

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

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

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

Calendar Year 2008 Meeting Dates

June 11th  
June 25th

September 10th  
September 24th

July 9th  
July 23rd

October 8th  
October 22nd

August 13th  
August 27th

November 12th  
November 26th

December 10th  
December 24th

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA****DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING****NOTICE OF PUBLIC INTEREST  
LIST OF CONDEMNED BUILDINGS**

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

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

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

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

For further assistance, contact the Support Staff of the BCIB on 481-3542.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR  
THE CONDEMNATION OF INSANITARY BUILDINGS**

**LIST OF CONDEMNED BUILDINGS**

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
6412 Barnaby Street	0091	2352	4
1442 Belmont Street	0192	2660	1
1472 Belmont Street	0814	2660	1
4334 Bladgen Avenue	0800	2659	4
7100 Blair Road	0800	3189	4
7220 Blair Road	0812	3176	4
41 Bryant Street	0099	3127	5
41 Bryant Street-Rear	0099	3127	5
811 Butternut Street	0006	2967	4
1859 California Street	0018	5127	1
1126 Columbia Road	0056	2853	1
5109 Connecticut Avenue	0048	1989	3
5109 Connecticut Avenue-Rear	0048	1989	3
5233 Connecticut Avenue	0041	1874	3
321 Elm Street	0082	1111	1
1212 Euclid Street	0077	2865	1
410 Florida Avenue	0040	0507	5
1461 Florida Avenue	0147	2660	1
3003 Georgia Avenue	0111	3052	1
3218 Georgia Avenue	0879	2892	1
3919 Georgia Avenue	0035	3027	4
4419 Georgia Avenue	0815	3020	4
4607 Georgia Avenue	0016	3015	4
6925 Georgia Avenue	0811	2967	4
723 Girard Street	0214	2886	1
1327 Girard Street	0803	2855	1
1710 Irving Street	0001	2771	4
1301 Kalmia Road	0001	2771	4
806 Kennedy Street	0812	2994	4
4334 Klinge Street	0811	1622	
508 M Street	0071	0482	2
1002 M Street	0056	0341	2
223 Missouri Avenue	0043	3331	4
1824 Monroe Street	0813	2614	1
212 Morgan Street	0083	0555	6

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

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

	<b><u>LOT</u></b>	<b><u>SQUARE</u></b>	<b><u>WD</u></b>
<b><u>Northeast</u></b>			
224 Adam Street	0031	3557	5
2027 Benning Road	0815	4515	7
5212 Cloud Street	0801	5235	7
4226 Dix Street	0017	5089	7
4226 Dix Street-Rear(North)	0017	5089	7
4226 Dix Street-Rear(South)	0017	5089	7
4403 Dix Street	0892	5803	7
4335 Douglas Street	0060	5115	7
4710 Eads Street	0011	5144	7
635 Emerson Street	0008	3788	5
2800 Evert Street	0009	4346	5
1369 Florida Avenue-Rear	0129	1026	6
4326 Gault Place	0130	5093	7
1309 H Street	0088	1027	6
1311 H Street	0089	1027	6
1264 Holbrook Terr.	0840	4055	5
311 I Street	0048	0776	6
1826 I Street	0032	4488	5
1830 I Street	0031	4488	5
5069 Just Street	0305	5176	7
1692 Kramer Street	0241	4540	6
1308 L Street	0064	1047	6
1854 L Street	0806	4470	5
1249 Lawrence Street	0021	3930	5
5119 Lee Street	0038	5200	7
1310 Monroe Street	0010	3964	5
1310 Monroe Street-Rear	0010	3964	5
1414 Montello Avenue	0807	4059	5
1712 Montello Avenue	0029	4053	5
1712 Montello Avenue-Rear	0029	4053	5
5706 NHB Avenue	0010	5214	7
1243 Owen Place	0188	4060	5
22 P Street	0057	0668	5
24 P Street	0056	0668	5
21 T Street	0809	5235	5
2511 Queens Chapel Road	4111E	0016	5
2621 Queens Chapel Road	0023	4213	5
115 Riggs Road	0085	3701	5
2925 South Dakota Avenue	0028	4339	5
21 T Street	0029	3510	5
19 U Street	0070	3509	5
215 Warren Street	0809	1033	6

**Northeast (Con't)**

	<b><u>LOT</u></b>	<b><u>SQUARE</u></b>	<b><u>WD</u></b>
2322 2 <sup>nd</sup> Street	0038	3540	5
2322 2 <sup>nd</sup> Street-Rear	0038	3540	5
915 3 <sup>rd</sup> Street	0801	0775	6
1111 3 <sup>rd</sup> Street	0773	0243	6
1811 3 <sup>rd</sup> Street	0007	3570	5
619 4 <sup>th</sup> Street	0092	0810	6
621 4 <sup>th</sup> Street	0093	0810	6
1020 4 <sup>th</sup> Street-Rear	0034	0774	6
3215 7 <sup>th</sup> Street	0010	3650	5
251 8 <sup>th</sup> Street	0064	0917	6
704 16 <sup>th</sup> Street	0085	4509	6
3114 16 <sup>th</sup> Street	0041	4014	5
3300 18 <sup>th</sup> Street	0019	4143	5
4310 22 <sup>nd</sup> Street	0012	4232	5
2921 26 <sup>th</sup> Street	0029	4342	5
2924 26 <sup>th</sup> Street	0026	4287	5
1121 46 <sup>th</sup> Street	0070	5155	7
1123 46 <sup>th</sup> Street	0111	5155	7
1227 47 <sup>th</sup> Place	0039	5160	7
1055 48 <sup>th</sup> Place	0098	5153	7
717 50 <sup>th</sup> Street	0021	5179	7
730 51 <sup>st</sup> Street	0061	5197	7
808 51 <sup>st</sup> Street	0193	5177	7
945 52 <sup>nd</sup> Street	0803	5199	7
109 53 <sup>rd</sup> Street	0091	5243	7
220 56 <sup>th</sup> Street	0026	5249	7
421 61 <sup>st</sup> Street	0009	5260	7

**BUILDINGS CONDEMNED**

**LOT**

**SQUARE**

**WD**

**Southeast**

1523 A Street	0816	1072	6
1751 A Street	0063	1097	6
1751 A Street-Rear	0063	1097	6
4427 A Street	0107	5350	7
5019 A Street	0005	5327	7
5019 A Street-Rear (Shed)	0005	5327	7

BUILDINGS CONDEMNEDLOTSQUAREWDSoutheast (Cont'd)

21 Atlantic Street	0051	6170	8
5010 Benning Road	0068	5340	7
3401 Brothers Place	0803	6006	8
5201 C Street	0009	5312	7
5100 Call Place	0016	5312	7
5100 Call Place-Rear(South)	0016	5312	7
612 E Street	0814	0876	6
1525 E Street	0087	1076	6
3326 Ely Place	0807	5444	6
647 G Street	0139	0878	6
651 G Street	0141	0878	6
1500 Galen Street	0048	5795	8
1239 Good Hope Road	0089	3033	8
1410 Good Hope Road	0024	5605	8
4324 Halley Terrace	0018	6214	8
2256 High Street-Rear East	0850	5799	8
1812-16R Independence Ave-Rear(East)	0095	1111	6
1812-16R Independence Ave-Rear(West)	0095	1111	6
2309 Irving Street	0010	5846	8
2839 Jasper Road	0917	5875	8
1220 Maple View Place	0811	5800	8
1303 Maple View Place	0892	5803	8
1311 Maple View Place	0883	5803	8
1354 Maple View Place	0922	5804	8
1909 MLK Jr. Avenue	0829	5770	8
1911 MLK Jr. Avenue	0829	5770	8
1913 MLK Jr. Avenue	0829	5770	8
2228 MLK Jr. Avenue	0810	5802	8
2234 MLK Jr. Avenue	0811	5802	8
2238 MLK Jr. Avenue	0978	5802	8
2629 MLK Jr. Avenue-East	0192	5867	8
2629 MLK Jr. Avenue-West	0192	5867	8
2666 MLK Jr. Avenue, East bldg	1014	5868	8
1354 Penn. Avenue	0051	3565	8
643 Raleigh Place	0804	5954	8
1005 Savannah Street	0804	5938	8
1500 Savannah Street	0801	5912	8
1502 Savannah Street	0802	5912	8
1225 Sumner Road	0980	5865	8
1326 Valley Place	0849	5799	8
821 Virginia Avenue	0006	0929	6
1242 W Street	0099	5782	8

BUILDINGS CONDEMNEDLOTSQUAREWDSoutheast Cont'd

104 Xenia Street	0037	6128N	8
535 9 <sup>th</sup> Street	0830	0926	6
535 9 <sup>th</sup> Street-Rear	0830	0926	6
742 13 <sup>th</sup> Street	0096	1045	6
321 18 <sup>th</sup> Street	0801	1100	6
1427 22 <sup>nd</sup> Street	0812	5564	8
1401 22 <sup>nd</sup> Street	0812	5564	8
1401 22 <sup>nd</sup> Street-Rear	0812	5564	8

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

E.L. Haynes, an exceptional school serving students in Washington, DC, is seeking proposals to provide 5 black/white and 1 color copy machine at a new facility for the 08-09 school year. The school is located at 3600 Georgia Avenue NW Washington, DC 20011. Proposals will be accepted until 5:00PM Friday June 20, 2008. They may be received by mail or email to the attention of: **Patrice Griffin at 3029 14<sup>th</sup> Street NW Washington, DC 20009** or **[pgriffin@elhaynes.org](mailto:pgriffin@elhaynes.org)**.

**EXECUTIVE OFFICE OF THE MAYOR  
OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**

**NOTICE OF FUNDING AVAILABILITY  
“Know Your Rights” Training Grant**

**Background information on the grant:**

The Mayor’s Office on Asian and Pacific Islander Affairs (OAPIA) received \$4,800 in grant funding from the Office on Human Rights (OHR) to be awarded competitively to one or more community-based organizations (CBOs) under its “Know Your Rights” community education and outreach training initiative. The purpose of the “Know Your Rights” initiative is to train front-line staff and community members at CBOs throughout the District who provide services to limited-English proficient (LEP) and non-English proficient (NEP) individuals. OHR recognizes that the individuals most educated about the law are often not the front-line staff working with the LEP or NEP individual directly. In order for LEP/NEP individuals to obtain the most efficient, effective and direct access to knowing their rights and recourse under the D.C. Language Access Act of 2004, OHR must ensure all front-line staff at CBOs where LEP/NEP populations frequent, as well as the LEP/NEP populations themselves, be well-versed and trained in the law.

**Amount of grant funds available and number of awards:**

OAPIA expects to award one grant for \$4,800 to eligible community-based organizations.

**Eligible organizations and entities:**

Nonprofit (501(c)3) organizations located in the District of Columbia that:

- Serves limited-English proficient and/or non-English proficient individuals
- Have capacity to work effectively with language minority populations
- Have experience working with District Agencies

**Program scope:**

Focus of the grant will be to provide training on OHR’s “Know Your Rights” for **no less than 300 individuals and the following 18 CBOs**: Columbia Heights Shaw Family Support Collaborative, Life Skills Center, Multicultural Community Service, Asian Pacific American Legal Resource Center, Legal Aid Society of D.C., Neighbor’s Consejo, CentroNía, La Clínica del Pueblo, D.C. Employment Justice Center, Latin American Youth Center, Asian American LEAD, Ethiopian Community Center, the African Immigrant Refugee Foundation, Women Empowered Against Violence, Inc, Newcomers Center, Asian Service Center, Mary’s Center, and Vietnamese American Community Service Center.

**Release date of RFA:** June 9, 2008

**Deadline for submission:** Tuesday June 24, 2008 at 4:00 p.m.  
441 4<sup>th</sup> Street, NW Suite 805 South  
Washington, DC 20001

**Contact names:** Thanh Nguyen, OAPIA, (202) 727-3120, thanh.nguyen@dc.gov

**EXECUTIVE OFFICE OF THE MAYOR**

Office of the Deputy Mayor for Planning and Economic Development

**PUBLIC NOTICE**

Environmental Impact Statement, Poplar Point redevelopment project and proposed National Park Service and U.S. Park Police facilities relocation

**ACTION:** Notice of intent to prepare an environmental impact statement and for scoping on the redevelopment of Poplar Point and proposed relocation of certain National Park Service and U.S. Park Police facilities in Washington, D.C.

**SUMMARY:** Pursuant to the *National Environmental Policy Act of 1969* (NEPA), 42 U.S.C. 4321 *et seq.*, the National Park Service (NPS) with the District of Columbia government (District), acting as joint lead agencies, will prepare an environmental impact statement (EIS) to aid their decision making under Title III of the *Federal and District of Columbia Government Real Property Act of 2006*, Pub.L. 109-396, 120 Stat. 2711 (2006)) (D.C. Lands Act). During this NEPA process, the NPS and District will be complying with applicable laws and regulations, including Section 106 of the National Historic Preservation Act, and those pertaining to activities within floodplains. Other Federal and District agencies may serve as cooperating agencies and they are invited to contact the NPS and the District. Scoping commences with this notice. Written comments on the scope of issues to be addressed in the EIS are requested, and a public meeting has been scheduled.

**DATES:** A public meeting to obtain input on the scope of issues to be addressed in the EIS is scheduled for June 24, 2008, at 7 pm at Matthews Memorial Baptist Church 2616 Martin Luther King Avenue, SE, Washington, DC.

Written comments from the public and others are sought. Comments will be considered by both NPS and the District. For these comments to be most helpful to the scoping process, they must be received within 45 days from the date of publication of this notice. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Government agencies who will be or seek to be cooperating agencies are requested to get in touch with NPS, the District, or both as early in the process as possible.

**ADDRESSES:** The scoping meeting will be held on June 24, 2008 7:00 pm at Matthews Memorial Baptist Church 2616 Martin Luther King Avenue, SE, Washington, DC. Potential cooperating agencies should contact the Office of the Deputy Mayor for

Planning and Economic Development, Attention: Poplar Point Project Manager, 1350 Pennsylvania Avenue, N.W., Suite 317, Washington, D.C. 20004 or [www.poplarpointeis.com](http://www.poplarpointeis.com). To submit comments: these may be sent electronically through the NPS Planning, Environment and Public Comment (PEPC) website at <http://parkplanning.nps.gov/NACE>; or by mail to: Superintendent, National Capital Parks-East, RE: Poplar Point Redevelopment, 1900 Anacostia Drive, S.E., Washington, D.C. 20020. To be added to a mailing list about this project: contact Superintendent, National Capital Parks-East, RE: Poplar Point Redevelopment, 1900 Anacostia Drive, S.E., Washington, D.C. 20020.

FOR FURTHER INFORMATION CONTACT: The NPS and the District may both be contacted. For the NPS: Superintendent, National Capital Parks-East, RE: Poplar Point Redevelopment, 1900 Anacostia Drive, S.E., Washington, D.C. 20020. For the District: Office of the Deputy Mayor for Planning and Economic Development, Attention: Poplar Point Project Manager, 1350 Pennsylvania Avenue, N.W., Suite 317, Washington, D.C. 20004 or [www.poplarpointeis.com](http://www.poplarpointeis.com).

SUPPLEMENTARY INFORMATION: The D.C. Lands Act calls for the redevelopment of Poplar Point (the Site), by the District and, should the NPS and District jointly determine that it is no longer appropriate for the NPS and U.S. Park Police (USPP), which is part of the NPS, to remain in their current Poplar Point facilities, new permanent replacement facilities will be provided by the District. The EIS will analyze alternatives for the District's redevelopment of the Site and for NPS/USPP replacement facilities which may be located elsewhere in D.C., and a no-action alternative. This EIS will be used in the decision making processes for this relocation and redevelopment which are pursuant to the D.C. Lands Act. Much of the Site is within National Capital Parks-East of the National Park System and, by law, as the NPS/USPP facilities situation is resolved, these lands will go to the District, possibly through a sequence of multiple conveyances of title.

Poplar Point occupies a prime and highly visible parcel along the eastern bank of the Anacostia River, directly across from the Washington Navy Yard. The Site includes, but is not limited, to "Poplar Point" as defined in the Section 304 of the D.C. Lands Act, and is generally bounded by the Anacostia River to the north, the Frederick Douglass Bridge to the west, the 11<sup>th</sup> Street Bridge to the east, and the Anacostia Freeway (Interstate 295) and Suitland Parkway to the south. It is approximately 130 acres, mostly under NPS jurisdiction, containing the NPS/USPP facilities and 60 acres of managed meadows. The Site will increase to approximately 150 acres when the Frederick Douglass Bridge is realigned further to the South.; the District already has jurisdiction of the land underneath the freeway infrastructure leading to that bridge. The Site also contains the Anacostia Metro Station and a Washington Metropolitan Area Transit Authority (WMATA) parking garage.

The NPS/USPP presently operate in approximately 100,000 square feet of facilities at the Site. The NPS/USPP relocation involves the NPS and District agreeing on a new location and on facilities design, followed by the District providing such facilities to the

NPS at no cost to the NPS. Options for relocation include moving to other land in the District, or relocation at the Site. A determination could also be made for the NPS/USPP to remain in their current facilities.

Pursuant to the D.C. Lands Act, the redevelopment of Poplar Point will include approximately 70 acres of parkland in perpetuity that may include wetlands, landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas and memorial sites. For the remaining acreage of the Site, the District is considering proposals for a cultural institution or museum, transit, a sports complex or stadium, and residential and commercial uses.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Podiatry hereby gives notice of the change of its regularly scheduled quarterly meeting dates pursuant to the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (“Act”).

Beginning Wednesday, July 9, 2008, the District of Columbia Board of Podiatry will now hold its regularly scheduled monthly meetings on the second Wednesday of each month at 1:30 p.m. The Board of Podiatry meets at 717 14<sup>th</sup> Street, NW, 10<sup>th</sup> Floor, Washington, D.C. 20005.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY****NOTICE OF EXTENDED COMMENT PERIOD**

The Executive Director of the District of Columbia Housing Finance Agency ("DCHFA"), pursuant to the authority set forth in § 308 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2703.08), hereby gives notice of intent to adopt the proposed rulemaking by the DCHFA, published on May 16, 2008 in the District of Columbia Register, at 55 DCR 005757, in not less than seventeen (17) days from the date of publication of this Notice of Extended Comment Period in the *D.C. Register*. The purpose of the proposed rulemaking is to establish procedures for evictions, protections for tenants from retaliatory actions by housing providers, and relocation assistance in accordance with § 501 through § 506 and §701 through §705 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*). For questions or comments contact Xavier Beltran, Associate General Counsel, District of Columbia Housing Finance Agency, 815 Florida Avenue, N.W., Washington, DC 20001.

**KIPP DC****REQUEST FOR PROPOSALS**

KIPP DC, 910 17<sup>th</sup> Street, NW, Washington, DC 20006, will receive bids until **June 12th, 2008 at 5:00 p.m.** for the following services:

Construction Management Services for renovation work at KIPP DC's AIM Academy, located at 2600 Douglass Pl., SE. Proposals are due on June 12, 2008. A full RFP may be obtained by contacting Alex Shawe at [ashawe@kipfdc.org](mailto:ashawe@kipfdc.org) or at 202-223-4505.

Thanks very much.

**Alex Shawe**  
**KIPP DC:**  
**910 17<sup>th</sup> Street, NW – Suite 1050**  
**Washington, DC 20006**  
**Ph: 202-223-4505**  
**Fax: 202-223-4505**  
**Email: [ashawe@kipfdc.org](mailto:ashawe@kipfdc.org)**

**DC STATE BOARD OF EDUCATION****NOTICE OF PUBLIC MEETING**

State Board of Education Meeting

This is a regular meeting of the State Board of Education.

The State Board is scheduled to vote on the Annual School Report Card redesign, Homeschooling Policies and Supplemental Education Service provider policies. There will be a briefing on Special Education reform and State Policies on Parental Involvement and a discussion of Charter School Accreditation Organizations.

Should anyone wish to testify before the State Board of Education, please contact the office by close of business June 16, 2008.

Wednesday, June 18, 2008

5:30 pm

First Floor Chambers

441 4<sup>th</sup> Street, NW

Washington, DC 20001

Contact: Beverley R. Wheeler (202)741-0888

[Beverley.wheeler@dc.gov](mailto:Beverley.wheeler@dc.gov)

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****REQUEST FOR APPLICATIONS****FY 2008 First Day Parent Involvement Activities**

Invites the submission of applications for funding for the First Day Parent Involvement Grant from the Office of the State Superintendent of Education.

Please visit [www.osse.dc.gov](http://www.osse.dc.gov) or contact Maria Ibañez to receive a copy of the RFA.

**RFA Release Date: June 3, 2008**

**Application Submission Deadline: June 23, 2008, 5pm**

**CONTACT PERSON:** Maria Ibañez  
Director of Communications and Outreach  
Office of the State Superintendent of Education  
441 4th Street, NW #350 North  
Washington, D.C. 20001  
202-727-6436  
[maria.ibanez@dc.gov](mailto:maria.ibanez@dc.gov)

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****REQUEST FOR APPLICATIONS****FY 2008 Parental Learning Opportunities Grant**

Invites the submission of applications for funding for the Parental Learning Opportunities Grant from the Office of the State Superintendent of Education.

Please visit [www.osse.dc.gov](http://www.osse.dc.gov) or contact Maria Ibañez to receive a copy of the RFA.

**RFA Release Date: June 3, 2008**

**Application Submission Deadline: June 23, 2008, 5pm**

**CONTACT PERSON:** Maria Ibañez  
Director of Communications and Outreach  
Office of the State Superintendent of Education  
441 4th Street, NW #350 North  
Washington, D.C. 20001  
202-727-6436  
[maria.ibanez@dc.gov](mailto:maria.ibanez@dc.gov)

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**  
**REQUEST FOR REVIEW**

**FY 2008 Individuals with Disabilities Education Act Review**

The District of Columbia Office of the State Superintendent of Education, Division of Education Excellence, Early Care and Education Administration, Infants and Toddlers with Disabilities Division would like the public's input on the State Application for Part C services as mandated under the Individuals with Disabilities Education Act (IDEA).

Please visit [www.osse.dc.gov](http://www.osse.dc.gov) or contact Wanda Gross to receive a copy of the Part C Application.

**Application Review Period: May 30, 2008 – July 29, 2008**

**Comment Submission Deadline: July 18, 2008, 5pm**

**CONTACT PERSON:** Comments should be emailed or delivered to:  
Wanda Gross  
[wanda.gross@dc.gov](mailto:wanda.gross@dc.gov)  
(202) 724-7230  
The Early Care and Education Administration  
717 14<sup>th</sup> Street, NW  
Suite 1200  
Washington, DC 20005

**THURGOOD MARSHALL ACADEMY PUBLIC CHARTER SCHOOL****NOTICE OF REQUEST FOR PROPOSALS****National School Lunch Program**

Thurgood Marshall Academy Public Charter High School is advertising the opportunity to bid on the delivery of breakfast and lunch meals utilizing USDA commodities. Bids process will close on Monday, June 26, 2008 at 5:00 pm. Bids must include a reduction in the overall contract price for utilizing USDA commodities towards lunch meals. Instructions are given in the IFB packet. Meals are for children enrolled at the schools for the 2008-2009 school year with a possible extension of (4) one year renewals. LSDBE registration preferred. All meals must meet the minimum National School Breakfast, Lunch and Snack meal pattern requirements. IFB packet, meal pattern requirements, production record/delivery ticket, available commodities, sample menu and all necessary forms may be obtained from:

Thurgood Marshall Academy  
Nora Moore, Office Manager  
2427 Martin Luther King Jr. Avenue, SE  
Washington, DC 20020  
202-563-6862 x 181

**TWO RIVERS PUBLIC CHARTER SCHOOL INC.****REQUEST FOR PROPOSALS****Food Services**

The Two Rivers Public Charter School will receive bids until June 20, 2008 at 5 pm for the delivery of meals to children enrolled at the school for the 2008-2009 school year and potentially Summer 2008 and Summer 2009 with a possible extension of (4) one year renewals. All meals must meet, but are not restricted to, minimum National School Breakfast, Lunch, and Snack meal pattern requirements. Meal pattern requirements and all necessary forms may be obtained from Gerry Castillo via e-mail [procurement@tworiverspcs.org](mailto:procurement@tworiverspcs.org). Two Rivers is located at 1227 4<sup>th</sup> Street NE, Washington, DC 20002, 202-546-4477.

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

**Application No. 17652 of Emanuel and Marcia Finn**, pursuant to 11 DCMR §§ 3104.1 and 1555.2, for a special exception under § 205 to establish a child development center (20 children and 4 teachers) and a special exception under § 1553.2 to establish a new nonresidential use within the Sixteenth Street Heights overlay zone in the SSH/R-1-B district at premises 5705 14<sup>th</sup> Street, N.W. (Square 2796, Lot 833).

**HEARING DATES:** September 11, 2007 and December 11, 2007  
**DECISION DATE:** February 5, 2008 and February 19, 2008

**DECISION AND ORDER**

This self-certified application was submitted January 24, 2007 by Emanuel Finn and Marcia Finn (together, the "Applicant"), the owners of the property that is the subject of the application. As finally amended, the application requested a special exception under § 205 to establish a child development center for 20 children and four teachers and a special exception under § 1553.2 to establish a new nonresidential use within the Sixteenth Street Heights overlay zone in the SSH/R-1-B zone district at 5707 14<sup>th</sup> Street, N.W. (Square 2796, Lot 833).<sup>1</sup> Following a public hearing and public meeting, the Board voted on February 19, 2008 to deny the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated April 3, 2007, the Office of Zoning provided notice of the application to the Office of Planning; the Department of Transportation; the Department of Health; the Councilmember for Ward 4; Advisory Neighborhood Commission ("ANC") 4A, the ANC within which the subject property is located; and Single Member District/ANC 4A06. Pursuant to 11 DCMR § 3113.13, on June 8, 2007 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, ANC 4A, and owners of property within 200 feet of the subject property. Notice of the original hearing date, September 11, 2007, was published in the D.C. Register on June 15, 2007 (54 DCR 5823). When the hearing was postponed to December 11, 2007, at the Applicant's request, notice was published again on October 5, 2007 (54 DCR 9528).

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<sup>1</sup> The application originally sought special exception approval of a child development center for 30 children and 4 teachers, as well as a special exception under § 202.10 for permission to create an accessory apartment in the basement level of the one-family detached dwelling on the subject property. The request for a special exception under § 202.10 was subsequently withdrawn.

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Party Status. In addition to the Applicant, ANC 4A was automatically a party in this proceeding. At the public hearing, the Board granted party status in opposition to the application to the Sixteenth Street Heights Civic Association. A request for party status in opposition to the application from Nelson Dorsey and Ericka Dorsey was withdrawn.

Applicant's Case. The Applicant described plans to use the first and second floors of the existing building on the subject property as a child development center for 20 children and four teachers, with a one-bedroom apartment located on the basement level. According to the Applicant, the requirements of § 205 would be satisfied because the building was capable of meeting all building code requirements; the property could accommodate vehicles engaged in dropping off and picking up children at the center, and had adequate off-street parking in a two-car accessory garage to meet the reasonable needs of teachers; the enclosed rear yard would mitigate any objectionable noise or visual impacts associated with the child development center; and a nearby outdoor play area, at Hamilton Recreation Center, could be used under the supervision of the center's staff. The Applicant testified that the drop-off and pick-up times would be staggered, and that 40 percent of the children were expected to arrive on foot from the surrounding neighborhood.

The Applicant also asserted that the proposed child development center would be consistent with the requirements of the Sixteenth Street Heights overlay district set forth in § 1553.2. According to the Applicant, the center would not adversely affect the use and enjoyment of neighboring and nearby properties, in part because the Applicant would install noise-dampening panels and restrict the number of children allowed to use the play area in the rear yard at any given time.

Government Reports. By memorandum dated August 29, 2007, the Office of Planning ("OP") recommended denial of the original application as inconsistent with the requirements of § 205, pertaining to child development centers, and § 1553.2, concerning the establishment of new nonresidential uses within the Sixteenth Street Heights overlay zone. According to OP, the proposed child development center with 30 children would create objectionable impacts on adjacent and nearby properties, which were all developed with one-family detached dwellings with narrow yards, due to safety concerns related to the drop-off and pick-up of children at the mid-block site and to the use of an off-site play area, potential traffic congestion in the alley at the rear of the subject property, and the use of the rear yard at the subject property as a play area for as many as 30 children.

By memorandum dated November 28, 2007, the Office of Planning recommended approval of the revised application for a child development center with 20 children, subject to the following conditions: (i) pick-up and drop-off must be done on Montague Street only, for no more than 12 children, as recommended by the District Department of Transportation ("DDOT"); (ii) the Applicant must prepare an operating plan that would ensure safe access between the drop-off/pick-up location on Montague Street and the child development center, and submit the plan for review and approval by DDOT; (iii) a landscape plan must be submitted to the record depicting the species, locations, and number of plantings in the play area for the control of noise; (iv) the Applicant must restrict outdoor play to the hours between 9:00 a.m. and 6:00 p.m., for no

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more than five children at a time; and (v) the Hamilton Recreation Center must not be used as an off-site play area.<sup>2</sup> According to OP, approval of the revised application, subject to the recommended conditions, would satisfy the requirements of §§ 205, 1553.2, and 3104.

By supplemental memorandum dated January 29, 2008, the Office of Planning indicated that three other child development centers operated within 1,000 feet of the subject property. OP concluded that the cumulative effect of the Applicant's proposal and other child development centers in the vicinity would not have an adverse effect on the neighborhood, including with respect to traffic and noise, noting that two of the existing child development centers were located at elementary schools and served only students attending those schools and the third center was small and did not share common access or property lines with the subject property.

By memorandum dated September 4, 2007, the District Department of Transportation indicated objections to the application "from a transportation standpoint." DDOT noted that the subject property was located on a minor arterial street with a bus stop less than 100 feet from its entrance, and that the portion of 14<sup>th</sup> Street fronting the subject property had a larger median than in adjacent blocks and therefore was narrower and had limited space for maneuvering. In response to an early proposal by the Applicant to use the rear alley or 14<sup>th</sup> Street for drop-offs and pick-ups, DDOT recommended against the use of the alley, where parking was prohibited and pedestrian use was discouraged, and stated that the use of 14<sup>th</sup> Street could interfere with the flow of traffic and create unsafe conditions for picking up and dropping off up to 30 children, given the limited available on-street parking in front of the subject property, the nearby bus stop, and the heavy traffic during the morning and evening rush hours.

By memorandum dated November 29, 2007, DDOT reviewed the Applicant's revised proposal to operate a child development center for 20 children. DDOT reiterated its lack of support for the Applicant's plan to use 14<sup>th</sup> Street or the alley for purposes of dropping off and picking up children attending the center. Instead, DDOT recommended use of Montague Street for drop-off and pick-up, noting that unrestricted curbside parking spaces were available on Montague Street near its intersection with 14<sup>th</sup> Street. DDOT indicated "no objections to the proposal as long as the drop-off and pick-up of no more than 12 children be conducted exclusively on Montague Street."

By memorandum dated June 12, 2007, the Department of Health (Child and Residential Care Facilities Division in the Health Regulation Administration) recommended approval of the application. According to the Department of Health, "additional licensed child care slots would

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<sup>2</sup> In testimony at the public hearing, the Office of Planning indicated that its proposed condition that would prevent the Applicant from using the Hamilton Recreation Center as an off-site play area would not be necessary in light of testimony from the Applicant. OP had proposed the condition in response to the concern of the Department of Health that the half-mile distance between the subject property and the play area was too far for small children to walk. Applicant indicated at the hearing that the small children could be transported to the play area in wagons or strollers.

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[be] greatly beneficial to the City's increasing demand for licensed child care businesses."<sup>3</sup>

ANC Report. By letter dated December 5, 2007, ANC 4A indicated that, at a regularly scheduled and properly noticed meeting on December 4, 2007, with a quorum present, the ANC voted 5 to 1 to recommend approval of the revised application.<sup>4</sup> At the same meeting, the ANC also voted to rescind a motion approved June 5, 2007 in opposition to the original application.

Party in Opposition to the Application. The Sixteenth Street Heights Civic Association opposed approval of the requested special exceptions on the grounds that: (a) a neighborhood setting was inappropriate for a full-time commercial business, and areas zoned R-1 should be reserved for residential use and should not be used to house commercial businesses; (b) the Applicant's proposal would cause objectionable conditions in that a child development center for 20 children and four teachers at the subject property would increase parking, traffic, and noise in the neighborhood; and (c) the Applicant's proposed drop-off/pick-up plan was overly complex, difficult in practical application, and dangerous on the busy commuter thoroughfare, which lacked guaranteed parking spaces, in front of the subject property.

The association noted that a child-care facility currently operated at the subject property, for five children, already created objectionable noise impacts that adversely affected the use of neighboring properties. The association also objected to the introduction of a new nonresidential use at the subject property because the area is "currently overwhelmed with non-residential use homes" as well as churches, embassies, and other non-residential that have altered "the tone and tenor" of the neighborhood.

Person in Support of the Application. The Board heard received letters or heard testimony from several witness in support of the application, who described a need for child care in the neighborhood and stated that the Applicant's proposed child development center would not create objectionable impacts.

Persons in Opposition. The Board received letters or heard testimony from several persons in opposition to the application, who generally cited an already prevalent use of houses in the

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<sup>3</sup> According to the Office of Planning, the Department of Health later expressed reservations about the Applicant's proposal in light of concerns that (i) part of the outdoor play area in the rear yard of the subject property was paved; (ii) one off-site play area considered by the Applicant was too far from the subject property for small children to walk and another lacked a fence to enclose the play area; and (iii) the entrance to the basement apartment, located in the rear yard, was not separated from the outdoor play area and lacked a gate at the stairs leading to the entrance from the play area.

<sup>4</sup> At the public hearing on December 11, 2007, a commissioner member of ANC 4A stated that the ANC supported approval of the revised application subject to the conditions recommended by the Office of Planning in its memorandum dated November 28, 2007. By letter dated January 11, 2008, the ANC 4A Chair reiterated that "at the December 4, 2007 meeting Advisory Neighborhood Commission 4A voted 5 to 1 to recommend approval of the revised application" (emphasis deleted). The letter does not mention the conditions proposed by the Office of Planning.

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neighborhood for purposes other than one-family dwellings as well as adverse impacts relating to noise, traffic, and parking that would be caused by the proposed child development center.

**FINDINGS OF FACT****The Subject Property and Surrounding Area**

1. The subject property is located at 5707 14<sup>th</sup> Street, N.W., midblock on the east side of 14<sup>th</sup> Street between Madison and Montague Streets (Square 2796, Lot 833).
2. The lot is rectangular, 40 feet wide and 119 feet long, and has an area of 4,760 square feet.
3. The property is improved with a building constructed as a one-family detached dwelling and an accessory garage located at the rear of the lot. The building has an area of 3,000 square feet on two stories and a basement.
4. The building currently contains a basement apartment.
5. The rear yard of the subject property is enclosed by a wooden stockade fence six feet high. A paved walkway extends from the house to the garage, while the remaining area is planted with grass, trees, and shrubs. The rear yard contains a play area and an area used for an entry to the basement apartment.
6. As of the date of the hearing, the Applicant had been operating a "day care" center at the subject property for five children for approximately two (2) years.<sup>5</sup>
7. Noise from the children playing in the rear yard of the subject property has disturbed the quiet enjoyment of certain nearby residential properties, notably 5703 14<sup>th</sup> Street, N.W. two doors down from the subject property (nursery room relocated as a result), and 1354 Montague Street., N.W. one door away from the subject property (work in home office difficult.)
8. The rear of the lot abuts a public alley, 15 feet wide, that runs north-south between Madison and Montague Streets. The alley intersects with another public alley, also 15 feet wide, that extends to the east from an intersection near the subject property.

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<sup>5</sup> Applicant characterized its current child care operations as "day care" on its Application and as a "child development home" in its Proposed Findings of Fact and Conclusions of Law. The definition of Child Development Home encompasses, *inter alia*, facilities generally known as day care centers. See 11 DCMR 199.1, *Child development home*. A child development home is limited to 5 children 15 years of age or less and is a matter of right accessory use in this District if it complies with the provisions of 11 DCMR 202.4. The Board makes no finding with respect to whether the operation of the "day care" center at the subject property was consistent with the requirements of the Zoning Regulations.

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9. The subject property provides two off-street parking spaces in the accessory garage, which is accessible via the alley. The garage is approximately 20 feet on each side (420 square feet).
10. The subject property has side yards of four feet on the north side and 10 feet on the south side. Both abutting properties contain one-family detached dwellings.
11. Properties in the vicinity of the subject property are developed primarily with one-family detached dwellings. The majority of the dwellings are devoted to one-family residential use, although some are used as community-based residential facilities.
12. Other child development facilities located within 1,000 feet of the subject property include a child development home for two infants and three preschool children located in a residence at 5716 Colorado Avenue, N.W., in the same square and approximately 400 feet from the subject property; a before- and after-school program at Community Academy Public Charter School, approximately 580 feet away; and an after-school program at Brightwood Elementary School, approximately 665 feet away. Enrollment at each of the school programs is limited to students attending those schools.
13. The subject property fronts on Fourteenth Street, a two-way minor arterial divided by a median strip 10 feet wide. The street has two lanes in each direction; each lane is 10 feet wide.
14. Parking is permitted on both sides of 14<sup>th</sup> Street, as well as on Montague and Madison Streets in the vicinity of the subject property. Unrestricted parking is permitted on the south side of Montague Street east of 14<sup>th</sup> Street, the area that DDOT recommended that the Applicant use for drop-off and pick-up of children attending the proposed child development center.
15. A Metrobus stop is located on 14<sup>th</sup> Street in the same block as the subject property, approximately 85 feet away.

**Applicant's Proposal**

16. The Applicant proposes to use the first and second floors of the existing building on the subject property as a child development center for 20 children and four teachers. Interior space in the building would be designated as play rooms, interactive learning rooms, sleeping areas, day rooms, a kitchen, and an office for employees of the center. The entrance to the center would be via the front door of the building; a rear door would provide access to an outdoor play area in the rear yard of the subject property.
17. The child development center would serve a maximum of 20 children, comprised of 12 children up to two years old, four children three to four years old, and four children older than four, up to 13 years old.

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18. The hours of operation of the child development center would be 7:00 a.m. to 7:00 p.m.
19. A maximum of five children would be permitted to use the outdoor play area at any one time.
20. The Applicant plans to install sound-dampening panels on the fence enclosing the rear yard to mitigate adverse noise impacts associated with the use of the outdoor play area. According to an acoustical analysis submitted by the Applicant, the installation of panels as originally proposed by the Applicant would result in a reduction of noise that would not be "perceptually audible," but modifications were possible that would improve the sound isolation of the fence so as to reduce noise levels by approximately 50 percent compared to the unmodified fence or the originally modified fence.
21. The Applicant plans to use as an off-site play area, the Hamilton Recreation Center, a playground enclosed by a fence located approximately a half-mile from the subject property. The Applicant indicated that the center's employees could transport the children to the off-site play area in wagons or strollers.
22. Most of the basement of the existing building was converted for use as a one-bedroom apartment, accessed via a staircase reached through the rear yard, adjacent to the outdoor play area used by the child development center. The Applicant indicated that a fence would separate the residential entrance from the play area.
23. The accessory garage on the subject property would provide two parking spaces for use by the four employees of the child development center. Pursuant to chapter 21 of the Zoning Regulations, a child development center must provide at least one parking space for each four teachers and other employees. *See* 11 DCMR § 2101.1.
24. The Applicant submitted a transportation management plan intended to provide for the safe drop-off and pick-up of children and to minimize the impact of traffic related to the child development center on the neighborhood. The plan addressed matters relating to traffic routes, parking, and procedures for the drop-off and pick-up of children, and listed sanctions for noncompliance.
25. Pursuant to the transportation management plan, the Applicant would direct drivers coming to the center to arrive on eastbound Montague Street just east of 14<sup>th</sup> Street. Employees of the center would meet the vehicles at the curb and would escort children to and from the child development center during drop-off and pick-up periods.
26. The Applicant's facility is capable of meeting all applicable code and licensing requirements.

**BZA APPLICATION NO. 17652****PAGE NO. 8****Harmony with Zone Plan**

27. The subject property and surrounding area are located within the Sixteenth Street Heights (“SSH”) overlay district; the underlying zoning classification is R-1-B. The R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. 11 DCMR § 200.1.
28. The purposes of the Sixteenth Street Heights overlay district are to (a) promote the conservation, enhancement, and stability of the low-density, single-family neighborhood for housing and neighborhood-related uses; (b) control the further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the SSH/R-1-B District in order to preserve neighborhood quality; and (c) allow the neighborhood to continue to provide a range of health and social service facilities as well as private institutions that provide cultural and religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan’s goals and policies for maintaining the quality and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia. 11 DCMR § 1551.3.

**CONCLUSIONS OF LAW**

The Applicant seeks a special exception under § 205 to establish a child development center with a maximum enrollment of 20 children and four teachers, and a special exception under § 1553.2 to establish a new nonresidential use within the Sixteenth Street Heights overlay zone in the SSH/R-1-B zone district at 5707 14<sup>th</sup> Street, N.W. (Square 2796, Lot 833).<sup>6</sup> The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001), to grant special exceptions, as provided in the Zoning Regulations. Subsection 3104.1 of those regulations generally authorizes the Board to grant a special exception if the use 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, subject to specific conditions.

The specific conditions applicable to the grant of a special exception for a child development center in the SSH/R-1-B zone district are set forth at 11 DCMR § 205. The provisions of that section require that require that (a) the center must be capable of meeting all applicable code and

<sup>6</sup> The Applicant’s proposed Findings of Fact and Conclusions of Law indicated that the Applicant sought approval of a child development center for 20 children “on-site at any given time.” However, the application submitted to the Board requested a special exception to allow a child development center for 30 children, later revised to 20 children. The Board considered this application as seeking approval of a child development center with a maximum total enrollment of 20 children. The party in opposition and the government agencies that participated in this case also based their reports and testimony on a maximum enrollment of 20 (or 30) children at the proposed child development center.

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licensing requirements (§ 205.2); (b) the center must be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance (§ 205.3); (c) the center must provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors (§ 205.4); (d) the center, including any outdoor play space provided, must be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions (§ 205.5); and (e) any off-site play area must 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 (§ 205.7). The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements deemed necessary to protect adjacent and nearby properties. 11 DCMR § 205.6. The Board may approve more than one child or elderly development center or adult day treatment facility in a square or within 1,000 feet of another such facility only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors. 11 DCMR § 205.8.

The Board was not persuaded by the Applicant that the proposed child development center at the subject property would satisfy the provisions of § 205. While the center would be capable of meeting all applicable code and licensing requirements and would provide parking in excess of the number of spaces required by chapter 21 of the Zoning Regulations, the center would not be located so as to avoid creating objectionable traffic conditions, unsafe conditions for picking up and dropping off children in properties.

The subject property is located in the middle of a block and fronts on a busy arterial street. Because DDOT recommended against the Applicant's initial plans to use 14<sup>th</sup> Street or the alley for drop-offs and pick-ups, the Applicant devised a transportation management plan that would require vehicles to stop on Montague Street, where the curb lane may be used for parking, so that employees of the center could assist in getting children in and out of vehicles and escort them to and from the center. Despite the Applicant's testimony that arrival and departure times would be staggered and that a number of children would likely arrive on foot, the Board concurs with the party in opposition that the Applicant's proposed drop-off and pick-up arrangements would be "difficult in practical application" and likely to result in objectionable traffic conditions and unsafe conditions for drop-offs and pick-ups. The success of the transportation management plan would depend in large measure on strict compliance with its provisions by persons in vehicles dropping off and picking up children from the child development center. Further, DDOT's support of the application was contingent on the condition that no more than 12 children be driven to school. The Board finds this condition to be critical to the success of the transportation management plan with respect to preventing adverse impacts related to traffic and safety of the children, yet finds that it is not readily enforceable. Accordingly, without confidence that this critical component will be implemented, the Board is not persuaded that the location of the center will not result in an adverse impact on the neighborhood with respect to traffic nor that pick-up and drop-off conditions will be safe.

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The Board also was not persuaded that the planned outdoor play space would be located and designed so that there would be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions. Use of the outdoor play space by the proposed child development center would likely result in objectionable impacts on neighboring properties due to noise. The relatively small play area would be located in the rear yard of the subject property, in close proximity to the rear yards of several one-family dwellings, and would be used throughout the day by 20 children. Even if limited to five children at a time, use of the play area by the children attending the proposed child development center would result in a greater intensity of use than would be likely at most one-family dwellings in the neighborhood and a greater intensity of use than the current child development home whose noise from the children in the rear yard has disturbed some neighboring properties. The Board was not persuaded that the installation of sound panels or landscaping in the rear yard, or OP's recommendation to allow use of the outdoor play area only between 9:00 a.m. and 6:00 p.m., would be effective at mitigating adverse noise impacts associated with the outdoor play area.

Pursuant to § 1553.2, a new nonresidential use may be permitted as a special exception within the Sixteenth Street Heights overlay district if approved by the Board subject to certain requirements, including that the nonresidential use must be capable of being established and operated without adversely affecting the use and enjoyment of neighboring and nearby properties due to traffic, noise, design, or other objectionable conditions. For the reasons already discussed, the Board is not persuaded that the proposed child development center will operate at the subject property without adversely affecting the use and enjoyment of neighboring and nearby properties due to objectionable conditions, especially pertaining to traffic and noise.

The Board concludes that approval of the proposed child development center would not be consistent with the purposes of the Sixteenth Street Heights overlay zone to promote the stability of the low-density, single-family neighborhood for housing and neighborhood-related uses and to control the further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses permitted in the SSH/R-1-B district. The Board does not credit the testimony of the Office of Planning that the cumulative impact of the proposed child development center and other facilities already in the neighborhood would not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors, because OP did not provide any explanation for its conclusion. Rather, the Board concludes that the introduction of a nonresidential use at the subject property would create external negative impacts, especially in light of its midblock location and testimony from the party in opposition that the single-family residential character of the neighborhood has been altered by the prevalence of uses other than single-family residential in other former dwellings in the vicinity.

The Board is required to give "great weight" to the issues and concerns of the affected Advisory Neighborhood Commission and to the recommendations of the Office of Planning. ANC 4A did not submit a report indicating its issues and concerns, but stated by letter only that the ANC recommended approval of the revised application. The Office of Planning recommended approval of the revised application, but the Board was not persuaded that the conditions of

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approval recommended by OP would be adequate to avoid the creation of objectionable conditions or that approval of the requested special exceptions would be in harmony with the general purpose and intent of the Zoning Regulations and would not tend to affect adversely the use of neighboring property.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and ANC 4A, the Board concludes that the Applicant has not satisfied the requirements for a special exception under § 205 to establish a child development center for 20 children and 4 teachers or a special exception under § 1553.2 to establish a new nonresidential use within the Sixteenth Street Heights overlay zone in the SSH/R-1-B district at 5705 14<sup>th</sup> Street, N.W. (Square 2796, Lot 833). Accordingly, it is therefore **ORDERED** that the application is **DENIED**.

**VOTE:**           **3-0-2**           (Ruthanne G. Miller, Mary Oates Walker, and Gregory N. Jeffries voting to deny; Marc D. Loud not participating, having recused himself; Shane L. Dettman, not participating, not voting)

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

Each concurring Board member approved the issuance of this order.

**FINAL DATE OF ORDER:**       **JUN 04 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.

MN

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

Application No. 17763 of District-Properties.com LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under section 401, and a variance from the rear yard requirements under section 404, to construct a new one-family detached dwelling in the R-2 District at premises 4602 Lee Street, N.E. (Square 5155, Lots 877 and 878).

**HEARING DATE:** May 20, 2008  
**DECISION DATE:** May 20, 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) 7C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. ANC 7C did not participate in 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 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.

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 Nos. 7 (plans) and 21 (revised elevations) be **GRANTED**.

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**VOTE:** 4-0-1 (Marc D. Loud, Ruthanne G. Miller, Shane L. Dettman and Michael G. Turnbull to Approve. Mary Oates Walker 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 22 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

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THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

**Application No. 17766 of Robert L. Staples and Barbara Fahs Charles, as amended, pursuant to 11 DCMR § 3103.2, for a variance from the rear yard requirements under § 744 and a variance from the court area and width requirements under § 776, to allow an addition to an existing commercial building, including a new 4th floor residential apartment, in the CHC/C-2-A District at premises 731 8<sup>th</sup> Street, S.E. (Square 904, Lot 55).**

*Note: The applicant amended the application by eliminating the request for a variance from the side yard requirements under § 775.*

**HEARING DATE:** May 27, 2007  
**DECISION DATE:** May 27, 2007 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 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 for a variance pursuant to § 3103.2. 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 ANC and the OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, (744 and 776), 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

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substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to BZA Exhibit No. 29 – Plans) be **GRANTED**.

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

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

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** May 29, 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-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR

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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. trw

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

**Application No. 17773 of Keith Powell**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), court (section 406), and nonconforming structure (subsection 2001.3) requirements in the D/R-3 District at premises 2344 Massachusetts Avenue, N.W. (Square 2507, Lot 826).

**HEARING DATE:** May 27, 2008  
**DECISION DATE:** May 27, 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) 2D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2D, which is automatically a party to this application. ANC 2D did not participate in 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 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.

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. 22 – Plans) be **GRANTED**.

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**VOTE:** 5-0-0 (Ruthanne G. Miller, Shane L. Dettman, Mary Oates Walker, Marc D. Loud and Anthony J. Hood to Approve.

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

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** MAY 28 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.

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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