRA's issuance of the certificate of occupancy for "automotive service station". DCRA and the ANC point out that an ALJ had previously found such a use category suspect. However, Kuri believed that this ruling was erroneous and therefore could in good faith rely on DCRA's apparent agreement with that view. However, there will always be a degree of uncertainty whenever the Zoning Administrator authorizes a use under § 741.5, since that official is making an entirely subjective decision that this Board may later find erroneous. In any event, the Appellant has not shown or even alleged that any expensive and permanent improvements were made in reliance of the C of O approval. Indeed, the evidence showed that the repair functions were occurring before the C of O was applied for, but that Kuri requested the certificate in order to placate community concern. Nor has he shown that the equities strongly favor Appellant, but instead, they favor the public's interest in stopping an unlawful use and in encouraging DCRA to correct its errors.

Nor is DCRA guilty of laches. As noted by the DCCA in rejecting a similar claim made in Kuri I:

> "Laches is the principle that 'equity will not aid a plaintiff whose unexcused delay, if the suit were allowed, would be prejudicial to the defendant.'" *American Univ. Park Citizens Ass'n v. Burka, 400 A.2d 737, 740 (D.C. 1979)* (quoting *Russell v. Todd, 309 U.S. 280, 287, 60 S. Ct. 527, 84 L. Ed. 754 (1940))*. The party asserting laches has the burden of establishing both that it was prejudiced by the delay and that the delay was unreasonable. *Sisson v. District of Columbia Bd. of Zoning Adjustment, 805 A.2d 964, 972 (D.C. 2002).* In the zoning context, the defense of laches is judicially disfavored because of the public interest in enforcement of the zoning laws. *Id.* at *971*. Accordingly, "laches is rarely applied in the zoning context except in the clearest and most compelling circumstances." *Id.* (internal quotation marks and citations omitted).

Kuri Bros., Inc. v. District of Columbia Bd. of Zoning Adjustment, 891 A. 2d 241, 248 (D.C. 2006).

Kuri has not established that the District's enforcement actions were delayed, let alone that he has been prejudiced in any way. It is apparent that DCRA waited until the BZA decided Kuri I before it sought to revoke the subsequently issued C of O. This cannot be legitimately considered a delay, but a reasonable enforcement decision. As noted in the estoppel discussion, Kuri did not undertake significant improvements during the period when Kuri I was pending, and any expenditure it did make was at its own risk.

Lastly, Kuri argues that revocation is contrary to public policy, relying chiefly on § 10-231 of the Retail Service Station Act of 1976, effective April 19, 1977 (D.C. Law 1-123; D.C. Official Code § 36-304.01), which prohibits the conversion of "a full service retail service station" into a "nonfull service facility." This legislation presumptively is only addressed to lawful operations and cannot be reasonably interpreted as favoring a policy of allowing the continuation of unlawful uses, such as those occurring at the 4225 premises. In addition, Appellant's admission

that it is operating as a full service retail service station bolsters the Board's conclusion that this use is not clearly incidental to the existing gasoline station use.

ANC

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended; D.C. Official Code § 1-9.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's written recommendations. As explained above, ANC 3F voted to oppose the appeal. For reasons discussed above, the Board finds the ANC's advice to be persuasive.

For all of these reasons, the Board concludes that the revocation notices were not issued in error. Therefore, for the reasons stated above, it is hereby **ORDERED** that the appeal is **DENIED**.

Vote taken on April 3, 2007

VOTE: **3-1-1** (Curtis Etherly, Jr., John A. Mann II, and Carol Mitten in support of the motion to deny; Ruthanne G. Miller voting against the motion to deny; and Geoffrey H. Griffis, whose term expired, not voting)

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

FINAL DATE OF ORDER: APR 09 2008

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17594 of Minshall Stewart Properties LLC on behalf of Donohoe Wilmington Associates LP, pursuant to 11 DCMR § 3103.2, for a variance from the court width requirements under section 776, a variance from the transferable development rights forty-five degree setback requirement under subsection 1709.20, and a special exception from section 2516 for multiple buildings on a single record lot, to allow the redevelopment of an office and retail building in the C-3-C District at premises 2175 K Street, N.W. (Square 73, Lots 883 and 884).

Note: The Applicant withdrew a request for a variance from section 2201, and the Board denied variance relief from subsection 2516.7.

HEARING DATES: April 17, 2007, June 19, 2007, November 20, 2007, January 15, 2008

DECISION DATE: February 12, 2008

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2A, the Office of Planning (OP), and to owners of property within 200 feet of the site. The OP submitted reports in support of the application.

ANC 2A originally opposed the application, but, at a regularly-scheduled and properly-noticed meeting on February 20, 2008, with a quorum present, the ANC voted to withdraw this opposition. The ANC filed a letter dated April 4, 2008 with the Board memorializing its withdrawal of opposition and noting that such withdrawal is based on the Applicant's representation that it will abide by the cooperation agreements and construction management agreement it has entered into with the other former opposition parties. *See*, Exhibit No. 71.

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. The opposition parties, after having entered into Cooperation Agreements and a Development and Construction Management Agreement

with the Applicant, withdrew their opposition to the application. As such, no parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3103.2, 776 and 1709.20, 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.

The Board further concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2516, and 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.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITIONS:**

1. The project shall be constructed in accordance with the architectural plans marked as Exhibit 60 in the record.

2. The project shall include the construction and maintenance of a green roof on the roof of the eighth floor of the office building measuring approximately 2,200 square feet.

VOTE: **4-0-1** (Ruthanne G. Miller, Michael G. Turnbull, Marc D. Loud and Mary Oates Walker to Approve, Shane L. Dettman opposed to the motion)

BZA APPLICATION NO. 17594
PAGE NO. 3

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

FINAL DATE OF ORDER: APR 09 2008

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

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

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

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

WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT.

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

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