

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**NOTICE OF REQUEST FOR PROPOSALS**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following products and services:

- (1) Business liability insurance including student accident insurance, auto liability, worker's compensation, educator's legal liability, abuse & molestation insurance and fire legal liability insurance.
- (2) Telecommunications services including phone system leasing, installation, local & long distance service and internet service.
- (3) Janitorial service & supplies.
- (4) Building basic maintenance service.
- (5) Purchase & installation of air conditioning equipment.
- (6) Copier leases & maintenance.

Center City PCS has applied for a charter to operate seven campuses in FY2008-09 with approximately 1,200 students and 150 full and part-time employees. Services would be delivered at all seven sites plus potentially the central office.

To obtain copies of full RFP's, please visit our web-site: www.centercitypcs.org The full RFP's contain guidelines for submission, applicable qualifications and deadlines. Contact person:

Carmen Joya
(202) 536-5519

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
REQUEST FOR GOVERNMENT AGENCY LIAISONS

To: All Department and Agency Heads
From: Andrea Budzinsky, Administrator
Subject: Appointment of Agency Liaisons to the Office of Documents

Pursuant to 1 DCMR, Section 304 (2001), the Office of Documents and Administrative Issuances (ODAI) in the Office of the Secretary of the District of Columbia requests that every District of Columbia governmental agency which submits documents for publication in the *D.C. Register*, appoint an officer or employee as a representative, and another as an alternate, to serve as liaisons to the Office of Documents and Administrative Issuances.

Agency representatives and alternates shall assume responsibility as the main contact persons on behalf of their respective agencies in matters relating to the publication of documents in the *D.C. Register*. All documents submitted by an agency for publication, including notices and rulemaking documents, shall be submitted through the agency representative or alternate.

The appointed liaison shall provide ODAI written designation of the liaison and alternate liaison, along with their respective contact information to include electronic mail addresses.

The appointment of a liaison will enhance communication and information between the Office of Documents and other government agencies and assure proper publication of agency information.

Requested information, questions, and comments shall be submitted to Mr. Mark Aikens, (202) 727-5090, in the Office of Documents and Administrative Issuances at 441 4th Street NW Suite 520 South, Washington, DC 20001.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.) and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog park at Kingsman Field at 14th Street and Tennessee Avenue, NE (Square 1030 Lot 0812).

The proposed application seeks to install and operate an 8,000-16,000 square-foot dog park at Kingsman Field. The proposed site is located east of the basketball courts and south of the adjacent school parking lot. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 3149 16th Street, NW, 1st floor.

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after June 23, 2008 will not be accepted.**

Address written comments to:

Office of Planning & Capital Projects
District Department of Parks and Recreation
Attn: Dog Park Comments – Kingsman Field
3149 16th Street, NW
Washington, DC 20009

For more information, please call (202) 673-7647.

PAUL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL**

Paul Public Charter School is seeking proposals from **Qualified Contractors** to renovate two student locker rooms and two staff designed restrooms.

Construction documents and bid specifications are available beginning Friday, May 30, 2008 by contacting:

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

A **bidder's conference** and site inspection will begin at 12:30 PM on Monday, June 9, 2008.

Proposals will be accepted on Friday, June 13, 2008 by 4:00 PM.

PAUL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL**

Paul Public Charter School is seeking proposals from **Qualified Contractors** to construct a four story elevator addition.

Construction documents and bid specifications are available beginning Friday, May 30, 2008 by contacting:

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

A **bidder's conference** and site inspection will begin at 9:30 AM on Monday June 9, 2008.

Proposals will be accepted on Friday, June 13, 2008 by 4:00 PM.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY**PENTACLE APARTMENTS****Notice of Intent to Issue Bonds**

This is to give notice that the District of Columbia Housing Finance Agency has submitted or will be submitting to the Council of the District of Columbia a notice of the Agency's intent to issue \$13,800,000 in tax-exempt and/or taxable housing revenue bonds for the acquisition and rehabilitation of the Pentacle Apartments, located in Ward 6, at 1501, 1503, 1505, 1507, 1509, 1511, 1513, 1515, 1517, 1519, 1521, and 1523 Benning Road, N.E., and 710, 712, 714, 716, 718, and 720 16th Street, N.E., and will consist of thirteen (13) buildings with one hundred eighty two (182) residential units upon completion of the rehabilitation. A minimum of 40% of the units will be set aside for households with incomes at or below 60% of the area median income.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY**SOME SCATTERED SITE****Notice of Intent to Issue Bonds**

This is to give notice that the District of Columbia Housing Finance Agency has submitted or will be submitting to the Council of the District of Columbia a notice of the Agency's intent to issue \$19,000,000 in tax-exempt and/or taxable housing revenue bonds for the acquisition and rehabilitation of the SOME Scattered Site, located in Wards 7 and 8, at 350 and 360 50th Street, S.E., 730 and 736 Chesapeake Street, S.E., 1667 Good Hope Road, S.E., and 2810-2872 Texas Avenue, S.E., and will consist of six (6) buildings with one hundred ninety two (192) residential units upon completion of the rehabilitation. A minimum of 40% of the units will be set aside for households with incomes at or below 60% of the area median income.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

DC Main Streets Program Year 2008
(Ward 5 Target Area)

The Department of Small and Local Business Development is soliciting applications from qualified non-profit corporations, either in existence or in formation at the time of application, to operate a DC Main Streets program in Ward 5, Rhode Island Avenue, NE and North Capitol Street commercial corridor. Two new DC Main Streets programs will be designated through a competitive selection process to serve Rhode Island Avenue, NE and North Capitol Street in Ward 5.

The designated DC Main Streets programs (organization) will receive grant funding and technical assistance to support commercial revitalization initiatives. Each Main Streets organization will develop programs and services to: (1) assist business districts with the retention, expansion and attraction of neighborhood-serving retail stores; and (2) help unify and strengthen the commercial corridor. The DC Main Streets grant award is a one-time non-recurring grant.

Applications and Application Guidelines will be released beginning Tuesday, May 27, 2008, to be followed by two neighborhood-based application workshops the week of June 16, 2008. Applicant organizations must participate in the neighborhood workshop. Information about the workshops, including dates, times and locations, will be available on the *reSTORE* DC website (www.restoredc.dc.gov), or by calling the Office at (202) 727-3900. Applications may be obtained at any of the workshops, or by calling the Office at (202) 727-3900. *Interested organizations should forward their email addresses to receive timely updates on the application process and requirements to restoredc@dc.gov.*

A non-binding Notice of Intent to Apply, postmarked by Friday, June 27, 2008, must be submitted by applicant organizations to DC Main Streets, Department of Small and Local Business Development, 441 4th Street, NW, Suite 970N, Washington, DC 20001. Applications must be submitted to DC Main Streets, Department of Small and Local Business Development, 441 4th Street, NW, Suite 970N, Washington, DC 20001, by 4:00 PM on Thursday, July 31, 2008. An application is considered complete if all questions are answered in the allotted space, all signatures are affixed, all requested attachments are included, and the original UNBOUND application and ten (10) copies are submitted by the deadline. Applications will be evaluated by an independent review panel, which will also interview the applicant organizations that pass the first round ranking. The review panel will recommend the designation of new Main Streets programs.

For more information, contact Phyllis R. Love, Assistant Director, Office of Commercial Revitalization, Department of Small and Local Business Development at (202) 727-3900.

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

Application No. 17711 of Yaulanda D. Powell, pursuant to 11 DCMR §§ 3104 and 1202.1, for a special exception to operate a bed and breakfast facility (6 guest sleeping rooms) *and to permit a maximum of 14 guests on the premises in a one hour period*¹ under § 203.8(c) and § 203.10(b), in the CAP/R-4 District at premises 612 3rd Street, S.E. (Square 795, Lot 57).

HEARING DATE: January 29, 2008

DECISION DATE: January 29, 2008

DECISION AND ORDER

This application was submitted on August 1, 2007 by Yaulanda D. Powell ("Applicant"), the owner of the property that is the subject of this application ("subject property"). Applicant has been operating a bed and breakfast (B&B) establishment with two guest sleeping rooms at the subject property since 2004, and filed this request with the Board to increase the number of guest sleeping rooms to six.

The Board held a hearing on the application on January 29, 2008. At the close of the hearing, the Board voted, 4-0-1, to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated August 6, 2007, the Office of Zoning ("OZ") provided notice of the filing of the application to the D.C. Office of Planning ("OP"), the D.C. Historic Preservation Office ("HPO"), the D.C. Department of Transportation, the Office of the Architect of the Capitol, Advisory Neighborhood Commission ("ANC") 6B, the ANC within which the subject property is located, the Single Member District member for 6B03, and the Councilmember for Ward 6. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing date in the *D.C. Register*, and mailed such notice to the Applicant, ANC 6B, and all owners of property within 200 feet of the subject property.

Requests for Party Status. ANC 6B was automatically a party to the case. There were no requests for party status.

¹ The Board allowed the Applicant to amend the application at the hearing to add the relief in italics from § 203.4(m) that limits the number of clients or customers on the premises to 8 in a one hour period.

BZA APPLICATION NO. 17711**PAGE NO. 2**

Applicant's Case. The Applicant represented herself at the hearing and testified as to how her application met the necessary zoning requirements.

Government Reports. OP filed a report with the Board dated January 22, 2008 in which it addressed each of the many provisions which had to be met by the application and determined that they were all met, or could be modified pursuant to § 203.10(b). Therefore, OP recommended approval of the application.

The HPO provided the Applicant with a certification that the building on the subject property contributes to the character of the Capitol Hill Historic District.

ANC Report. ANC 6B filed a report with the Board dated January 11, 2008, stating that at a regularly scheduled and properly noticed meeting, with a quorum present, the ANC had voted 8-0-1 to oppose the application. The ANC opined that an increase to six guest sleeping rooms would be incompatible with the residential neighborhood in which the subject property is located. The ANC report also stated that the neighbors oppose the increase.

Persons in Support or Opposition. The Board received six letters in support of the application, including one from a next-door neighbor, two from the only other two owners of residences on the same block, and two from residents of G Street, whose properties abut the subject property. The Board also received a letter in support of the application from the Capitol Hill Restoration Society.

No letters of opposition were received by the Board, but two neighbors testified in opposition at the hearing. Their primary concerns were with increased parking problems and the possible incompatibility of the expanded B&B use with the neighborhood.

FINDINGS OF FACT

1. The subject property is located at 612 3rd Street, S.E., on Square 795, Lot 57, in an R-4 zone district and within the Capitol Hill Interest Overlay District and the Capitol Hill Historic District.
2. Immediately to the north of the property is a 3-story condominium building, and to the south and east are 2- and 3-story row dwellings. Across 3rd Street to the west is Garfield Park, an open green space.
3. The property has an area of 4,493 square feet and is improved with a 2-story row dwelling.
4. In 2002, the Applicant constructed a rear 3-story addition to the row dwelling, which was attached to the original part of the row dwelling by a second-story pedestrian bridge, creating one building for zoning purposes.
5. The Historic Preservation Review Board approved the rear addition in 2002.

BZA APPLICATION NO. 17711**PAGE NO. 3**

6. The Applicant owns, and resides in, the row dwelling on the property.
7. On April 27, 2004, Home Occupancy Permit No. 74004 was issued to the Applicant to allow the establishment of the "Coach House on Garfield Park:" bed and breakfast use on the property. Pursuant to § 203.8, the matter-of-right use was limited to two bedrooms located in the original contributing dwelling.
8. In the past, Applicant has rented the rooms in the original front part of the house.
9. The dwelling, including the addition, has a total of seven sleeping rooms, two of which are currently used as guest sleeping rooms in the B&B operation. One of the sleeping rooms is currently used by the Applicant and her spouse and another is currently used by the Applicant's son.
10. The Applicant intends, in the future, to use one sleeping room for herself and her spouse, and to use the other six for the guests of the B&B.
11. Although the Applicant proposes to increase the number of guest sleeping rooms in use from two to six, the B&B use will remain secondary to the use of the dwelling as the Applicant's residence.
12. Each sleeping room has a private bathroom.
13. The only meal served to guests is breakfast.
14. There are no cooking facilities in the guest sleeping rooms.
15. There is an open area behind the dwelling with space for two to three parking spaces, which is accessed through a public alley leading to 4th Street.
16. The dwelling provides one parking space for the residential use, but is not required to provide additional off-street parking spaces because it has been certified by the HPO as contributing to the character of the historic district, and its gross floor area is not being increased. 11 DCMR § 2120.3.
17. Approximately 75% of the Applicant's guests arrive by taxi or metro and do not require the use of parking spaces.
18. For those guests that do require parking spaces, the Applicant obtains temporary residential parking stickers. During the 12 months of 2007, the Applicant obtained 27 such stickers.
19. Street parking is available in the neighborhood, but is tight during a 2 and 1/2-hour period on weekday evenings when a local gym is most heavily used.
20. The property is approximately a 10-minute walk from the nearest metro station.

BZA APPLICATION NO. 17711**PAGE NO. 4**

21. A 12 inch by 12 inch, non-illuminated sign is posted at the top of the steps on the entrance gate.
22. All employees of the B&B are residents of the dwelling.
23. Daily vehicle trips by visitors, customers, and delivery people will not exceed eight per day.
24. No interior structural alterations or exterior changes are proposed and the Applicant will maintain the residential character and appearance of the dwelling and the lot.
25. No operations or storage will occur outside the dwelling.
26. No electrical equipment causing electrical interference or fluctuations in line voltage will be used in the expanded operation of the B&B.
27. No activities resulting from the expanded operations of the B&B will result in noxious odors, vibrations, glare, or fumes.
28. Only outside lighting and/or sound equipment consistent with a single-family dwelling will be used at the property.
29. No children are accepted as guests; therefore, all the guests are adults.
30. Most guests will be off-site during the day and will use the B&B guest sleeping rooms only in the evening and for sleeping.
31. Check-in for the B&B occurs between 3:00 and 8:00 p.m., and guests are generally not accepted after 10:00 p.m.
32. No sales are conducted at the property.
33. Since the inception of the B&B use, the Applicant has not received any complaints from the neighbors.

CONCLUSIONS OF LAW

The Board is authorized to grant a special exception where, in its judgment, the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property." 11 DCMR § 3104.1. In addition, certain special exceptions require compliance with provisions specific to the special exception.

In this case, the Applicant is required to meet the provisions governing home occupations, in general, set forth in § 203.1, and the specific requirements applicable to a B&B set forth in §

BZA APPLICATION NO. 17711**PAGE NO. 5**

203.8, which, at subparagraph (h), mandates compliance with the requirements of §§ 203.4 through 203.6. An Applicant for a home occupation permit regulated by §§ 203.6 through 203.8 may request the Board to modify up to two of the conditions enumerated in §§ 203.4 through 203.8. *See* 203.10(b).

The Applicant requests that the Board allow modification of subparagraph 203.8(c)(1) to permit six sleeping rooms, as opposed to two, and modification of subparagraph 203.4(m) to permit a maximum number of 14 guests on the premises in any one hour period, as opposed to eight.

The Board may permit Applicant's modification requests by special exception provided "the general purposes and intent of [subparagraph 203.10] are complied with." *See* § 203.10 (b). Section 203.10(a) references the purposes of this section as set forth in § 203.1. Section 203.1 states that "[t]he purpose of the home occupation provisions shall be to allow home occupations as accessory uses to residential uses; provided that they are compatible with the residential neighborhood in which they are located." This provision echoes the general special exception tests that such use be compatible with the present and proposed development of the neighborhood (11 DCMR § 1202.1(a)), and that it be in harmony with the general purpose and intent of the Zoning Regulations and Maps and not tend to adversely affect neighboring property. 11 DCMR § 3104.1.

The Board finds that the B&B use has been in operation since 2004 with no negative impact on the neighborhood. Its expansion may have some minimal impact on the neighborhood because the number of guests will increase, but that increase will be marginal. The increased number of guests may result in greater foot traffic and perhaps, some increased vehicle traffic, but the Board concludes that such increases will not rise to the level of incompatibility with or adverse effect on the neighborhood. Likewise the small increase in the number of guests permitted in a one hour period from eight to fourteen will serve to accommodate visitors of the B & B's guests for only a short period of time, and accordingly, should not have an adverse impact on the neighborhood with respect to noise, parking, or traffic.

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive. In its report, OP carefully laid out all the provisions that needed to be met by the application, and found them all to be met. It recommended approval of the application and did not recommend any conditions. The OP expressed concern at the hearing that the Applicant not be allowed to rent any part of the dwelling if six of the rooms were to be authorized for use as part of the B & B, as Applicant had done in the past when only two rooms were devoted to B & B use. The Applicant responded that she had no intention of renting any part of the house in the future and

BZA APPLICATION NO. 17711**PAGE NO. 6**

sought only to run a B & B on the property². The Board agrees with OP's recommendation and clarifies in this order that this authorization for use as a B & B with six sleeping rooms precludes any other rental of rooms or accessory apartment use on the premises.

ANC 6B opposed the application. The ANC's letter states that, in the opinion of the ANC, an expansion to six guest sleeping rooms is incompatible with the residential neighborhood in which the B&B is located. The letter also states that the neighbors are "strongly in opposition" to the application.

As to the ANC's opinion respecting incompatibility, the Board disagrees. The Applicant has met all the requirements of the Zoning Regulations. The B&B has been operating since 2004 and has established a good "track record" for responsible operations, causing no adverse effects on the neighborhood. The Board does not foresee that a moderate expansion of those operations will cause adverse effects or result in incompatibility with the neighborhood.

The ANC also contends that the neighbors "strongly" oppose the application, but there is mixed evidence of both neighborhood support and neighborhood opposition in the record. Indeed, some of the closest neighbors, who would most likely be affected by the granting of this application, filed letters in support. The Board, therefore, is not persuaded by the ANC's claim of "strong" opposition.

The Zoning Regulations strictly regulate a residential B&B operation, providing the neighborhood with protections against adverse impacts. If an application for special exception meets all the necessary regulations, such protections will be in place, and, the application should be granted. *See, First Baptist Church of Washington v. D.C. Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981). ("If the applicant meets its burden, the Board ordinarily must grant the application.")

Based on the above, the Board concludes that the application meets the zoning regulations governing home occupations in the R-1 District set forth § 203 and that the B&B, with the modifications of two of the home occupation requirements, to permit six sleeping rooms and up to 14 guests on the premises in any one hour period, will be compatible with the neighborhood and in harmony with the purpose and intent of the Zoning Regulations, and will not adversely affect the neighborhood.

For all the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application for a special exception pursuant to §§ 3104 and 1202.1 and § 203 of the Zoning Regulations. Accordingly, the application is **GRANTED; and it is hereby ORDERED that:**

² The Board notes that § 202.10(h) prohibits the addition of an accessory apartment where a home occupation is already on the premises.

BZA APPLICATION NO. 17711**PAGE NO. 7**

1. The Applicant may expand the number of sleeping rooms used as part of the B& B from two to six;
2. A maximum of 14 guests may be on the premises in a one hour period; and
3. Authorization of the property for use as a B&B precludes any other rental of rooms or accessory apartment use on the premises.

VOTE: 4-0-1 (Ruthanne G. Miller, Marc D. Loud, Mary Oates-Walker, and Shane Dettman to grant; No Zoning Commission member present or voting.)

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

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

FINAL DATE OF ORDER: MAY 15 2008

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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

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

Application No. 17742 of Unique Learning Center, pursuant to 11 DCMR §§ 3104.1, and 3103.2, for a variance from the court requirements under § 406, a variance from the nonconforming structure provisions of § 2001.3, and a special exception under § 209, to operate a community center in the R-4 District at premises 1251 – 1253 4th Street, N.W. (Square 523, Lot 858).

HEARING DATE: April 1, 2008

DECISION DATE: May 6, 2008

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C 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 209. 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 209, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving

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BZA APPLICATION NO. 17742**PAGE NO. 2**

under 11 DCMR §§ 3103.2, 406 and 2001.3 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

- (1) Activities of the Unique Learning Center shall be limited to those that serve its mission of providing academic, recreational, cultural, and moral enrichment programs to at-risk children in the inner-city community of Washington, D.C., including programs for the children's parents.
- (2) The lighting on the property shall include a downward-focused, motion-sensor light that will illuminate the entirety of the back parking lot and rear entrance to the building. Additional subdued lighting shall be located on the outside of the building.
- (3) A wrought-iron fence in the style of other fences in the surrounding neighborhood will attach near the southwest corner of the building and will run along the property line, encompassing the parking lot, and reattach at the southeast corner of the building. The fence will be between 6 to 8 feet high when surrounding the open parking lot and will be shorter when running along the building. The main entrance to the parking lot will be secured nightly and during hours/days that the property is not in use.

VOTE: 4-0-1 (Ruthanne G. Miller, Michael G. Turnbull, Mary Oates Walker, and Shane L. Dettman to approve; no other Board Member participating)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 16 2008

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-

BZA APPLICATION NO. 17742

PAGE NO. 3

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.

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

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

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

Application No. 17755 of Mt. Lebanon Baptist Church, pursuant to 11 DCMR § 3104.1 for a special exception to establish a community service center under § 334¹, in the R-4 District at premises 225 Morgan Street, N.W. (Square 555, Lot 150).

Note: The Board determined that no variance relief was necessary under § 401.11. Therefore, this order addresses only the special exception relief approved by the Board.

HEARING DATE: April 22, 2008

DECISION DATE: May 6, 2008

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C 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 § 334. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof,

¹ The applicant initially sought an area variance from § 401.11. However, the Board concluded that this relief was not necessary. Section 401.11 imposes a minimum area requirement for apartment units when the number of units in an existing apartment house is increased. The Board determined that there were six units at the subject property and therefore, the number of units would not increase as a result of the project. As a result, the area requirements of § 401.11 are inapplicable and the relief is, therefore, not required.

BZA APPLICATION NO. 17755**PAGE NO. 2**

pursuant to 11 DCMR §§ 3104.1 and 334, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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 (per Exhibit No. 33, "Architectural Plans") be **GRANTED, SUBJECT to the following CONDITIONS:**

- (1) The hours of operation of the Job Training Center, to be operated in conjunction with the Department of Employment Services and CVS, shall be Monday through Friday, 8:30 a.m. to 5:30 p.m.
- (2) The hours of operation of the Computer Training Center, service space on first floor, shall be Monday through Saturday, 8:30 a.m. to 6:30 p.m.
- (3) The hours of operation of the Community Room, meeting space for neighborhood associations and non-profits, shall be Monday through Saturday, 8:30 a.m. to 10:00 p.m.
- (4) Uses in the building will be limited to a maximum of six dwelling units, a community service center, and the Mount Lebanon Baptist Church Community Development Corporation (CDC). The CDC would manage the building and offer computer training and other social service program support for the community service center.
- (5) There will be a maximum of twelve trainees and five staff persons on-site at any given time.

VOTE: 5-0-0 (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, Shane L. Dettman, and Michael G. Turnbull to approve)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 14 2008

BZA APPLICATION NO. 17755

PAGE NO. 3

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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.

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

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

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

Application No. 17760 of Alton and Janet Penz, pursuant to 11 DCMR § 3104.1, for a special exception allowing an addition to the side of an existing one-family dwelling under section 223, not meeting the side yard (section 405) requirements, in the R-1-B District at premises 6343 Utah Avenue, N.W. (Square 2352, Lot 73).

HEARING DATE: May 13, 2008
DECISION DATE: May 13, 2008 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. ANC 3G submitted a report in support of the application. The Office of Planning (OP) 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 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.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 10 – Plans) be **GRANTED**.

BZA APPLICATION NO. 17760

PAGE NO. 2

VOTE: 4-0-1 (Ruthanne G. Miller, Shane L. Dettman, Mary Oates Walker, and Anthony J. Hood to Approve. Marc D. Loud 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: MAY 14 2008

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

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

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

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

BZA APPLICATION NO. 17760

PAGE NO. 3

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 08-15
(Consolidated PUD & Related Map Amendment –
Square 1920, Lot 831 and Square 1920-N, Lots 1 and 2)
May 21, 2008**

THIS CASE IS OF INTEREST TO ANC 3C

On May 16, 2008, the Office of Zoning received an application from Friendship-Macomb SC Inc. (the “applicant”) for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application, known as the Friendship Heights Shopping Center, consists of Square 1920, Lot 831 and Square 1920-N, Lots 1 and 2 in Northwest Washington, D.C. (Ward 3) with an address of 3336, 3400-3430, and 3440 Wisconsin Avenue, N.W. The property is currently zoned MW/C-1 and R-5-A (for Square 1920) and MW/C-1 (for Square 1920-N).

The applicant proposes to develop a mixed- use project to include approximately 140-150 new residential units (with approximately 13,184 square feet of affordable housing) and approximately 136,484 square feet of retail use. The project will feature a new state-of-the-art Giant supermarket. There will be 536 parking spaces in a two-story, below-grade garage.

The applicant also proposes to rezone Square 1920, Lot 831 from MW/C-1 and R-5-A to C-2-A and R-5-A and Square 1920-N from MW/C-1 to C-2-A.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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