

**DISTRICT OF COLUMBIA ADVISORY COMMITTEE TO
THE OFFICE OF ADMINISTRATIVE HEARINGS**

PUBLIC NOTICE

**NOTICE OF REGULAR QUARTERLY MEETINGS
IN CALENDAR YEAR 2006/2007**

The District of Columbia Advisory Committee to the Office of Administrative Hearings ("Committee") hereby gives notice that the Committee will hold its regular quarterly meetings in Calendar on the dates listed below for the remainder of Calendar Year 2006 and for Calendar Year 2007. All regular quarterly meetings of the Committee will be held at the offices of Holland & Knight, 2099 Pennsylvania Avenue, N.W., Washington, DC 20006.

For further information, please contact the Office of Boards and Commissions on (202) 727-1372. The dates and times of the regular quarterly meetings of the Committee are as follows:

Friday, December 15, 2006 (8:30 a.m.)

Friday, March 9, 2007 (8:30 a.m.)

Friday, June 8, 2007 (8:30 a.m.)

Friday, September 14, 2007 (8:30 a.m.)

** Please Note: This schedule is subject to change.*

ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE TO THE PUBLIC

Alcoholic Beverage Control Board Order No. 2006-01

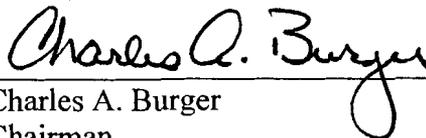
SUBJECT: Appointment – Director, Alcoholic Beverage Regulation Administration

ORIGINATING AGENCY: Alcoholic Beverage Control Board

By virtue of the authority vested in the Alcoholic Beverage Control Board under D.C. Official Code § 25-207(a) and in accordance with the advice and consent of the Council of the District of Columbia, pursuant to Council Resolution No. 16-690, dated June 20, 2006 (53 DCR 5451), it is hereby **ORDERED** that:

1. **MARIA M. DELANEY** is reappointed Director of the Alcoholic Beverage Regulation Administration for a term to end July 29, 2010.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 20, 2006.

By Order of the Alcoholic Beverage Control Board



Charles A. Burger
Chairman
Alcoholic Beverage Control Board

Dated this 6th day of September 2006

**THE CESAR CHAVEZ PUBLIC CHARTER
SCHOOLS FOR PUBLIC POLICY**

**NOTICE FOR SOLICITATION OF PROPOSALS TO
PROVIDE LITERACY AND EDUCATIONAL
CONSULTING SERVICES**

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for experts to provide literacy and school consulting services for its two schools. The projects we are seeking consulting expertise on include the training of teachers to serve as student literacy skill coaches, summer school curriculum development and training (with a literacy focus), curriculum alignment with DCPS standards, and the development of professional learning communities for teachers.

The Cesar Chavez Public Charter Schools will receive bids until COB October 6, 2006
Attn: Christy Gill, 709 12th Street, SE, Washington, D.C. 20003. A full RFP may be obtained by calling 202-547-3975 ext. 10.

**THE CESAR CHAVEZ PUBLIC CHARTER
SCHOOLS FOR PUBLIC POLICY**

**NOTICE FOR SOLICITATION OF PROPOSALS FOR
PHONE AND VOICE MAIL SYSTEM**

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for a phone and voice mail system.

The Cesar Chavez Public Charter High Schools for Public Policy will receive bids until October 6, 2006 at 5:00 p.m. Requirements and all necessary forms may be obtained from:

Christy Gill
709 12th Street, SE
Washington, D.C. 20003
(202)547-3975

DISTRICT OF COLUMBIA REGISTER

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

COMPUTER HARDWARE & COMPUTER SUPPLIES

Interested parties shall MAIL the response to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements as requested in this RFP in an envelope clearly marked "RFP—COMPUTER HARDWARE & COMPUTER SUPPLIES—to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
701 E Street SE
Washington, DC 20003

By no later than **4:00 PM on Friday, October 6, 2006**

Introduction

Friendship Public Charter School (FPCS) is seeking a firm to supply computer hardware, including desktops, laptops, & printers, and computer supplies.

FPCS is soliciting proposals and qualification statements from interested parties having specific interest and qualifications in the areas identified in this solicitation. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations by phone or in person and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Project Scope

SUPPLY COMPUTER HARDWARE AND COMPUTER SUPPLIES to Friendship Public Charter School.

Proposal Requirements

Proposals shall include, at a minimum, the following information organized as follows in a qualification statement:

1. A brief discussion of the company/firm, its organization, and products offered;
2. Pricing of Items (See Attachment A—List of items)
3. A proposed unsigned contract, which include terms, payments and amount contract not to exceed.

Applicants should respond to:

Catherine Somefun
Chief Financial Officer
Friendship Public Charter School
701 E Street SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at 202-675-6935.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

FOR ELECTRICAL SERVICES AND GENERAL CONTRACTORS

Interested parties shall MAIL the response to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements as requested in this RFP in an envelope clearly marked "RFP — "ELECTRICAL SERVICES AND GENERAL CONTRACTING" to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
701 E Street, SE
Washington, DC 20003

By no later than **4:00 PM on October 6, 2006.**

Introduction

FPCS is soliciting proposals and qualification statements from contractors to provide electrical services and general contracting oversight for the Facilities and Site Services department of FPCS. This will include some planned renovations at the District Office at 120 Q Street, NE Washington, DC 20002 and other related construction, renovation, and repair services at other FPCS school facilities for fiscal year 2007. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Project Scope

It is the intent of this Request for Proposal (RFP) to select a qualified contractor to provide Friendship Public Charter School with electrical services. The contractor should be able to provide the following services.

- a. Electrical Installation, Repair & Maintenance Services
- b. General Contracting Oversight

For the purposes of planning, and getting the best value for FPCS, it is estimated that the amount of work to be performed during the present fiscal year (FY 2007) shall be between \$75K and \$100K, although these figures should not be considered guaranteed amounts, and could vary due to the specific needs of FPCS.

Proposal Requirements

It is recommended that the submittals to this RFP include, at a minimum, the following information in a qualification statement, organized as follows:

1. A brief discussion of the company/firm, its history, and services offered.
2. Names and contact information of at least three client references.
3. A proposed unsigned contract, which include terms, payments and various rate schedules for the types of proposed work (normal weekday, weekend, after hours, etc.) and a not-to-exceed dollar amount for the contract. (This should include a description of expense costs, supply and material mark-up percentage, and any other cost deemed appropriate.)

Applicants should respond to:

Catherine Somefun
Chief Financial Officer
Friendship Public Charter School
701 E Street, SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at 202-675-6935.

FRIENDSHIP PUBLIC CHARTER SCHOOL INC.

REQUEST FOR PROPOSALS

PROFESSIONAL DEVELOPMENT CURRICULUM MAPPING

Interested parties shall respond to this RFP by submitting sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "PROFESSIONAL DEVELOPMENT CURRICULUM MAPPING", and addressed to:

Ms. Valerie Holmes
Friendship Public Charter School Inc.
701 Pennsylvania Avenue, SE
Washington, DC 20003

By no later than: **5:00 PM on October 6, 2006**

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

1. Introduction

Friendship is soliciting proposals and qualification statements from organizations having specific interest and qualifications in the areas identified in this solicitation. Qualification statements for consideration must contain evidence of the firm's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by Friendship includes the resumes of the staff to be assigned to the projects, references, illustrative examples of similar assignments, and any other requested information which will clearly demonstrate the firm's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and may request firms to make oral presentations. The selection committee will rely on the qualification statements in selection of finalists and, therefore, firms should emphasize specific information considered pertinent to this solicitation and submit all information requested.

2. Scope of Work

FPCS seeks an organization that can provide focused and intense professional development around the creation of 6 week units aligned to the new DCPS standards. The professional development must focus on backwards mapping of standards to unit and daily lesson plans. Along with initial professional development FPCS is looking for on-going professional development and coaching as teachers struggle to create aligned plans and assessments. The curriculum map should cover the entire 190 minutes and it should be built around lesson plans for 90 minute classes.

The curriculum maps must include concrete steps to identify the higher order thinking skills associated with each lesson. The lessons must be able to be aligned to an interim assessment that can be diagnosed to inform future instruction and differentiation of student learning.

The organization should be able to provide detailed reports to Friendship CAO and continuous opportunities for teachers to communicate either via telephone conference or email.

DISTRICT OF COLUMBIA REGISTER

4. Proposal Contents

The offer shall provide the following information in their qualification statement:

1. Organization's qualifications and experience demonstrates a history of providing services of a similar nature and scope as those required by this solicitation;
2. Client's name, contact person, telephone number, and description of services for at least three (3) similar or related assignments;
3. Unsigned contract which includes terms, payment schedule and total amount not to exceed.

The selection criteria will be established by the selection committee, and will include (i) qualifications of designated staff member, (ii) firm experience, and (iii) price.

Please address the proposal to:

Catherine Somefun
Chief Financial Officer
701 E Street, SE
Washington, DC 20003
Email: csanwo@friendshipschools.org

For further information, contact Ms. Valerie Holmes at (202) 675-6935 or e-mail at vholmes@friendshipschools.org.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

PRINTING SERVICES

Interested parties shall respond to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements as requested in this RFP in an envelope clearly marked "RFP—Printing Services" to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
701 E Street, SE
Washington, DC 20003

By no later than **4:00 PM on Friday, October 6, 2006.**

Introduction

FPCS is soliciting proposals and qualification statements from interested parties having specific interest and qualifications in the areas identified in this solicitation. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations by phone or in person and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Project Scope

It is the intent of this Request for Proposal (RFP) to select a qualified contractor to provide Friendship Public Charter School with quality printing services. Prospective candidates should be able to provide various school documents that are either informational or used for staff training purposes. Also the contractor should have the capacity to produce high volumes of quality documentation in a speedy and timely manor.

Proposal Requirements

Proposals shall include, at a minimum, the following information organized as follows in a qualification statement:

1. A brief discussion of the company/firm, its organization, and services offered;
2. Three references from clients, including at least one non-profit client (contact names and phone numbers).
3. A proposed unsigned contract, which include terms, payments, and total amount for contract not to exceed.

DISTRICT OF COLUMBIA REGISTER

SEP 29 2006

Applicants should respond to:

Catherine Somefun
Chief Financial Officer
Friendship Public Charter School
701 E Street SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at 202-675-6935.

**FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS
FOR LOCKSMITH**

Interested parties shall MAIL the response to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements as requested in this RFP in an envelope clearly marked "RFP — "LOCKSMITH" to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
701 E Street, SE
Washington, DC 20003

By no later than **4:00 PM on October 6, 2006.**

Introduction

FPCS is soliciting proposals and qualification statements from contractors to provide locksmith services for FPCS. These services will include the installation of key systems, replacing broken locks, and the cutting of keys, among other locksmith services. These services shall be provided at all FPCS facilities, including the District Office at 120 Q Street, NE Washington, DC 20002. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Project Scope

It is the intent of this Request for Proposal (RFP) to select a qualified contractor to provide Friendship Public Charter School with locksmith services. The contractor should be able to provide the following services.

- a. Re-keying locks and cylinders, including obtaining all materials including the restricted access keyways assigned to FPCS
- b. Replacing various door hardware related to key/lock access systems.
- c. Cutting keys
- d. Opening locks when keys are unavailable
- e. Maintaining records of all keys in use throughout FPCS

For the purposes of planning, and getting the best value for FPCS, it is estimated that the amount of work to be performed during the present fiscal year (FY 2007) shall be between \$75K and \$100K, although these figures should not be considered guaranteed amounts, and could vary due to the specific needs of FPCS.

Proposal Requirements

It is recommended that the submittals to this RFP include, at a minimum, the following information in a qualification statement, organized as follows:

1. A brief discussion of the company/firm, its history, and services offered.
2. Names and contact information of at least three client references.
3. A proposed unsigned contract, which include terms, payments and various rate schedules for the types of proposed work (normal weekday, weekend, after hours, etc.) and a not-to-exceed dollar amount for the contract. (This should include a description of expense costs, supply and material mark-up percentage, and any other cost deemed appropriate.)

Applicants should respond to:

Catherine Somefun
Chief Financial Officer
Friendship Public Charter School
701 E Street, SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at 202-675-6935.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY

PARKSIDE TERRACE APARTMENTS PROJECT

Notice of Intent to Issue Bonds

On October 2, 2006, the District of Columbia Housing Finance Agency intends to transmit to the Council of the District of Columbia a notice of the Agency's intent to issue \$25,000,000 in tax-exempt and/or taxable housing revenue bonds for the acquisition and rehabilitation of the Parkside Terrace Apartments Project located at 3700 9th Street, S.E. (the "Project"). The Project is a 12 story building with a proposed unit mix of 316 one (1) and two (2) bedroom units, 181 of which will be set aside for senior rentals with the remaining 135 units available to the general public. A minimum of 40% of the units, with a projected goal of 100% of the units, will be set aside for households with incomes at or below 60% of the area median income.

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

Application No. 17464 of Sherman Arms LLC, pursuant to 11 DCMR § 3104.1, for a special exception to allow a community service center under section 334, in the R-5-A District at premises 700 block (cul-de-sac) of 8th Street, S.E. (Square 6209, Lots 28-31).

HEARING DATE: May 9, 2006

DECISION DATE: June 6, 2006

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) 8D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8D, which is automatically a party to this application. ANC 8D submitted a report, dated May 1, 2006, in support of the application; however, the ANC treasurer also submitted a letter dated May 8, 2006, indicating that the ANC members subsequently removed the chairman and voted to rescind the approval expressed in the letter of May 1, 2006. The Board determined that neither "report" met the requirements under §3115 which would entitle the views of the ANC to great weight. The Board noted, however, that it heard from the ANC commissioners and members of the public and weighed very heavily all the concerns that were addressed.

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 334. No requests for party status were made and 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.

SEP 29 2006

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

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.

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.

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DISTRICT OF COLUMBIA REGISTER

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

Application No. 17475-B of Jemal's Giant LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the residential recreation space requirements under section 773, a variance from the side yard requirement under section 775 and pursuant to 11 DCMR 3104.1, for a special exception from the requirement that rooftop elements be placed in one enclosure under section 411, to allow the construction of a new 297 unit apartment building in the C-2-A District at premises 3460 14th Street, N.W. and 1439 Newton Street, N.W. (Square 2678, Lots 706, 832, and part of Lots 705 and 707).

HEARING DATE: May 23, 2006
DECISION DATE: May 23, 2006 (Bench Decision)
DECISION DATE ON MODIFICATION: September 19, 2006

**SUMMARY ORDER ON MINOR MODIFICATION
OF APPROVED PLANS**

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, however the report did not meet the requirements of §3115, entitling it to great weight. The Office of Planning (OP) also submitted a report in support of the application.

REQUEST FOR MINOR MODIFICATION OF PLANS

The above-captioned application was approved by the Board of Zoning Adjustment (Board) by Order Nos. 17475 and 17475-A, dated June 7, 2006 and June 14, 2006, respectively. On August 17, 2006, the applicant filed a motion (Exhibit 36) with the Board requesting to make a minor modification to the approved plans. The modifications involves 1. A request to reduce the number of parking spaces from 249 to 247, 2. The addition of new balconies to the units located within the court yards of the building, 3. A re-design of the rooftop structures; and, 4. Additional landscaping and passive recreation in the courtyards with no reduction in recreation space as shown in Exhibit 36, in the

441 4th St., N.W., Suite 210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

E-Mail Address: zoning_info@dc.govWeb Site: www.dcoz.dc.gov

BZA APPLICATION NO. 17475-B

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record. A modification of approved plans is allowed with Board approval under the provisions of section 3129 of the Zoning Regulations. The Applicant served ANC 1A and the OP, the parties to the application, with the motion by first class mail.

By memorandum dated September 12, 2006, the OP (Exhibit 37) stated that it has no objection to the proposed changes and finds that the request constitutes a minor change to the approved plans. The OP recommends approval of the requested changes as a minor modification. The ANC did not comment on the request for minor modification.

On September 19, 2006, at its public meeting, the Board concluded that the requested modification of plans was timely filed pursuant to subsection 3129.3, is minor in nature and does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 DCMR § 3101.6 and 3129.1, 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 the **MODIFICATION of APPROVED PLANS be GRANTED** subject to the revised plans (Exhibit No. 36) in the record.

VOTE: 5-0-0 (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, Curtis L. Etherly, Jr. 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: September 21, 2006

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.

BZA APPLICATION NO. 17475-B

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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 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. 17477 of Lillian K H Audette Revocable Trust, pursuant to 11 DCMR § 3103.2, for a variance to permit the location of a parking space, serving a single-family dwelling, in the front yard under subsection 2116.2, in the R-3 District at premises 2407 37th Street, N.W. (Square 1300, Lot 327).

HEARING DATE: May 23, 2006

DECISION DATES: June 6 and July 11, 2006

DECISION AND ORDER

SELF CERTIFICATION:

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

PRELIMINARY MATTERS:

1. The Board of Zoning Adjustment (the "Board"), pursuant to its rules, 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") 3B, the ANC within which the site is located, and to owners of property within 200 feet of the subject site.
2. Pursuant to 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances pursuant to 11 DCMR §§ 3103.2.
3. The Applicant presented testimony and evidence in the present case in support of the proposed variance relief necessary to permit parking in the front of the Site between the existing building and the property line.
4. The Applicant submitted 26 letters in support of the Application from surrounding neighbors including the two adjacent property owners on either side of the subject property.
5. The Applicant also submitted photos of the area surrounding the subject property with a key map and narrative indicating the location of each photo.
6. There were no persons or parties in opposition to the Application.

7. The Office of Planning ("OP") timely filed a report on May 16, 2006 in support of the Application. OP, by its report and by testimony at the hearing, recommended that the Application be approved as proposed, provided that the curb cut is limited to a 15-foot maximum width.

8. ANC 3B, which is automatically a party to this Application, voted 3-1 to support the proposed curb cut and variance request at its July 14, 2005 regularly scheduled and duly noticed meeting. The ANC submitted a letter on July 15, 2005, to the D.C. Department of Transportation expressing its support on grounds that the proposed curb cut would remove two cars from the street while only causing the loss of one public parking space. The ANC also noted therein the diligence of the Applicants in informing their neighbors of their proposed plans. This letter was submitted to the record by the Applicant.

FINDINGS OF FACT:

1. The subject site is known as 2407 37th Street, N.W., and consists of Lot 327 in Square 1300 (the "Site"). Square 1300 is generally bounded by Calvert Street to the north, Holy Rood Cemetery to the south, Tunlaw Road to the west, and Wisconsin Avenue to the east.

2. The Site is rectangular in shape, with approximately 85-95 feet of depth and 26 feet of frontage along 37th Street. The Site is improved with a semi-detached home located on the east side of 37th Street. Thirty-Seventh Street runs in a north/south direction dividing Square 1300. The Site does not have alley access or other vehicular access to the rear of the property.

3. The Site is located in the R-3 Zone District and borders the C-2-A District at the rear of the Site. Except for the two adjacent residences, nearby properties to the north and south are occupied by commercial uses or parking lots for the commercial uses fronting on Wisconsin Avenue. Approximately 26 feet to the north of the Site, are commercial uses which extend up 37th Street for approximately 500 feet to Calvert Street. To the east are the commercial uses fronting on Wisconsin Avenue. The properties across 37th Street to the west are residential row houses.

4. The Site is located in a small island of residential use surrounded on three sides by commercial uses. At the rear of the property, it adjoins commercial properties fronting on Wisconsin Avenue; it is only 60 feet from the parking lots serving those commercial properties.

5. On its northern side, the Site is located only 26 feet from commercial uses located along 37th Street.
6. There exist 31 commercial uses within a two block radius of the Site that do not have dedicated parking. Sixteen of the 31 commercial uses are bars, restaurants or night clubs.
7. There are 30 single family homes on this block of 37th Street and approximately 130 single family homes in square 1300. The Applicant's home is the only single family dwelling on the block in the Square without alley access or other parking that has the ability to park two cars in its front yard without encroaching on the public space. The house to the north of the site is used as a multi-family dwelling and the house to the south has an adjoining parking lot.
8. Applicant's home was built prior to enactment of the Zoning Regulations. Therefore, there is no requirement in the Zoning Regulations that an off-street parking space be provided for it. *See* 11 DCMR §2100.1
9. The R-3 District is designed essentially for row dwellings, but there shall be included in an R-3 District, areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three or more row dwellings.
10. The Site is designated by the Comprehensive Plan Generalized Land Use Map as low density commercial. The Site and the surrounding lots on the east side of 37th Street were part of a Planned Unit Development and Map Amendment application approved in 1980 (Z.C. Order No. 322) in which the R-3 zoned properties were rezoned to C-2-A. The PUD approval and rezoning expired without the project being built.
11. The proposed parking space will be partially screened from view by retaining walls with flower boxes and planters.

CONCLUSIONS OF LAW AND OPINION

Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist: the property is unusual because of its size, shape, topography or other extraordinary or exceptional situation or condition; the owner would encounter practical difficulties if the zoning regulations were strictly applied; and the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as

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embodied in the Zoning Regulations and Map. The Applicant is seeking a variance to permit the location of parking serving a single family dwelling in the front yard. Based upon the evidence and testimony, the Application meets all three prongs of the area variance test.

A. The Site is Unusual because of its Size, Shape, or Topography, or is Affected by an Exceptional Situation or Condition.

The exceptional situation or condition in this case arises out of a confluence of factors, which together affect this property in an exceptional way. See Gilmartin v. D.C. Board of Zoning Adjustment, 579 A.2d 1164, 1169 (DC 1990) (Uniqueness for purposes of the variance test can arise from a confluence of factors.)

The Site does not have vehicular access to the rear of the property. The Site contains an existing single family semi-detached home which takes up nearly the entire width of the lot leaving only a small side yard of 3.3 feet and there is not a public alley at the rear of the property. Therefore, vehicular access to the rear of the Site is impossible. The Site and its adjacent neighbors are the only residential properties on this block of 37th Street without alley access or other parking. The Applicant's home is the only single family dwelling on the block without parking. The house to the north of the site is used as a multi-family dwelling and the house to the south has an adjoining parking lot.

This exceptional situation is compounded by the Site's unusual proximity to a myriad of nearby commercial uses. The site is located near the convergence of 37th Street and Wisconsin Avenue. As those two streets get closer together, the lots become more shallow and the residences, including Applicant's, back directly onto commercial parcels. The Site is also located only 26 feet from the commercial uses located along 37th Street to its north and, is only 60 feet from the parking lots serving the commercial uses on through lots fronting on Wisconsin Avenue. There are 31 commercial uses within a two block radius of the Site that do not have dedicated parking. Sixteen of the 31 commercial uses are bars, restaurants or night clubs. Without the ability to have off street parking, the Applicant suffers the burden of the surrounding commercial uses that other single family dwellings in the area do not.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner.

A strict application of the Zoning Regulations would require that the off-street parking spaces be located either in a permitted garage, within a rear yard or within a side yard of the Property.

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The unique position of the lot within the Square and the unique lack of alley access make it practically difficult for the Applicant to meet Section 2116.2. The Site has a side yard of only 3.3 feet and no vehicular access to the rear. Therefore, parking cannot be located at the rear or side of the Site. The only possible location for parking is in the front yard between the building and the property line.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan.

There will be no substantial detriment to the public good or substantial impairment to the intent, purpose and integrity of the zone plan by approving the requested variance relief.

Currently, there exists space for three cars to park on 37th street in front of the Site. The proposed curb cut and drive entrance will remove only one public parking space from 37th Street, but the Applicant's two cars will now be parked off of the street. Therefore, there will be a net reduction with one less car parked on the street. Both the Office of Planning and the ANC noted the benefit of this net reduction of one less car on 37th street. Adjoining neighbors on either side of the Site submitted letters of support as did 24 other neighbors within a 200-foot radius of the property.

The integrity of the zone plan will not be substantially impaired by the requested variance. The regulations disfavor parking in front yards, in general, in residential districts, for aesthetic reasons and because of the resulting loss of public parking spaces on the street as a result of a curb cut. *See e.g.*, 11 DCMR §2116.2 (b)(2) and (3.). (Off-street parking spaces generally restricted to a side yard or rear yard, unless accessory to a "commercial or industrial use.") The Board agrees with the Office of Planning that these underlying policies are not undermined in this case. In this case, a parking space would not detract from the residential character of the block for the following reasons. Due to its close proximity to the surrounding commercial uses and its land use designation, the Site appears as a transitional area. The proposed parking will be partially screened from view by retaining walls with flower boxes and planters, as indicated on the Applicant's landscaping plan, and will not adversely affect the area. The Applicant surveyed the surrounding neighborhoods and submitted photos of several examples of front yard parking in the area. As noted by both OP and the ANC, the front yard space will have a positive effect on the neighborhood - removing two cars from the street while removing only one parking space. The Board has previously granted relief from Section 2116.2 in unique situations where the variance test has been met (to allow parking between the building and the property line (See Summary Orders BZA Case Nos. 14961, 14838, 15267, 14633 and 17364).

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The Board has afforded great weight to the OP analysis and report. The Board concurs with OP's support of the variance relief. The Board concludes that, based upon the evidence and testimony in the record, the Site is uniquely situated and subject to an exceptional situation. The Board further concludes that the Applicant has demonstrated a practical difficulty in this case. Parking cannot be accommodated in the rear or side of the Site. The Board finds that the variance can be granted without substantial detriment to the public good or substantial impairment to the zone plan. Two cars will be removed from the street while only removing one public parking space. Furthermore, given the surrounding commercial uses and the nature of the surrounding area, the Board finds that the granting of the variance would not be detrimental to the public good nor impair the intent, purpose or integrity of the Zone Plan. The Board acknowledges the ANC's support of the variance and concurs with its conclusion that granting the variance would have the positive effect of removing two cars from the street while removing only one parking space.

In light of the foregoing, the Board concludes that the Applicant has met the burden of proof for the variance from the area requirements for parking under Section 2116.2 of the Regulations.

The Board hereby **ORDERS** that the Application be **GRANTED**, **SUBJECT** to the following **CONDITION**:

1. The parking space shall be constructed in accordance with the drawings and plans prepared by Boeckl Gates Inc., attached to Exhibit 31 in the record.

VOTE: 3-2-0 (Geoffrey H. Griffis and Ruthanne G. Miller to approve; John A. Mann II to approve by absentee ballot; Curtis L. Etherly, Jr. opposed to the motion; Anthony J. Hood opposed to the motion by absentee ballot)

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

Each concurring member has approved the issuance of this Order.

FINAL DATE OF ORDER: SEP 20 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT

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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 § 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.

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 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.

ZONING COMMISSION ORDER NO. 684-D
Z.C. Case No. 94-01A
Modification to Approved Consolidated Planned Unit Development
1331 L Street, N.W., LP
July 24, 2006

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia (the "Commission") was held on June 1, 2006. At that hearing session, the Zoning Commission considered an application from 1331 L Street, NW, L.P. (the "Applicant"), for modification to a previously approved planned unit development. The public hearing was conducted in accordance with the provisions of § 3022 of the District of Columbia Zoning Regulations (11 DCMR). The Zoning Commission hereby approves the requested modifications.

FINDINGS OF FACT

1. By Order No. 684, the Zoning Commission granted approval of an application for a consolidated planned unit development ("PUD") and Zoning Map Amendment from HR/SP-2 to C-4 for Lot 96 in Square 247. Order No. 684 granted approval of a 110-foot tall, 9.25 FAR, mixed-use office/retail building to be located at 1331 L Street, NW. Façade design treatment and materials were to be consistent with plans made part of the official record of the case, with certain areas of flexibility provided to the Applicant in terms of tower design; location and configuration of interior components; façade, window, and balcony detailing; landscaping; and exterior lighting. Final selection of exterior material samples was to be approved by the Zoning Commission. The Order became final and effective upon publication in the *District of Columbia Register* on March 1, 1991.
2. By Order No. 684-A, with an effective date of December 30, 1994, the Zoning Commission approved modification of certain conditions of the approved PUD pertaining to its off-site housing amenities. As part of this modification, the Zoning Commission required that funds in the amount of \$3,000,000 be paid to the Salvation Army for the construction of housing as part of a PUD at 1850 New York Avenue, NE. The Zoning Commission further required that at least \$500,000 be expended by the Applicant, in consultation with Advisory Neighborhood Commission (ANC) 2F, for the provision of housing within the boundaries of ANC 2F. As provided at Exhibit C of the Applicant's prehearing statement (Exhibit No. 3 in the official record), these funds have been provided and the off-site housing amenities required under the PUD have been satisfied.

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3. By Order No. 684-B, with an effective date of March 22, 1995, the Zoning Commission extended the validity of the PUD approval to December 30, 1999, within which time application must be made for a building permit.

4. By Order No. 684-C, with an effective date of June 6, 1997, the Zoning Commission extended the validity of the PUD approval to December 30, 2009, within which time application must be made for a building permit. Construction is to commence not later than December 30, 2010.

5. By letter dated and received by the Zoning Commission on February 17, 2006, counsel on behalf of the Applicant filed a request for a minor modification to the approved PUD relating only to updates proposed to the exterior design of the approved building. No increase in any aspects of the previously approved zoning envelope were requested nor were reductions in any setbacks or off-street parking being sought. No changes were proposed to the off-site housing amenities provided as part of the approved PUD.

6. The District of Columbia Office of Zoning referred this matter to the District of Columbia Office of Planning ("OP") for analysis and recommendation. By memorandum dated March 3, 2006 and received into the official record on March 7, 2006, OP indicated its support for the modified project and recommended that the Zoning Commission set the application for a public hearing.

7. The Zoning Commission, at its public meeting on March 13, 2006, removed the request for minor modification from its consent calendar pursuant to 11 DCMR § 3030.12, and set it down for public hearing on June 1, 2006.

8. Advisory Neighborhood Commission ("ANC") 2F, which represents the area including the PUD site, voted 6-0 to support the application for modification to the PUD at a regularly scheduled and publicly noticed meeting on March 1, 2006. ANC 2F submitted a letter to the Zoning Commission dated March 5, 2006 and received into the official record on April 19, 2006, indicating its support for the modification and recommending that the Zoning Commission approve the requested modification.

9. By memorandum dated March 3, 2006 and received into the official record on May 22, 2006, OP recommended approval of the modification application. OP noted that the request was consistent with a number of elements of the District of Columbia Comprehensive Plan. The Office of Planning further stated that the proposed design modification responds extremely well to the project site's mid-block location, with exceptional emphasis at the street and alley level, and that the attention to detail regarding the height and massing of the tower, the passive use of the tower, restrictions on lighting of the tower, and treatment of the area of the roof level, respond equally well to the comments raised by the Zoning Commission when determining to set down the application for public hearing.

10. Upon notice pursuant to § 3015 of the Zoning Regulations, the Zoning Commission held a public hearing on June 1, 2006 and received testimony from the Applicant and OP. No other parties or persons testified at the public hearing.

11. At the conclusion of the June 1, 2006 hearing, the Zoning Commission took proposed action by a vote of 4-1-0 to approve, with conditions, the application and plans that were submitted into the record.

12. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC, by action dated July 6, 2006, found the proposed PUD modification to be in conflict with Section 5 of the Height of Building Act of 1910 and requested the Zoning Commission to eliminate the canopy and guardrail, or set back these elements from the exterior walls to distances equal to their respective heights above the adjacent roof.

13. The Zoning Commission took final action to approve the PUD modification on July 10, 2006.

CONCLUSIONS OF LAW

Under § 2409.9 of the Zoning Regulations, any modification to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission. The proposed modification shall meet the requirements for a second-stage application, except from minor modifications and technical corrections as provided in § 3030 of the Zoning Regulations. Because the Zoning Commission determined that the requested modifications were not minor modifications pursuant to § 3030 of the Zoning Regulations, the requested modifications were processed as a second-stage application.

Upon consideration of the record in this application, including the testimony received at the public hearing, the Zoning Commission concludes that the PUD, as proposed to be modified, is consistent with the intent of the previously approved PUD. Further, the Zoning Commission concludes that approval of the requested modification is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

Approval of the modification to the approved PUD also is not inconsistent with the District of Columbia Comprehensive Plan (10 DCMR). Further, the modification does not impact material elements of the PUD, including use, height, density, or parking, nor does the modification propose any reduction in the off-site housing amenities package, which was earlier approved and has been fully satisfied.

In accordance with D.C. Official Code § 1-309.10(d)(3)(A) (2001 ed.), the Commission is required to give "great weight" to the issues and concerns of the affected ANC. The Commission has carefully considered the testimony and evidence submitted by ANC 2F recommending approval of the modification application and concurs with the recommendation.

The requested modifications are subject to compliance with D.C. Law 2-39, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law provided herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the application for modification to the design of an approved PUD for Lot 96 in Square 247, at 1331 L Street, NW. The approval of this modification to the design of the PUD, as an alternative to the previously approved design for the PUD, is subject to the following guidelines, conditions, and standards:

1. The project shall be constructed either in accordance with the plans approved as part of Zoning Commission Order No. 684 or this Order (No. 684-D). If the project is constructed pursuant to this Order:
 - (a) it shall be constructed in accordance with the plans marked as part of Exhibits 18 and 24 of the official record;
 - (b) approved building materials shall be consistent in general color and appearance to those represented in the official record; and
 - (c) the roof area of the PUD shall be limited to passive activities and the tower feature of the PUD may not be lighted.
2. Pursuant to § 2409.3 of the Zoning Regulations, the Applicant shall record a notice of modification of Zoning Commission Order No. 684 among the land records of the District of Columbia. After recordation of the notice of modification, the Applicant shall provide a copy of same for the records of the Office of Zoning.
3. The PUD modification, as an alternative to the previously approved PUD, shall be valid until December 30, 2009, by which time application for a building permit must be filed. Construction is to commence no later than December 30, 2010.
4. All other guidelines, conditions, and standards of Order No. 684, as modified by Orders No. 684-A, 684-B, and 684-C, remain in effect.

Vote of the Zoning Commission at the end of the public hearing on June 1, 2006: **4-1-0** (Carol J. Mitten, Gregory N. Jeffries, Anthony J. Hood, and Michael Turnbull to approve; John G. Parsons opposed).

This Order was adopted by the Zoning Commission at its public meeting on July 24, 2006, by a vote of **3-2-0** (Carol J. Mitten, Anthony J. Hood, and Gregory N. Jeffries (by absentee ballot) to adopt; John G. Parsons and Michael G. Turnbull opposed).

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In accordance with the provisions of § 3028.8 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on

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