

THE ARTS & TECHNOLOGY ACADEMY

INVITATION TO BID

**Soliciting Sealed Bids For: IT Outsourcing Services
Bid No.: ATA-2007-3A**

Copies of bidding packages will be available for pick-up beginning Monday, October 30, 2006 between the hours of 9:00 am – 4:00 pm, at the main office located at 5300 Blaine Street, NE, Washington, DC 20019 or you may contact Monica Allen on (202)398-6811, fax (202)388-8467 or email mjones-allen@dcata.org. Bids will be due on November 13, 2006, by 4 p.m. in the main office at 5300 Blaine Street, NE, Washington, DC 20019.

Electronic copy of this solicitation is available.

**Community Academy Public Charter School
1351 Nicholson Street, NW
Washington, DC 20011**

NOTICE: REQUEST FOR ARCHITECTURAL SERVICES

The deadline for bid proposals has been extended until 4:30 p.m., Friday, November 3, 2006. Contact Wendell Butler by e-mail at wendellbutler@capcs.org for Bid documents containing scope of work.

**Community Academy Public Charter School (CAPCS)
1351 Nicholson Street, NW
Washington, DC 20011**

Request for Proposals for Technology Equipment and Training

Community Academy Public Charter School (CAPCS), in accordance with section 31-2801,2853.14 of the District of Columbia Reform Act of 1995, is currently soliciting bids for technology equipment and training for three of its campuses to include five 77" freestanding interactive white boards; twenty-six 77" wall-mounted interactive white boards with attached projectors; polling applications; wireless pads; installation with VGA interface; comprehensive, on-site PD operations and integration training for at least 40 staff. For further information or a site visit, contact Nia Ujamaa at niaujamaa@capcs.org. Final bids are due on November 3, 2006. CAPCS reserves the right to reject any and all bids for any reason.

District of Columbia
Board of Elections and Ethics

Notice of Public Testing of Vote Counting System

The District of Columbia Board of Elections and Ethics hereby gives notice of the public test of the Board's vote counting systems for the November 7, 2006 General Election.

The public test will be conducted on Saturday, November 4, 2006 at 9:00 a.m. in the Board's main office at One Judiciary Square, 441 - 4th Street, N.W., Suite 250. For more information about the test, the public may call 202-727-2525.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FILING
VOLUNTARY CLEANUP ACTION PLANS**

Pursuant to § 601 (b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005)), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Bureau of Hazardous Material and Toxic Substances (BHMTS), is informing the public that the District of Columbia Sports and Entertainment Commission (Commission), 2400 East Capitol Street, S.E., Washington, D.C. has submitted a voluntary cleanup action plan for the remediation of the site for the future baseball stadium located at 1500 South Capitol Street, S.E. in case number VCP2006-008. The Commission identified low to moderate levels of total petroleum hydrocarbons and some volatile organic compounds, low levels of a few semi-volatile organic compounds and of metals in soils and groundwater at various locations within the site.

The Voluntary Cleanup Program is also informing the public that Steuart – H Street, LLC and Steuart Investment Company (Steuart), 5454 Wisconsin Avenue, Suite 1600, Chevy Chase, Maryland, have submitted a voluntary cleanup action plan for the remediation of properties at 306 H Street, N.E., 316, 322, 326, 328 and 322 H Street, N.E., and 317, 319 and 323 I (Eye) Street, N.E. collectively referred to as 3rd and H Streets, N.E. in case number VCP-2006-010. Steuart plans to redevelop the property with an eight-story, mixed-use commercial/residential building, with ground-floor retail and 210 to 250 one- to two-bedroom housing units. The application identified petroleum and chlorinated solvents in soil and groundwater. Pursuant to § 601(b) of the Act, this notice will also be mailed to the respective Advisory Neighborhood Commissions for the areas in which the properties are located.

Interested persons may submit written comments on the proposed approval of each of the cleanup plans to the address listed below. DDOE is required to consider all public comments it receives before acting on an application, a cleanup action plan, or a certificate of completion. These voluntary cleanup plans will be available for public review at the following location:

Voluntary Cleanup Program
Bureau of Hazardous Material and Toxic Substances, DDOE
51 N Street, N.E., Room 3024
Washington, DC 20002

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

Written comments must be received within thirty (30) days from the date of publication of this notice in the *District of Columbia Register* and should be addressed to the address listed above.

D.C. DEPARTMENT OF THE ENVIRONMENT**NOTICE OF FILING OF
VOLUNTARY CLEANUP COMPLETION REPORT**

Pursuant to § 601 (b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001(D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005)), the Voluntary Cleanup Program (VCP) in the D.C. Department of the, Environmental (DDOE), is informing the public that it has received a cleanup completion report in Voluntary Cleanup Program (VCP) case VCP2004-0003, for a property referred as Former Camp Simms-Commercial, future site of Giant Food Store, located at the intersection of Alabama Avenue and Stanton Road, S.E..(Property 2). The VCP Participant is CHR, LLC, c/o William C. Smith & Co., Inc. 1220 L Street, N.W., Suite 300, Washington, D.C. 20005, Attn. Mr. J. Matthew Ritz. The primary environmental contaminants of concern were polycyclic aromatic hydrocarbons (PAHs), semi-volatile compounds (SVOCs), their vapors, tetrachloroethene and certain metals. Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission for the area in which the property is located.

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

District Department of the Environment
Voluntary Cleanup Program
51 N Street, N.E., Room 3024
Washington, DC 20002

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

Written comments must be received within fourteen (14) days from the date of publication of this notice in the *District of Columbia Register* and should be addressed to the address listed above.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

FOR CATERING SERVICES FOR BREAKFAST/LUNCH MEETINGS AND OFFICE
FUNCTIONS

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 — "CATERING SERVICE FOR BREAKFAST/LUNCH MEETINGS AND OFFICE FUNCTIONS" to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
120 Q Street, NE
Suite 200
Washington, DC 20002

By no later than **4:00 PM on November 10, 2006.**

Introduction

FPCS is soliciting proposals and qualification statements from contractors to provide catering services and for 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.

"LSDBE" contractors are encouraged to submit proposals

Project Scope

It is the intent of this Request for Proposal (RFP) to select a qualified catering/food service company to provide Friendship Public Charter School with catering services for office meetings. The company should be able to provide the following services.

- a. Food and Beverages (Hot and/or cold)
- b. Breakfast and/or lunch meetings
- c. Small or large groups
- d. Formal and informal meetings
- e. Delivery
- f. Clean-up

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 history, and services offered.
2. Resumes of key staff who will provide services
3. Names and contact information of at least three client references.
4. 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
120 Q Street, NE
Suite 200
Washington, DC 20002

For further information, contact Ms. Valerie Holmes at 202-281-1722.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

FOR COURIER/MESSENGER SERVICE

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 — "COURIER/MESSENGER SERVICE" to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
120 Q Street, NE
Suite 200
Washington, DC 20002

By no later than **4:00 PM on November 10, 2006.**

Introduction

FPCS is soliciting proposals and qualification statements from contractors to provide courier/messenger service for 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.

"LSDBE" contractors are encouraged to submit proposals

Project Scope

It is the intent of this Request for Proposal (RFP) to select a fast, reliable and economical company to provide Friendship Public Charter School with quality courier/messenger service. The company should be licensed and insured. The company should be able to provide the following services:

- a. Same day package delivery
- b. Time critical delivery
- c. Efficient and on-time delivery
- d. Confidentiality

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 history, and services offered.
2. Resumes of key staff who will provide services.
3. Names and contact information of at least three client references.
4. 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
120 Q Street, NE
Suite 200
Washington, DC 20002

For further information, contact Ms. Valerie Holmes at 202-281-1722.

October 26, 2006

**DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**SUMMARY OF THE MINOR MODIFICATIONS TO THE CONSOLIDATED
PLAN FOR THE DISTRICT OF COLUMBIA, FISCAL YEAR 2007 ACTION
PLAN, AND SECTION AMENDMENTS**

The Department of Housing and Community Development (DHCD) is required to amend the Consolidated Plan for the District of Columbia, Fiscal Year 2007 Action Plan.

On February 9, 2006, the US Department of Housing and Urban Development (HUD) published the Consolidated Plan Revisions and Updates final rule in the Federal Register. The purpose of the final rule was to streamline the consolidated planning process and make it more results oriented and useful to communities in assessing progress toward addressing the problems of low-income areas by assigning performance measures to each program activity. Action Plans submitted after March 13, 2006 must address the new provisions. Per its guidance memo dated May 15, 2006, HUD has provided an additional 90 days from October 2006, the program year start date, to make appropriate amendments to the Action Plan. As DHCD had already completed preparation of its FY 2007 Action Plan at that time, it now seeks to amend its FY 2007 Action Plan and incorporate the new provisions.

Accordingly, DHCD proposes the following minor amendments to the FY 2007 Action Plan in order to conform to a change in federal regulations:

- Page 11b, New - **Table 3: HUD "Table 1C" Summary of Specific Homeless/Special Needs Objectives, FY 2007 showing Outcome and Objective Requirements;** Replaced - Table 3: HUD "Table 1C" Summary of Specific Homeless/Special Needs Objectives, FY 2007.
- Pages 12, 13 New - **Table 4: HUD "Table 2C" Summary of Specific Housing/Community Development Objectives, FY 2007 showing Outcome and Objective Requirements;** Replaced - Table 4: HUD "Table 2C" Summary of Specific Housing/Community Development Objectives, FY 2007.
- Page 24, New – **ESG Certifications with new Discharge Policy;** Replaced – ESG Certifications.

Additionally, the tables which identify the federal entitlement allocation and budgets for the CDBG, HOME and ESG programs for fiscal year 2007 have been slightly amended. DHCD proposes the following minor technical amendments:

- Page 26, New - **Table 5: FY 2007 Federal Grant Entitlement Allocations – ESG \$819,946;** Replaced – ESG \$821,555

- **Page 77, New – Table 8: FY 2007 CDBG Program (CD-32) Budget**

Line Item 2a. Development Finance Division Project Funding . . .	30,717,297
Subtotal	41,318,497
Line Item 5. Agency Management Program	6,609,707
Total CDBG Program	\$84,322,258

Replaced

Line Item 2a. Development Finance Division Project Funding	30,713,245
Subtotal	41,314,445
Line Item 5. Agency Management Program	5,223,995
Total CDBG Program	\$82,932,492

- **Page 77, New – Table 9: FY 2007 HOME Program Budget**

Line Item 1. Agency Management Program	250,410
Subtotal	250,410
Total HOME Program	\$10,421,694

Replaced

Line Item 1. Agency Management Program	154,657
Subtotal	154,657
Total HOME Program	\$10,325,941

- **Page 78, New – Table 10: FY 2007 Emergency Shelter Grant Budget**

Line Item 1. Emergency Shelter Grant Management	819,946
Total ESG Program	\$819,946

Replaced

Line Item 1. Emergency Shelter Grant Management	821,555
Total ESG Program	\$821,555

The above amendments are minor and do not alter the purpose, location, or beneficiaries of a DHCD operational program nor do they change the allocation of the distribution of program funds more than 25 percent of the federal entitlement grants included in DHCD's fiscal year budget. As such, DHCD seeks Council approval for the minor amendments to the Consolidated Plan for the District of Columbia, Fiscal Year 2007 Action Plan.

Thank you for your attention.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

Bulletin of New Bank Application

Pursuant to D.C. Official Code § 26-704(b)(1)(A) (2001), the Commissioner of the Department of Insurance, Securities and Banking hereby gives notice that the Department of Insurance, Securities and Banking has received the following Application to organize a de novo commercial bank in the District of Columbia:

Applicant: NuAmerica Bank

Date of Application: October 18, 2006

Proposed Location: District of Columbia

Any person desiring to comment on this application may do so by submitting written comments within 20 days from the date of publication of this notice in the D.C. Register to:

Associate Commissioner for Banking
Department of Insurance, Securities and Banking
810 First Street, NW, Suite 701
Washington, DC 20002

The public file for this application is available for inspection with the Department of Insurance, Securities and Banking during regular business hours from 8:30 a.m. to 5:00 p.m. at the address listed above.

DISTRICT OF COLUMBIA REGISTER

NIA COMMUNITY PUBLIC CHARTER SCHOOL

**INVITATION TO BID
CATERING SERVICES**

Nia CPCS, 3845 South Capitol St. SW, Washington, DC 20032, will receive bids until Monday November 13, 2006 at 4:00PM for the delivery of meals to children enrolled at the school.

All meals must meet, but are not restricted to, minimum National School Breakfast, Lunch, and Snack Program meal pattern requirements. Meal pattern requirements and all necessary forms may be obtained from:

Monique Murdock
3845 S. Capitol St. SW
Washington, DC 20032
202-562-5440

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

NOTICE OF REIMBURSABLE BUDGETS AND TOTAL REVENUES

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND
PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Rule 1302.1(a) of Chapter 13 of Title 15 District of Columbia Municipal Regulations, "Rules Implementing the Public Utilities Reimbursement Fee Act of 1980" ("Chapter 13"), of the net reimbursable budgets for the Commission and the Office of the People's Counsel ("OPC") for the 2007 fiscal year.¹ Additionally, pursuant to Rule 1302.1(b), the Commission gives notice of the total of the gross revenues of each public utility, competitive electric supplier, competitive natural gas supplier, and competitive local exchange carrier ("CLEC") for the preceding calendar year.

2. The net reimbursable budget for the Commission for the 2007 fiscal year is \$7,863,430.50. The net reimbursable budget for OPC for the 2007 fiscal year is \$4,596,020.00.

3. The total of the gross revenues of each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC for the preceding calendar year was \$1,896,265,921.00.

¹ Rule 1302.1 provides that "Not later than thirty (30) days following the start of each fiscal year, the Commission shall publish the following information in the District of Columbia Register: (a) The net reimbursable budgets for the Commission and People's Counsel for that fiscal year; and (b) The total of the gross revenues of each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC for the preceding calendar year." The fiscal year begins October 1st, therefore, the notice should be published by October 31st. Pursuant to Rule 1307.1, which provides that the Commission may waive any provision of Chapter 13 for good cause or to prevent hardship, the Commission waives this publication requirement for this year. Rule 1302.1 is not a stand-alone provision but rather is conditioned on the existence of a gross revenue-based formula that did not, itself, become final until it was published in the D.C. Register on October 20, 2006. The D.C. Register is only published on Fridays and documents for publication are due to the Office of Documents eight days before publication. The next available publication dates are October 27th and November 3rd. In order to meet the October 27th publication date, the notice would have to have been received by the Office of Documents on October 19th, prior to the date that the last part of the rule became final. This notice was forwarded to the Office of Documents on October 26, 2006. Copies of the notice were mailed to companies subject to assessment in order to ensure receipt by October 31, 2006.

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

Application No. 17163 of Amazing Life Games Pre-School, pursuant to 11 DCMR § 3104.1, for a special exception to establish a child development center, 28 children, 4 staff, and 1- 2 parent volunteers under section 205 in the R-1-B District at premises 1309 Farragut Street, N.W., Square 2806, Lot 76.

HEARING DATES: June 8, 2004 and June 15, 2004
DECISION DATE: July 6, 2004

DECISION AND ORDER

This application was submitted on March 5, 2004 by the Amazing Life Games Pre-School ("Applicant"), the owner of the property that is the subject of the application. The Applicant sought special exception relief from the Board of Zoning Adjustment ("Board" or "BZA") to establish a child development center in an R-1-B District. The Board held public hearings on this application on June 8, 2004 and June 15, 2004. At a public meeting on July 6, 2004, the Board voted 4-0-1 to deny the application.

PRELIMINARY MATTERS:

Notice of Application and Public Hearing Pursuant to 11 DCMR 3113.3, the Office of Zoning (OZ), by memoranda dated March 8, 2004, notified the Councilmember for Ward 4, Advisory Neighborhood Commission (ANC) 4C, Single Member District /ANC 4C02, the District of Columbia Office of Planning (OP), the District Department of Transportation, and the Department of Health of the filing of the application. On March 19, 2004, OZ mailed notices of the public hearing to the ANC, the Applicant and all of the owners of property within 200 feet of the subject property, advising them of the date of hearing. The Applicant filed an affidavit of posting indicating that it posted 1 zoning poster at 1309 Farragut Street, N.W., in plain view of the public for 15 days.

Request for Party Status The Board received applications for party status from the Farragut Street Block Club, representing the 1300 block of Farragut Street, and Mabel Roberts, a resident of the subject block. The Board granted party status to the block club, but denied party status to Mabel Roberts, who agreed that her interest could be represented by the block club.

Applicant's Case The Applicant, which was represented by an attorney, presented testimony and evidence from its Director, Pickett Craddock, and Meade Hanna, who is a member of the Applicant's Board and a parent of one of the children attending the Applicant's pre-school. The Applicant's witnesses testified concerning the Applicant's history as a daycare center and its mode of operation, its reasons for selecting the subject property, the subject property's close proximity to a playground, and observations made by the Director and the parents concerning the availability of parking on the block where the subject property is located. Earl Harris, a parent who lives on Gallatin Street, the street immediately to the north of Farragut, testified that there

would be no adverse impact on the community, but admitted that he could not know about the traffic and safety on Farragut because he does not live on that street, and he leaves for work earlier than the proposed hours of operation for the Applicant's facility. Additionally, two neighbors located at the Applicant's present location in the Adams Morgan neighborhood wrote letters in support of the application.

Government Reports In a report dated June 8, 2004, OP recommended that the Board deny the Applicant's request for a special exception because of the potentially negative impact upon traffic and parking and a concern for the safety of the children walking to and from the playground. OP further opined that the increased number of vehicles would result in parking problems for the residents of the street, a number of whom are elderly. OP also concluded that a special exception for this Applicant would not be in harmony with the general purpose and intent of the Zoning Regulations and zoning map because it would bring another non-residential facility into a residential community that already had an elementary school, two youth oriented centers and two churches in its midst.

The Department of Transportation opined that there may be traffic, parking, and safety problems if the application is granted. The Department of Health recommended that the application be granted because of the need for day care in the city.

ANC Report In a resolution adopted February 10, 2004, ANC 4C indicated that at a regularly noticed meeting, with a quorum present, ANC 4C Commissioners voted 6-1-2 to oppose the application for a special exception. The ANC based its opposition upon the high number of schools and day care facilities in the subject block and suggested that the Applicant work with the ANC to find a more appropriate location in the community. ANC 4C attached to its resolution a petition, signed by twenty-five residents of ANC 4C02, in opposition to Applicant's application. That petition stated that the 1300 block of Farragut is overburdened with nonresidential facilities and that there are presently daily issues concerning parking and heavy traffic.

Parties and Persons in Opposition Joining ANC 4C in opposing Applicant's application, the Farragut Block Club, which was granted party status, testified against the application and filed a letter, along with a petition opposing the application primarily because of concerns about parking, traffic, the safety of the children attending the center, and the proliferation of not-for-profits in their community. Ten residents of the 1300 block of Farragut filed a petition in opposition. The Carter Barron East Neighborhood Association testified and filed a letter in opposition to the application. Three persons testified in opposition as individuals. Six residents of the 1300 block of Farragut filed individual letters in opposition. Councilmember Adrian Fenty submitted a letter in support of the ANC's and residents' opposition to the application.

Hearing The public hearing on the application was held on June 8 and June 15, 2004.

FINDINGS OF FACT

The Subject Property and the Surrounding Area

1. The subject property is located in the Brightwood Neighborhood of Ward 4, at 1309 Farragut Street, N.W. Square 2806, Lot 76, on the north side of the street, between 14th Street, N.W. and 13th Street, N.W.
2. The Applicant's property is in the R-1-B Zone District.
3. The predominant land use in the neighborhood is single-family dwellings, and all of the dwellings on the subject block are single-family detached dwellings.
4. Many of the current residents on the block are elderly and disabled.
5. The subject property is improved with a two-story detached single-family dwelling that has a basement.
6. The subject dwelling, constructed in 1920, was used as a residence prior to being purchased by the Applicant, with the intention of converting it into a child care center.
7. There is a detached two-car garage located in the rear yard of the subject property with an entry way from the 20-foot alley that runs behind the subject property.
8. A 3-foot chain link fence encloses the rear yard. The Applicant expressed a willingness to install a 6-foot high fence in its place.
9. Several institutional and non-profit corporations are located within 1,000 feet of the subject property, including the Kingsbury Center on the west side of 14th Street, immediately across from the west end of the subject block, West Elementary School, Macedonia Church of God in Christ, and Youth Organizations United to Rise ("Y.O.U.R.") Community Center, all located in the 1300 block of Farragut Street, and Marantha Gospel Hall at the corner of 13th and Farragut Streets.
10. West Elementary School and its property occupy more than half of the northwest side of the 1300 block of Farragut Street.
11. There is a pre-kindergarten and other elementary school grades at West Elementary School.
12. Y.O.U.R. Community Center, which operates before-school and after-school programs for children, is located within 1,000 feet of the subject property.
13. Macedonia Church of God in Christ and Marantha Gospel Hall conduct funerals and provide other services and daytime activities during the weekdays.

The Proposed Child Development Center Use

14. At the time of the hearing, Applicant was operating a child development center for 24 children in the Adams Morgan Neighborhood, at 1844 Mintwood Place, N.W., adjacent to a park where the children played.
15. The children, accompanied by staff, also walked to Walter Pierce Park, which is four blocks away from the center.
16. Applicant's proposed center will serve 28 children with the assistance of four employees one or two parent volunteers.
17. The subject property is two and one half blocks from Hamilton Park, which is located in the middle of the 1300 block of Hamilton Street, N.W., on the south side of the street.
18. Applicant plans to use Hamilton Park, a fenced-in area, and its playground as a play area for the children.
19. Applicant plans for its staff to lead the children out of the rear of the subject property and walk them through the alleys to Hamilton Park, crossing one street along the way.
20. Alternatively, the children may be taken on a longer route, using the sidewalks to walk to the park. In that case they would exit through the front door of the center, cross at least one street and, depending on whether they use 13th Street or 14th Street, cross one or two alleys.

Traffic and Parking Issues

21. Twenty-eight children would be brought to Applicant's center between 8:45 a.m. and 9:30 a.m.
22. If most parents opt to drive rather than carpool, walk or bike, there could be a need for 22 on-street parking spaces to accommodate the vehicles during drop-off and 13 spaces during pick-up.
23. There is no opportunity for on-site circulation, and Applicant does not have off-site drop-off or pick-up.
24. Parents may need to circle the block searching for parking spaces or double park to drop-off and pick-up their children.
25. Due to street cleaning parking restrictions, vehicles cannot park on the north side of the 1300 block of Farragut on Tuesdays from 9:30 a.m. to 11:30 a.m. and on the south side on Wednesdays during that same time period.

26. Everyday, from 8:00 a.m. until sometime after the end of the school day, school zone parking restrictions are in effect adjacent to West Elementary School.
27. Although there is parking on the West Elementary School parking lot, some of the teachers park on the street.
28. Parents and buses dropping-off and picking-up children at West Elementary School increase the traffic and parking problems on Farragut Street.
29. At times, the not-for-profits that are located on and near the 1300 block of Farragut Street compete with the residents of that block for parking spaces during the day time.
30. Vehicles are frequently driven at high speeds on Farragut Street and through the alleys in the vicinity, including those alleys that would be used when walking the children from Applicant's center to Hamilton Park.
31. Vehicles are occasionally parked in the alley.
32. Farragut Street is used as a thoroughfare by commuters and other drivers, who are trying to access major arteries such as 13th Street, 14th Street and Georgia Avenue or dropping off or picking up children at the private school, the Kingsbury Center, which enrolls approximately 1,000 students.

CONCLUSIONS OF LAW

The Applicant is seeking a special exception, pursuant to 11 DCMR §§ 3104 and 205, to operate a child development center in an R-1-B Zone District. The Board of Zoning Adjustment is authorized to grant special exceptions where, in the Board's judgment, a special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. D.C. Official Code § 6-641.07(g) (2) (2001); 11 DCMR § 3104.

Section 205 lists factors to be considered by the Board before deciding to permit a child development center as a special exception in an R-1 District. The proposed use satisfies three of these factors.

Subsection 205.2 - Code and Licensing Requirements

Subsection 205.2 states that the child development center shall be capable of meeting all code and licensing requirements. As noted, the Department of Health recommends approval of the special exception application.

Subsection 205.4 – Sufficient Parking

A child care center is required to provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. 11 DCMR § 205.4. The parking space requirement is set forth in section 2101.1 ("Schedule of Requirements for Parking Spaces"), which states that child development centers in all zone districts shall provide one off-street parking space "for each 4 teachers and other employees." Applicant has two parking spaces in its garage to accommodate its four employees. Accordingly, Applicant has more spaces than required to accommodate its employees. Applicant also demonstrated by testimony and photographs that there should be adequate street parking for the small number of individuals expected to visit the school.

Subsection 205.8 – Cumulative Effects of Child Development Centers

Subsection 205.8 precludes the Board from approving a child development center application if the cumulative effects of the new child care center and another child development center located in the same square or within 1,000 feet of each other will "have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors." A child development center is defined to be a building or part of one used for licensed care, education, counseling, or training of six or more persons fifteen years old or under. It includes not only day care centers, nurseries, and pre-schools, but also before-and-after school programs and similar programs and facilities. 11 DCMR § 199.1.

A before-and-after school program is offered at Y.O.U.R. Community Center, located less than 1,000 feet from the subject property. In light of that program, Y.O.U.R. Community Center is by definition a child development center; however there is no evidence that the existence of the two child development centers would have an adverse impact on the neighborhood.

While the Applicant's proposal meets the above three factors set forth in § 205, it fails to meet the factors identified in §§ 205.3, 205.5 and 205.7 as well as the general test for special exception relief set forth in §3104.1.

Subsection 205.3 – Objectionable Traffic Conditions

Pursuant to § 205.3, the center cannot be located so as to create objectionable traffic conditions or unsafe conditions for dropping off or picking up children. The Department of Transportation and the Office of Planning raised significant concerns regarding the impact of the additional traffic that would be generated by the school on parking and traffic on Farragut Street and the safety of the children during drop-off and pick-up. Because the Applicant is not proposing any off-site area for drop-off and pick-up, there is the potential for cars to circle the neighborhood in search of curb parking, or worse, to double park for drop-off and pick-up, a practice that would create an unsafe condition for the children. The Office of Planning, as well as the ANC and parties and persons in opposition to the application, noted that although the school would be small, there already is too much traffic on the residential block generated by other institutions. The Board finds that the residential block is in close proximity to an unusually large number of institutions and that the additional traffic generated by the proposed school would compound

traffic problems already existing in the neighborhood. Accordingly, the school would have an objectionable impact on traffic conditions in the neighborhood.

Subsection 205.5 - Objectionable Impacts on Neighboring Properties

Subsection 205.5 states that the center must be located and designed so as not to create any objectionable impacts on neighboring properties due to noise, activity, visual or other objectionable conditions. The Board concludes that the Applicant's child development center will not have a negative impact on the neighboring properties with respect to noise or visual impact. The rear yard will be used by the children primarily for gardening and on a limited basis as a play area. It is anticipated that approximately half of the 28 children will go home prior to the afternoon when the remaining children will play in the rear yard. Applicant is willing to replace the current three-foot chain-link fence with a six-foot fence of a different style. This will be sufficient to assure safety in the rear yard and to buffer any visual impacts to neighboring properties.

However, the Board finds that there would be an objectionable impact on the neighbors in the block with respect to traffic and parking. As noted above, there is already too much traffic on this residential block generated by existing institutions. Further, it is likely that parents or caregivers will seek to park their cars when dropping off or picking up children, resulting in diminished curbside parking spaces for residents. While there may be sufficient parking for the proposed school, parking for the elderly and disabled, who now can and need to park near their homes on the block, would become more difficult. This will be especially true on the days when there is restricted parking for street cleaning starting at 9:30 a.m. and residents will be moving their vehicles to the other side of the street prior to 9:30.

Section 205.7 – Endangerment to the Children Attending the Center

Pursuant to § 205.7, “[a]ny off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself. “The children will need to walk approximately two-and-a-half blocks away to the off-site play area at Hamilton Park, which is a lengthy distance for young children to walk. Although the Applicant’s staff is experienced in walking small children to a park, the route to the park poses particular hazards for the children. Applicant plans to walk the children through an alley that has no sidewalks and is used by cars and trucks. Further, there have been instances of speeding and drug activity both in the alley and in the park. Both the Office of Planning and neighbors are of the view that the route and the park pose potential hazards for the children. The Board agrees.

Section 3104.1 – Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Map and No Adverse Impact on Neighboring Properties

The Board of Zoning Adjustment is authorized to grant special exception relief where, in the Board's judgment, a special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. D.C. Official Code § 6-641.07(g) (2) (2001); 11 DCMR § 3104.

Applicant seeks a special exception to locate a child development center in the middle of a residential block in the R-1 District. "The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings..." See 11 DCMR § 200.1. Moreover, the regulations relating to uses in the R-1 District are "intended to stabilize the residential areas and to promote a suitable environment for family life." To that end, "only a few additional and compatible uses shall be permitted," in an R-1 District. See 11 DCMR § 200.2 (Emphasis added.) With the four non-residential uses currently on the 1300 block of Farragut Street, and the Kingsbury School that is on west side of 14th Street, directly across from that block, there are more than a few non-residential uses currently on and around the single block. As set forth above, this residential block is already suffering adverse impacts from the existing non-residential uses in the area. Further, special exception relief in this case would not only allow for the addition of a non-residential use, but would actually take a residential use out of the housing stock in the middle of a residential block. Accordingly, the Board finds that adding another not-for-profit to this block would be contrary to protecting the residential character of the area and therefore, would be inconsistent with the purpose of the R-1 District, and would not be in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that due to the parking and traffic problems that may result, granting this application would tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. D.C. Official Code § 6-641.07(g) (2) (2001); 11 DCMR § 3104.

Great Weight

The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001) and § 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)), to give great weight to the recommendation of OP and the issues and concerns of the affected ANC. As indicated above, the Board has given great weight to both OP's recommendations and the ANC's concerns regarding the application, and the Board is persuaded that the Application should be denied.

Based upon the record before the Board and for the reasons stated above, the Board concludes that the Applicants have failed to satisfy the burden of proof with respect to its application for a special exception. Accordingly, it is therefore **ORDERED** that the application be **DENIED**.¹

VOTE: **4-0-1** Ruthanne G. Miller, Curtis L. Etherly, Jr., John A. Mann II (by absentee vote), and John Parsons (by absentee vote) to deny; Geoffrey H. Griffis not participating.

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

¹ By Summary Order #17368, dated October, 20, 2005, the Board granted Applicant a special exception to operate its child development center in a different location.

FINAL DATE OF ORDER: OCT 26 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."

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

Application No. 17529 of Jill Vohr, pursuant to 11 DCMR § 3104.1, for a special exception to allow a two-story rear addition to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the R-4 District at premises 208 10th Street, S.E. (Square 969, Lot 25).

HEARING DATE: October 24, 2006
DECISION DATE: October 24, 2006 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17529**PAGE NO. 2**

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

VOTE: 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II, and Gregory N. Jeffries to approve; Curtis L. Etherly, Jr. not present, not voting)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: OCT 25 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.

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

BZA APPLICATION NO. 17529

PAGE NO. 3

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.

TWR

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

Application No. 17530 of Bruce Brown and Amy Rifkind, pursuant to 11 DCMR § 3104.1, for a special exception to allow additions to an existing single-family detached dwelling under section 223, not meeting the side yard requirements (section 405), in the R-1-B District at premises 3930 Huntington Street, N.W. (Square 1754, Lot 14).

HEARING DATE: October 24, 2006
DECISION DATE: October 24, 2006 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a report in support of the application. However, the report did not meet § 3115.1(c) or (d), therefore it is not entitled to great weight. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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BZA APPLICATION NO. 17530
PAGE NO. 2

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

VOTE: 4-0-1 (Geoffrey H. Griffis, Gregory N. Jeffries, Ruthanne G. Miller, and John A. Mann II to approve; Curtis L. Etherly, Jr. not present, not voting)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: OCT 25 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.

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

BZA APPLICATION NO. 17530**PAGE NO. 3**

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.

TWR

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