

**CAPITAL CITY PUBLIC CHARTER SCHOOL****NOTICE OF A REQUEST FOR PROPOSALS:  
Equipment, Furnishings & Services**

Approximately 370 children in grades pre-K through ninth, seeks requests for proposals, in accordance with D.C. Code section 38-1802.04(c)(1)(A), to provide one or more of the following types of equipment, furnishings and services for the administration of both our current school and the new Upper School facility.

**Equipment & Furnishings**

1. Computers and related equipment
2. Furniture and other classroom equipment
3. Classroom and office supplies

**Services**

1. Fundraising consultant
2. IT support for Mac OS-X network
3. Architectural services

Interested individuals and companies may obtain additional information regarding Capital City's needs for equipment, furnishings and services by contacting Jeff Brechbuhl at (202) 387-0309, ext. 238; fax: (202) 387-7074; email: [jbrechbuhl@ccpcs.org](mailto:jbrechbuhl@ccpcs.org). Final bids will be due by noon on July 25, 2008.

**CITY LIGHTS PUBLIC CHARTER SCHOOL****INVITATION TO BID****Soliciting Bids for Related Services****Bid No.: CLPCS-2007-RSC**

City Lights Public Charter School is now accepting bids for our Related Services Contract. Under this contract, City Lights Public Charter School is looking for bids for a Speech and Language Pathologist, Occupational Therapist, and Clinical Therapist.

For more information contact Nick Battle at 202-832-4366. Bids may be faxed to the attention of Nick Battle at 202-832-3654. All bids must be submitted no later than Thursday – July 31, 2008.

**CITY LIGHTS PUBLIC CHARTER SCHOOL**

**INVITATION TO BID**

Soliciting Bids for School Security Services  
Bid No.: CLPCS-2007-RSC

City Lights Public Charter School is now accepting bids for School Security Services. For more information contact Nick Battle at 202-832-4366. Bids may be faxed to the attention of Nick Battle at 202-832-3654. All bids must be submitted no later than Thursday – July 31, 2008.

DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS

Certification of Filling Vacancies  
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics "Board" from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Stuart P. Ross  
Single-Member District 3D04



District of Columbia  
**BOARD OF ELECTIONS AND ETHICS**

*Monthly Report*  
*of*  
*Voter Registration Statistics*  
*The Period Ending*

*June 30, 2008*

*Covering Citywide Totals by:*

**WARD, PRECINCT, and PARTY**

One Judiciary Square  
441 - 4<sup>th</sup> Street, NW, Suite 250N  
Washington, DC 20001  
(202) 727-2525  
<http://www.dcboee.org>

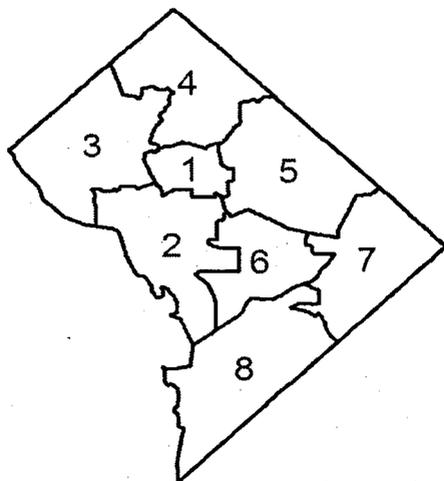
D.C. BOARD OF ELECTIONS AND ETHICS  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**CITYWIDE SUMMARY**

*Party Totals and Percentages by Ward for the period ending June 30<sup>th</sup>, 2008*

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	33,691	2,795	901	9,887	188	47,462
2	27,032	5,426	392	8,952	160	41,962
3	33,376	7,902	389	9,686	126	51,479
4	43,837	2,811	616	8,325	179	55,768
5	42,807	2,137	596	7,080	171	52,791
6	35,007	4,878	529	7,768	159	48,341
7	42,951	1,682	530	6,760	133	52,056
8	32,230	1,589	542	6,301	134	40,796
<b>TOTALS</b>	<b>290,931</b>	<b>29,220</b>	<b>4,495</b>	<b>64,759</b>	<b>1,250</b>	<b>390,655</b>
TOTAL Percentage (by party)	74%	7%	1%	17%	1%	100%

Wards



D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 1**

For the Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>20</b>	1,199	39	16	313	12	1,579
<b>22</b>	2,527	256	47	635	13	3,478
<b>23</b>	1,747	132	59	565	8	2,511
<b>24</b>	2,100	255	45	647	15	3,062
<b>25</b>	3,468	479	92	988	10	5,037
<b>35</b>	3,027	236	99	906	14	4,282
<b>36</b>	2,962	222	84	883	16	4,167
<b>37</b>	2,104	136	47	558	12	2,857
<b>38</b>	2,102	123	59	588	13	2,885
<b>39</b>	3,142	221	110	945	18	4,436
<b>40</b>	2,975	225	103	944	18	4,265
<b>41</b>	2,235	155	64	831	12	3,297
<b>42</b>	1,373	69	32	434	11	1,919
<b>43</b>	1,288	80	28	295	8	1,699
<b>136</b>	746	127	7	206	2	1,088
<b>137</b>	696	40	9	149	6	900
<b>TOTALS</b>	<b>33,691</b>	<b>2,795</b>	<b>901</b>	<b>9,887</b>	<b>188</b>	<b>47,462</b>

*D.C. BOARD OF ELECTIONS AND ETHICS*  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**PRECINCT STATISTICS**

**Ward 2**

For the Period Ending: June 30<sup>th</sup> 2008

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<b>2</b>	336	106	5	207	7	661
<b>3</b>	1,209	409	12	523	6	2,159
<b>4</b>	1,148	395	12	522	6	2,083
<b>5</b>	1,974	706	25	669	5	3,379
<b>6</b>	2,349	1,139	41	1,417	18	4,964
<b>13</b>	1,164	265	8	392	6	1,835
<b>14</b>	2,575	446	38	812	15	3,886
<b>15</b>	2,769	333	38	822	16	3,978
<b>16</b>	2,557	350	37	583	14	3,541
<b>17</b>	3,281	533	50	1,011	29	4,904
<b>18</b>	2,810	185	55	631	11	3,692
<b>21</b>	1,207	76	27	267	8	1,585
<b>129</b>	1,554	253	16	534	9	2,366
<b>141</b>	2,099	230	28	562	10	2,929
<b>TOTALS</b>	<b>27,032</b>	<b>5,426</b>	<b>392</b>	<b>8,952</b>	<b>160</b>	<b>41,962</b>

D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 3**

For the Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>7</b>	1,034	418	19	460	4	1,935
<b>8</b>	2,093	683	26	628	6	3,436
<b>9</b>	984	586	7	377	1	1,955
<b>10</b>	1,785	548	19	638	6	2,996
<b>11</b>	3,028	834	45	1,169	25	5,101
<b>12</b>	486	192	3	181	5	867
<b>26</b>	2,564	460	35	789	9	3,857
<b>27</b>	2,317	313	22	482	10	3,144
<b>28</b>	2,251	715	28	785	9	3,788
<b>29</b>	1,161	264	13	338	3	1,779
<b>30</b>	1,227	314	15	259	5	1,820
<b>31</b>	2,164	418	20	536	7	3,145
<b>32</b>	2,602	450	26	570	6	3,654
<b>33</b>	2,652	409	41	696	8	3,806
<b>34</b>	3,021	552	31	908	12	4,524
<b>50</b>	2,022	357	19	419	7	2,824
<b>138</b>	1,985	389	20	451	3	2,848
<b>TOTALS</b>	<b>33,376</b>	<b>7,902</b>	<b>389</b>	<b>9,686</b>	<b>126</b>	<b>51,479</b>

D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 4**

For the Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>45</b>	1,961	95	35	346	8	2,445
<b>46</b>	2,709	102	36	505	13	3,365
<b>47</b>	2,418	173	44	649	16	3,300
<b>48</b>	2,532	163	38	511	9	3,253
<b>49</b>	652	35	20	165	2	874
<b>51</b>	3,134	614	36	635	8	4,427
<b>52</b>	1,258	300	4	241	1	1,804
<b>53</b>	1,061	95	12	256	3	1,427
<b>54</b>	2,060	127	30	441	13	2,671
<b>55</b>	2,396	104	33	395	15	2,943
<b>56</b>	2,769	103	36	615	18	3,541
<b>57</b>	2,370	96	32	419	13	2,930
<b>58</b>	2,106	67	31	341	6	2,551
<b>59</b>	2,449	95	32	378	10	2,964
<b>60</b>	1,750	100	25	641	9	2,525
<b>61</b>	1,529	70	21	270	3	1,893
<b>62</b>	3,088	180	38	358	5	3,669
<b>63</b>	2,920	130	71	537	11	3,669
<b>64</b>	2,155	75	17	305	9	2,561
<b>65</b>	2,520	87	25	317	7	2,956
<b>TOTALS</b>	<b>43,837</b>	<b>2,811</b>	<b>616</b>	<b>8,325</b>	<b>179</b>	<b>55,768</b>

D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 5**

For the Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>19</b>	2,930	170	55	600	14	3,769
<b>44</b>	2,532	264	36	564	18	3,414
<b>66</b>	4,217	141	35	468	16	4,877
<b>67</b>	2,946	130	27	392	10	3,505
<b>68</b>	1,807	157	30	352	6	2,352
<b>69</b>	2,099	98	18	244	11	2,470
<b>70</b>	1,464	81	24	250	4	1,823
<b>71</b>	2,400	90	36	384	10	2,920
<b>72</b>	3,766	133	36	632	14	4,581
<b>73</b>	1,814	104	35	335	6	2,294
<b>74</b>	3,445	199	59	670	10	4,383
<b>75</b>	2,340	90	42	427	12	2,911
<b>76</b>	693	44	15	159	3	914
<b>77</b>	2,377	98	32	394	10	2,911
<b>78</b>	2,139	78	26	366	3	2,612
<b>79</b>	1,616	68	26	282	6	1,998
<b>135</b>	2,315	141	50	385	15	2,906
<b>139</b>	1,907	51	14	176	3	2,151
<b>TOTALS</b>	<b>42,807</b>	<b>2,137</b>	<b>596</b>	<b>7,080</b>	<b>171</b>	<b>52,791</b>

D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 6**

For the Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>1</b>	2,198	109	40	476	9	2,832
<b>81</b>	3,649	267	52	644	15	4,627
<b>82</b>	1,995	191	26	411	10	2,633
<b>83</b>	2,350	170	35	446	12	3,013
<b>84</b>	1,700	347	25	392	6	2,470
<b>85</b>	2,265	508	25	519	8	3,325
<b>86</b>	1,807	239	25	358	9	2,438
<b>87</b>	2,305	189	36	424	15	2,969
<b>88</b>	1,760	279	24	331	3	2,397
<b>89</b>	2,168	633	32	571	7	3,411
<b>90</b>	1,258	243	15	335	10	1,861
<b>91</b>	3,050	302	53	646	14	4,065
<b>127</b>	3,309	301	67	720	16	4,413
<b>128</b>	1,600	177	26	442	5	2,250
<b>130</b>	793	333	10	253	2	1,391
<b>131</b>	336	52	4	69	1	462
<b>142</b>	1,111	174	11	272	7	1,575
<b>143</b>	1,353	364	23	459	10	2,209
<b>TOTALS</b>	<b>35,007</b>	<b>4,878</b>	<b>529</b>	<b>7,768</b>	<b>159</b>	<b>48,341</b>

D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 7**

For the Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>80</b>	1,187	55	12	191	6	1,451
<b>92</b>	1,395	63	19	225	9	1,711
<b>93</b>	1,292	61	14	229	5	1,601
<b>94</b>	1,759	75	22	253	3	2,112
<b>95</b>	1,443	53	23	273	2	1,794
<b>96</b>	1,960	79	36	344	2	2,421
<b>97</b>	1,136	52	20	210	3	1,421
<b>98</b>	1,637	55	22	223	8	1,945
<b>99</b>	1,219	43	12	213	4	1,491
<b>100</b>	1,569	62	22	274	3	1,930
<b>101</b>	1,588	50	15	192	5	1,850
<b>102</b>	2,094	74	28	308	8	2,512
<b>103</b>	3,103	120	39	540	10	3,812
<b>104</b>	2,203	83	32	392	11	2,721
<b>105</b>	1,877	70	28	287	6	2,268
<b>106</b>	2,812	102	34	405	6	3,359
<b>107</b>	1,429	66	17	276	3	1,791
<b>108</b>	1,110	46	7	125	2	1,290
<b>109</b>	956	42	6	104	1	1,109
<b>110</b>	3,666	153	42	467	13	4,341
<b>111</b>	1,945	59	26	368	6	2,404
<b>112</b>	1,746	61	20	283	8	2,118
<b>113</b>	2,051	76	17	274	5	2,423
<b>132</b>	1,774	82	17	304	4	2,181
<b>TOTALS</b>	<b>42,951</b>	<b>1,682</b>	<b>530</b>	<b>6,760</b>	<b>133</b>	<b>52,056</b>

D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 8**

For Period Ending: June 30<sup>th</sup>, 2008

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>114</b>	2,389	121	41	451	26	3,028
<b>115</b>	2,100	89	34	550	8	2,781
<b>116</b>	2,872	136	55	552	10	3,625
<b>117</b>	1,171	64	18	264	4	1,521
<b>118</b>	1,948	102	43	381	2	2,476
<b>119</b>	1,959	138	48	430	7	2,582
<b>120</b>	1,214	65	15	302	4	1,600
<b>121</b>	2,595	109	47	490	6	3,247
<b>122</b>	1,435	52	28	258	3	1,776
<b>123</b>	1,724	149	36	379	5	2,293
<b>124</b>	2,010	81	27	331	5	2,454
<b>125</b>	3,422	147	47	594	15	4,225
<b>126</b>	2,755	149	38	594	18	3,554
<b>133</b>	1,238	49	11	166	8	1,472
<b>134</b>	1,734	67	31	278	6	2,116
<b>140</b>	1,664	71	23	281	7	2,046
<b>TOTALS</b>	<b>32,230</b>	<b>1,589</b>	<b>542</b>	<b>6,301</b>	<b>134</b>	<b>40,796</b>

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF THE ENVIRONMENT

**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to construct and operate one (1) 2000 kW diesel emergency generator at the U.S. Capitol Building, Washington D.C. 20515.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours  
Chief, Permitting and Enforcement Branch  
Air Quality Division  
District Department of the Environment  
51 N Street, NE  
Washington D.C. 20002

**No written comments postmarked after August 18, 2008 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF THE ENVIRONMENT

**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to construct and operate one (1) 300 kW diesel emergency generator at the U.S. Capitol Building, Washington, DC 20515.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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Chief, Permitting and Enforcement Branch  
Air Quality Division  
District Department of the Environment  
51 N Street, NE  
Washington D.C. 20002

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF THE ENVIRONMENT

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The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

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The application to construct/operate the generators and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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District Department of the Environment  
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Washington D.C. 20002

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**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS**

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties were designated June 26, 2008 and are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

- Case No. 08-09: The Strand Theater**  
**5129-5131 Nannie Helen Burroughs Avenue, NE**  
**Square 5196, Lot 801 (original lots 20 and 21)**
- Case No. 08-14: The United States Tax Court**  
**400 2<sup>nd</sup> Street, NW**  
**Square 570**
- Case No. 08-15: U.S. Department of Housing and Urban Development**  
**451 7<sup>th</sup> Street, SW**  
**Square 435, Lot 60**

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

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

This is to give notice that the District of Columbia Housing Finance Agency has or intends to submit to the Council of the District of Columbia a notice of the Agency's intent to issue \$7,500,000 in tax-exempt and/or taxable housing revenue bonds for the acquisition and rehabilitation of the Webster Gardens Apartments, located at 124, 126, 128, and 130 Webster Street, N.W., in Ward 4 (the "Project"). After the rehabilitation has been completed, the Project will consist of fifty five (55) rental units. A minimum of 40% of the units will be set aside for households with incomes at or below 60% of the area median income.

**OPTIONS PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSAL (RFP)**

Options Public Charter School is seeking bids for an Educational Consulting company to coordinate and support professional development activities. This is to include professional development workshops, teacher mentoring, and a monthly minimum of ten hours of onsite program evaluation and support.

Bids will be received until close of business on July 24, 2008. Successful bidders will include a scope of service, resumes of service providers, a breakdown of project costs not to exceed \$50,000, and professional references.

Glenn Swanson  
Option Public Charter School  
1375 E Street NE  
Washington, DC 20002  
Phone: (202) 547-1028  
Fax: (202) 547-1272

**Options Public Charter School****Request for Proposal (RFP)**

Options Public Charter School is seeking bids for Special Education Support Services for Occupational Therapy, Speech/Language Therapy, Counseling, and Evaluation. Contractors can bid on one or all services listed.

Bids will be received until 12:00 P.M. (EST), August 4, 2008. Copies of the bid specifications can be obtained beginning July 18, 2008 at 9:00 A.M, please contact the person below for details. Bids should be sent to:

Dr. David Cranford, Clinical Director  
Options Public Charter School  
1375 E Street, NE  
Washington, DC 20002  
Tel: 202-547-1028, ext.232

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

June 30, 2008

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after July 15, 2008.

Abdallah	Mutaz A.	FedEx Kinkos 1812 Adams Mill Rd,NW	20009
Achille	Kathleen A.	Dept of Veterans' Affairs 810 Vermont Ave,NW	20420
Anandh	Ila	6627 Harlan Pl,NW	20012
Anderson	Gail M.	Miller & Chevalier 655 15th St,NW #900	20005
Baldwin	Deborah A.	CFO/Tax & Revenue 941 North Capitol St,NE #3000	20002
Banks	Payton	Marcus & Millichap Real Estate 1620 L St,NW #600	20036
Banks	Vernell A.	Capitol City Brewing 1612 U St,NW #400	20009
Bean	Saundra D.	U.S. H O R/C A O/First Call LH O B B227	20515
Boesen	Sharon R.	Tiber Creek Associates 207 Constitution Ave,NE	20002
Briancon	Alicia V.	Karp Frosh Lapidus et al 1133 Conn Ave,NW 12th Fl	20036
Bright	Erica C.	Office of the People's Counsel 1133 15th St,NW #500	20005
Bryant	Jovette	Bonner Group 729 15th St,NW 3rd Floor	20005

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Carr	Kevin E.	Diversified Reporting Services 1101 16th St,NW 2nd Fl 20036
Carroll	Brenda D.	734 Hamilton St,NW 20011
Cohen	Clifford M.	Capobianco & Cohen 5335 Wis Ave,NW #440 20015
Countryman	Yvette W.	Naval Facilities Engineering Co 1322 Patterson 20374 Avenue,SE
Devalera	Karen A.	1008 Rittenhouse St,NW 20011
Dougall	Tiffany	N Y Ave Presbyterian Church 1313 N Y Ave,NW 20005
Duncan	Terri	L A D Reporting 1100 Conn Ave,NW 20036 #850
Eisen	Richard C.	Eisen & Rome 1 Thomas Circle,NW 20005 #850
Ekwosi-Egbulem	Lillian	FedChoice Fed Credit Union 1111 Const Ave,NW 20224 #1716
Ellis	Donna	International Families 5 Thomas Circle,NW 20005
Emanuel	Shirley A.	Ionia R. Whipper Home 2000 Channing St,NE 20018
Estep	Lakeisha R.	D.C. Department of Energy 2000 14th St,NW #300 20009 East
Farmer	Dannie	Wachovia Bank 1800 K St,NW 20006
Friedberg	Judith A.	Segal Company 1920 N St,NW #400 20036

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Friedman	Brian	Language Innovations 1725 I St,NW #300	20005
Gray	Hanan	O A G 441 4th St,NW #1060N	20001
Green	Anna L.	Mayer Brown 1909 K St,NW 12th Floor	20006
Green	Jennifer E.	Urban Land Institute 1025 Th Jeff St,NW #500W	20007
Greer	Arletha R.	K B S Realty Advisors 1133 21st St,NW #400	20036
Hamilton	Edna B.	O B C A 1250 Md Ave,SW #C10	20024
Hara	Jennifer	Taylor-DeJongh 1101 17th St,NW #1220	20036
Harris	Karen	Wachovia Bank 2901 M St,NW	20007
Henry	Claudette B.	Perkins Coie 607 14th St,NW #800	20005
Hill	Tiphanie C.	Bonner Kierman Trebach et al 1233 20th St,NW #800	20036
Hopkins	Calvin W.	4637 Hilltop Terrace, SE	20019
Houchens	Kathleen D.	DuPont Fabros Technology 1212 N Y Ave,NW	20005
Hutton	Julie	Wachovia Bank 1300 I St,NW 12th Floor	20005
Jackson	James M.	Distilled Spirits of the U.S. 1250 I St,NW #400	20005

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Jackson	Shauna R.	Thayer Hidden Creek 1455 Pa Ave,NW #350	20004
Jelen	Susan L.	Diversified Reporting Services 1101 16th St,NW 2nd Fl	20036
Jimenez	Manuel D.	4201 Mass Ave,NW #A343	20016
John	Carlene R.	D.C. Office of Human Resources 441 4th St,NW #310S	20001
Johns	Yolanda M.	Century General Contractors 1017 Brentwood Rd,NE	20018
Johnson	Robyn N.	D.C. Department of Energy 2000 14th St,NW #300 East	20009
Jones	Thelma D.	328 N St,SW	20024
Jones-Clad	Carmen	C Q Press 2300 N St,NW #800	20037
Kelly	Loretta L.	146 42nd St,NE #G31	20019
Kiefer	Nancy J.	World Resources Institute 10 G St,NE #800	20002
Konidis	Jennifer L.	CitiBank 1225 Conn Ave,NW	20036
LaMaison-Bell	Elsa D.	CH2M Hill 901 N Y Ave,NW #5100 W	20001
Lawrence	Stephanie N.	Oya Restaurant & Lounge 777 9th St,NW	20001
Love	Libbie A.	Akridge 800 K St,NW #54	20001

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McKeiver	Phyllis C.	812 Missouri Ave,NW	20011
Marsh	Lauren R.	Calibre Energy 1667 K St,NW #1230	20006
May	LaRuby Z.	Capitol Services Management 3215 MLK Jr. Ave,SE	20032
Maynor	Angie L.	717 Brandywine St,SE #201	20032
Mengasha	Alemayehu Z.	1444RockCreekFD Rd,NW #206	20011
Nelson	Marvett C.	Pressler & Senftle 927 15th St,NW 12th Floor	20005
O'Leary	Timothy J.	Attorney at Law 1101 17th St,NW#201	20036
Perry	Rebecca	Shiffman & Ricci 2600 Virginia Ave,NW #560	20037
Pete	Lateesha	Saul Ewing 2600 Virginia Ave,NW #1000	20037
Pinchback-Bent	Sandra A.	D.C. Dept of Human Resources 441 4th St,NW #330S	20001
Porter	Delphia	DuPont Fabros Technology 1212 N Y Ave,NW #900	20005
Rich	L. Lola	Foley & Lardner 3000 K St,NW #500	20007
Rink	Bernice	4530 Fort Totten Dr,NE #305	20011

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Roberts-Williams	Carmenlita	D.C. Teachers' Fed Credit Union 903 D St,NE	20002
Rogers, Sr.	Louis E.	33 Crittenden St,NW	20011
Ranieri	Thomas E.	Institute of World Politics 1521 16th Street, NW	20036
Rudd	David A.	FedEx Kinkos 3329 M St,NW	20007
Sharpe	Blanche E.	Bank Fund Staff Fed C U 2121 Pa Ave,NW	20433
Simcox	Emily N.	Newseum 555 Pa Ave,NW	20001
Starkey	Laurel	Dow Lohnes 1200 N H Ave,NW	20036
Tapp	Lisa	M P D 300 Indiana Ave,NW	20001
Taylor	Brenda S.	U.S. Dept of Agriculture 1400 Indep Ave,SW	20250
Taylor	Leslie C.	D.C. Dept of Human Resources 441 4th St,NW #330S	20001
Trimmer	Cynthia K.	J. Moretz-Edmisten & Assoc 4530 Wis Ave,NW #210	20016
Tupper	Janet	Council for Christian Colleges 321 8th St,NE	20002
Voorhees	Candace E.	Slover & Loftus 1224 17th St,NW	20036
Walker	Sandra Dee R.	Orrick Herrington Sutcliffe 1152 15th St,NW	20005
Washington	Teresa	D.C. Department of Corrections 1901 D St,SE	20001

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Watson	Denise	D.C. Department of Energy 2000 14th St,NW #300 20009 East
Watt	Sara A.	Esquire Deposition Services 1020 19th St,NW #620 20036
Welch, Jr.	Dewey L.	Business Roundtable 1717 R I Ave,NW #800 20036
Wesley	Tymmi B.	D.C. Department of Corrections 1901 D St,SE 20001
Wiggins	Amily	Bank Fund Staff Fed C U 1750 H St,NW #200 20006
Williams	Anice N.	Holland & Knight 2099 Pa Ave,NW 20006
Williams	Price A.	McGuinness & Yager 1100 13th St,NW #850 20005
Winston	Valencia R.	Reed Elsevier 1150 18th.St,NW #600 20036
Woodard	Latreia Y.	Law Office/Deborah Boddie 1308 9th St,NW 20001
Wysocki	Susan N.	C P S 5301 Wis Ave,NW #740 20015
Yancey	Timothy R.	M A R Reporting Group 1629 K St,NW #300 20006
Yuen	Wing C.	Agriculture Federal Credit Union 14th & Indep Ave,SW 20250
Gregory	Marcelia	Law Office/Robert Bunn 910 17th St,NW #800 20006
Watson	Sharon A.	Law Office/Bennett Boskey 5335 Wis Ave,NW #930 20015

**SERVE DC**  
**EXECUTIVE OFFICE OF THE MAYOR**  
**NOTICE OF FUNDING AVAILABILITY**

**DISTRICT OF COLUMBIA**  
**COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

**2008 Make a Difference Day Grant Competition**

**Notice:** *Attendance at an information session is required in order to be eligible to apply for this grant. Sessions are scheduled for Thursday, July 17, 2008 from 6:30pm to 8:00pm, Wednesday, July 23, 2008 from 6:30pm to 8:00pm and Tuesday, August 5, 2008 from 5:30pm to 7:00pm at One Judiciary Square 441 4th ST, NW, Conference Room 1112 Washington, DC.*

**Summary:** Serve DC, is offering grants to support community service projects organized for 2008 Make a Difference Day, October 25, 2008, the most encompassing national day of helping others. **Three grants worth up to \$3700 each** will be awarded.

Known as the "national day of doing good," Make a Difference Day is a national effort designed to mobilize citizens in communities across the country in volunteer service. Make a Difference Day is cosponsored by *USA Weekend Magazine* and the Points of Light Foundation with the support of Paul Newman and Newman's Own, in collaboration with celebrities, government, nonprofits and businesses. This year, Serve DC will focus its attention on this day to engage persons of all backgrounds regardless of disability, race, national origin, or religion. On this day, DC residents will "do good" and engage hundreds of volunteers.

Awards will be made to nonprofits, schools or universities, community groups, faith-based organizations, government agencies, or public organizations to support service projects based on community needs and a culminating celebration to rejoice in the contribution to the community. These activities will enable communities to meet critical needs that include environmental, educational, public safety, homeland security, and other community needs. Additionally, applicants must propose to institute a reflection and celebration activity to promote long term service commitment.

**Criteria for eligible applicants:** Eligible applicants are local nonprofit organizations and state and local units of government (other than state education agencies). Programs applying to Serve DC for funding must conduct the project only within the District of Columbia. An organization described in Section 501 © (4) of the Internal Revenue Code, 26 U.S.C. 501 © (4), that engages in lobbying activities is **not** eligible to apply, serve as a host site for the project, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the application guidelines and instructions. The Make a Difference Day Grant Application will be released on July 11, 2008 at 9:00am. **The deadline is August 25, 2008 at 12:00 p.m.**

The schedule for information sessions is as follows: One Judiciary Square, 441 4<sup>th</sup> St, NW, Conference Room 1112, Thursday, July 17, 2008 and Wednesday, July 23, 2008 from 6:30 p.m. to 8 p.m., and Tuesday, August 5, 2008 from 5:30 p.m. to 7 p.m.

**All interested applicants must register and attend one technical assistance session in order to apply for funds.** To RSVP for a training session, please contact Natasha M. Ballentine, Director, Strategic Planning at (202) 727.7928 or [natasha.ballentine@dc.gov](mailto:natasha.ballentine@dc.gov).

Serve DC anticipates awarding grants of up to \$3700 for Make a Difference Day grants. The actual number and dollar amount of the awards will depend upon the number of approved applications received and requested dollar amount.

Applications can be obtained from 441 4<sup>th</sup> Street NW, Suite 1140N, Washington, DC 20001 or downloaded and printed from our Web site at [www.serve.dc.gov](http://www.serve.dc.gov). For additional information, please call Natasha M. Ballentine at (202) 727-7928.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
NOTICE OF FUNDING AVAILABILITY**

**FY 2008 Facilities Financing Grants**

**RFA RELEASE DATE: July 18, 2008**

**APPLICATION SUBMISSION DEADLINE: August 15, 2008**

The Office of the State Superintendent of Education is soliciting grant proposals from qualified applicants for the following Facilities Financing Grants: City Build Incentive Grant, Public Facility & Shared Campus Grant, Charter School Facility Incentive Grant, Public Charter School Special Facility Grant. Through this RFA, the OPCSFS is soliciting proposals for funding projects that:

- Ensure that District of Columbia public charter school students and families are provided with suitable learning environments to support academic success;
- Expand quality Early Learning public charter school options, especially for low-income students;
- Provide and support quality school options to all students;
- Invest public resources in neighborhoods in greatest need for quality educational facilities and with the greatest hope of attracting and retaining residents.

**Pre-Application Conference**

**WHEN:** Monday July 28, 2008

**WHERE:** City-Wide Conference Center  
441 4th Street, NW, Room 1107  
Washington, DC 20001

**TIME:** 2:00 - 4:00

**CONTACT PERSON:** Zita Rostás  
Office of the State Superintendent of Education  
Government for the District of Columbia  
441 4th Street, N.W., Suite 350N  
Washington, D.C. 20001  
Tele: 202-535-2651  
Fax: 202-727-2019  
zita.rostas@dc.gov

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

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
NOTICE OF FUNDING AVAILABILITY**

**FY 2008 Quality Schools Incentive Grant**

**RFA RELEASE DATE: July 18, 2008**

**APPLICATION SUBMISSION DEADLINE: August 15, 2008**

The Office of the State Superintendent of Education is soliciting grant proposals from qualified applicants for the Quality Schools Incentive Grant. The purpose of the Quality Schools Incentive Grant is to support a mix of public charter school programs, initiatives, or activities.

**Eligible Organizations/Entities**

- A public charter school campus duly chartered by the District of Columbia Public Charter School Board operating since the 2006-2007 school year;
- A District of Columbia-based non profit organization that focuses on assisting District public charter schools in one of the following areas: 1) Fiscal Management; 2) Pre-Five Year Review Planning; 3) Evaluation; 4) School Climate; 5) Leadership; 6) Professional Development; 7) Governance; or 8) Pre-planning and Technical Assistance; or
- A District of Columbia-based non-profit organization with a demonstrated history of working with District of Columbia public charter schools or public charter school students to provide quality programming that positively affects student learning and achievement in one of the following areas: 1) arts education programming; 2) professional development; 3) college access programming; 4) after school/out of school time programming; or 5) charter school best practices.

**Pre-Application Conference**

**WHEN:** Monday July 28, 2008

**WHERE:** City-Wide Conference Center  
441 4th Street, NW, Room 1107  
Washington, DC 20001

**TIME:** 12:00 – 2:00

**CONTACT PERSON:** Steph Cheng  
Office of the State Superintendent of Education  
Government for the District of Columbia  
441 4th Street, N.W., Suite 350N  
Washington, D.C. 20001  
Tele: 202-724-1513  
Fax: 202-727-2019  
stephanie.cheng@dc.gov

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

**WASHINGTON CONVENTION CENTER AUTHORITY  
BOARD OF DIRECTORS**

**NOTICE OF CANCELED PUBLIC MEETING**

The Board of Directors of the Washington Convention Center Authority, in accordance with Section 742 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Code Section 1-1504, hereby gives notice that it has canceled its meeting scheduled for Thursday, August 7, 2008.

**YOUNG AMERICA WORKS PUBLIC CHARTER HIGH SCHOOL****REQUEST FOR BIDS****Delivery of Meals**

Young America Works Public Charter School is accepting bids for the delivery of breakfast, lunch and snacks to approximately 300 high school children for the SY 2008- 2009. All meals must meet minimum National School Breakfast, Lunch, Snack meal pattern requirements.

**The deadline for submitting bids is August 8th at 12:00pm.**

The IFB packet, meal requirements, and school specifications may be obtained from:

Ms. Nadine Evans or Ms. Angela Thomas  
School Representative  
Young America Works Public Charter School  
6015-17 Chillum Place NE  
Washington DC, 20011

202-722-9295  
Telephone Number

202-722-9293  
Fax Number

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

**Application No. 17765 of Alfred R. and Melba May**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a third story<sup>1</sup> addition to an existing one-family dwelling under § 223, not meeting the lot area (401), lot width (401), lot occupancy (403), and side yard (405) requirements, in the R-2 District at premises 4850 Jay Street, N.E. (Square 5152, Lot 1).

**HEARING DATE:** May 20, 2008  
**DECISION DATE:** May 20, 2008 (Bench Decision)

**DECISION AND ORDER**

This application was submitted by Alfred and Melba May, (“Applicants”), the owners of the property at 4850 Jay Street, N.E., which is the subject of this application (“subject property”). At the direction of the Zoning Administrator (“ZA”), the Applicants came before the Board of Zoning Adjustment (“BZA” or “Board”) requesting a special exception pursuant to 11 DCMR § 223 in order to construct a third floor addition to a semi-detached one-family dwelling which is nonconforming as to lot width, lot area, lot occupancy, and side yard.

The Board heard the application on May 20, 2008 and at the end of the hearing, voted 4-0-1 to grant the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated December 11, 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. Department of Transportation, Advisory

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<sup>1</sup>This application was advertised for a “second story addition,” but because the basement level of the subject dwelling is 6 feet, 6 inches high at the highest point of the rear-sloping grade of the property, the basement counts as a story, making this a two-story dwelling, the addition to which would be a third story. *See*, 11 DCMR § 199, definitions of “Basement,” “Cellar,” and “Story.”

**BZA APPLICATION NO. 17765****PAGE NO. 2**

Neighborhood Commission (“ANC”) 7C, the ANC within which the subject property is located, the Single Member District member for district 7C01, and the Councilmember for Ward 7. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing in the *D.C. Register*, and sent such notice to the Applicants, ANC 7C, and all owners of property within 200 feet of the subject property.

Request for Party Status. ANC 7C was automatically a party to this application. The Board granted the party status request of the immediately adjacent neighbor to the west. The neighbor opposed the application because of potential impacts during construction, and because she claimed that the addition of another story on the Applicants’ dwelling would obstruct both her view of the street corner at 49<sup>th</sup> and Jay Streets, and the breeze which now reaches her home.

Applicants’ Case. The Applicants described the proposed addition and explained how the project met the special exception criteria.

Government Reports. The Office of Planning filed a report with the Board on May 13, 2008 recommending approval of the application. OP determined that the application met the special exception criteria, but recommended careful placement of windows on the west side of the addition to minimize any potential impact on the privacy of the dwelling to the west.

ANC Report. There was no ANC report filed in this case, nor did a representative of ANC 7C attend the hearing.

**FINDINGS OF FACT**

1. The subject property is a corner lot located at address 4850 Jay Street, N.E., in an R-2 zone district, at Square 5152, Lot 1.
2. The surrounding neighborhood includes a variety of residential dwelling types, including one-family detached and semi-detached dwellings, flats, and multi-family residential uses.
3. The subject property is a regular rectangle which pre-dates the Zoning Regulations and is 115 feet long by 20.05 feet wide, giving it a lot area of approximately 2,306 square feet.
4. The property is improved with a one-family semi-detached dwelling, the eastern wall of which is situated on the eastern lot line, abutting an approximately 15-foot wide open public space area along 49<sup>th</sup> Street.

## BZA APPLICATION NO. 17765

## PAGE NO. 3

5. The minimum lot area for a semi-detached dwelling in an R-2 zone is 3,000 square feet, and the minimum lot width is 30 feet, therefore, the subject dwelling is nonconforming as to both measurements. *See*, 11 DCMR § 401.
6. The 47% lot occupancy of the existing dwelling, although nonconforming in this R-2 zone district, will not be changed by the addition. *See* 11 DCMR §§ 403 and 2001.3(a).
7. The existing dwelling has no eastern side yard, nor is one needed because a one-family semi-detached dwelling, by definition, has only one side yard. *See*, 11 DCMR § 199.1, definition of “Dwelling, one-family, semi-detached.” The dwelling also has a nonconforming western side yard of approximately 3 feet, 10 inches, when 8 feet is the minimum required. 11 DCMR § 405.9.
8. The addition of the third story will increase the height of the dwelling to just under 24 feet, well under the 40 feet permitted in the zone. *See*, 11 DCMR § 400.
9. The existing dwelling has a front setback of approximately 16 feet, 10 inches, and a rear yard of approximately 36.2 feet.
10. Because the existing dwelling is on a corner lot and is bounded to the rear by a 15-foot wide public alley, the only abutting property is the lot to the west, which is improved with a one-family detached dwelling.
11. Although there is no precise measurement in the record of the eastern side yard width of the adjacent lot to the west, there appears to be approximately 15 feet between the eastern wall of the adjacent dwelling and the western wall of the subject dwelling. *See*, Exhibit No. 22, at 2 (OP Report).
12. The eastern side yard of the adjacent lot to the west is wide enough to be used as vehicle parking by the neighbor, who states, in her Party Status application, that her dwelling is “20 feet away from the subject property.” *See*, Exhibit No. 21.<sup>2</sup>
13. The nearest building on the other side of the rear alley is approximately 57 feet from the rear of the subject dwelling.

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<sup>2</sup>The neighbor contradicted this statement at the hearing, stating that “[t]here’s less than 14 feet from his house to mine.” Hearing Transcript at 48, lines 17-18. Considering all the evidence in the record, particularly OP’s Report and the photos presented, showing automobiles parked in the neighbor’s eastern side yard, the Board finds, as stated in Finding of Fact No. 11, that there is approximately 15 feet between the Applicant’s dwelling and that of the neighbor to the west.

**BZA APPLICATION NO. 17765****PAGE NO. 4**

14. The proposed addition has only two windows along its west side, both located near the front, in order to minimize any impact on privacy to the adjacent dwelling to the west.
15. The proposed addition will replicate the size and shape of the existing two stories on which it will be placed and will be covered with a board and batten finish, be topped by a low-profile, flat, pitched roof similar to others in the neighborhood.

**CONCLUSIONS OF LAW**

Pursuant to § 3104 of the Zoning Regulations, the Board is authorized to grant special exceptions where, in its judgment, the relief 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. Certain special exceptions must also meet the conditions enumerated in the particular sections pertaining to them. In this case, along with the general requirements of § 3104, the Applicants also had to meet the requirements of § 223.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

This application meets all the requirements of both §§ 223 and 3104. The addition of the proposed third story will not have an "undue" impact on the light and air of the adjacent neighbor to the west. *See*, 11 DCMR § 223.2(a). Although the western neighbor claimed that the breeze reaching her home, and the view from her home, would be affected, there is sufficient distance between the eastern wall of her property and the western wall of the subject property that any such impact should be minimal. The Applicants have also taken care to place only two windows on the western wall of the addition, both near the front, in order to ensure that the privacy of the adjacent dwelling to the west will not be compromised. The addition will be compatible with the existing dwelling and with the neighborhood and will not visually intrude upon the character of houses along the Jay or 49<sup>th</sup> Street frontages. The addition does not increase the footprint or lot occupancy of the existing dwelling, which has a front setback of approximately 16 feet, 10 inches, and a

**BZA APPLICATION NO. 17765****PAGE NO. 5**

rear yard of approximately 36.2 feet, providing ample open space around the dwelling. The existing semi-detached dwelling is a matter-of-right use in this R-2 zone district and the proposed third story addition is in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect neighboring property.

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of 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. The Office of Planning recommended approval of the application, and the Board agrees with this recommendation. ANC 7C did not file a report with the Board or participate in the case in any way.

For all the reasons stated above, the Board concludes that the Applicants have satisfied the burden of proof for a special exception pursuant to §§ 3104 and 223. Accordingly, it is hereby **ORDERED** that the application (pursuant to Exhibit No. 7 – plans) is **GRANTED**.

**VOTE:** 4-0-1 (Ruthanne G. Miller, Marc D. Loud, Shane L. Dettman, and Michael G. Turnbull, to grant. No fifth member participating 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:** JUL 03 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.

**BZA APPLICATION NO. 17765****PAGE NO. 6**

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

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

LM

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

**Application No. 17783 of Laurence and Andrea Gibbons**, pursuant to 11 DCMR § 3103.2, for variance from the lot area requirements under section 401.3, to construct a new one-family detached dwelling in the R-1-B District at premises 4301 16<sup>th</sup> Street, N.W. (Square 2698, Lot 37).

**HEARING DATE:** June 24, 2008

**DECISION DATE:** July 1, 2008

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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) 4C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C 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., for a variance from § 401.3. 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 Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 401 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

**BZA APPLICATION NO. 17783**  
**PAGE NO. 2**

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

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit Nos. 7, 25 (Plans and Plat) and 26 (reduced version of Exhibit 25)) be **GRANTED**.

**VOTE:**       **4-0-1** (Mary Oates Walker, Ruthanne G. Miller, and Shane L. Dettman to approve; Curtis L. Etherly, Jr. to approve by absentee ballot; 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:**          **JUL 03 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.

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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. 17785 of Michael Yochelson**, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the court requirements under section 406, and a variance from the nonconforming structure provisions under subsection 2001.3, for a third floor addition and roof deck serving a flat (two-family dwelling), in the R-5-B District at premises 1776 Willard Street, N.W. (Square 151, Lot 221).

Note: The Board added relief under section 406 (court requirements) at the public hearing.

**HEARING DATE:** June 24, 2008  
**DECISION DATE:** June 24, 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 public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report (Exhibit 27) and testified at the public hearing in opposition to the application. The ANC submitted a letter (Exhibit 29) citing no objection to the case.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 402, 403, 406 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the

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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. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 11 – Plans) be **GRANTED**.

**VOTE: 3-0-2** (Ruthanne G. Miller, Marc D. Loud and Curtis L. Etherly, Jr. to Approve. Mary Oates Walker and Shane L. Dettman abstaining)

**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:** JUN 25 2008

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

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

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

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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. rsn

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

Application No. 17788 of Jane M. Boggs, pursuant to 11 DCMR § 3104.1, for a special exception to construct a free-standing one car garage under section 223, not meeting the side yard requirements (section 405), in the R-1-B District at premises 4614 Warren Street, N.W. (Square 1554, Lot 32).

**HEARING DATE:** July 1, 2008  
**DECISION DATE:** July 1, 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) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E did not participate in the application. The Office of Planning (OP) submitted a report in conditional 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. 2 and 8 – Plat and Plans ) be **GRANTED**.

BZA APPLICATION NO. 17788

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**VOTE:** 4-0-1 (Ruthanne G. Miller, Mary Oates Walker, Shane L. Dettman and Gregory N. Jeffries 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: JUL 02 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.

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BZA APPLICATION NO. 17788  
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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. 17792 of Armenian Genocide Museum and Memorial, Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception from the rear yard requirements under subsection 774.2, to establish a museum and memorial in the SHOP/C-4 District at 615 14<sup>th</sup> Street, N.W. (Square 253, Lot 67).

**HEARING DATE:** July 8, 2008  
**DECISION DATE:** July 8, 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) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a letter 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 774.2. 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 OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 774.2, 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 § 3100.5, 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. 24F - Plans ) be **GRANTED**.

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**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:** July 8, 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

**ZONING COMMISSION NOTICE OF FILING****Case No. 03-12G/03-13G****(2<sup>nd</sup> Stage PUD and Modification to Consolidated PUD for Capper/Carrollsbury  
Venture, LLC – Square 769, Lots 18-20 and Square 882, Lot 76)****July 10, 2008****THIS CASE IS OF INTEREST TO ANC 6D**

On July 8, 2008, the Office of Zoning received an application from Capper/Carrollsbury Venture, LLC, together with the District of Columbia Housing Authority (collectively, the “applicant”) for approval of a second stage planned unit development (“PUD”) and modification to the previously approved consolidated PUD.

The property that is the subject of this application consists of property located in the southeastern quadrant of the District and known as Square 769, Lots 18-20 and Square 882, Lot 76.

The applicant seeks approval of a second stage PUD and a modification to the previously approved consolidated PUD. This application is the third in a series of second stage applications to be filed to complete the entire PUD project. The overall project approved by the Zoning Commission includes a maximum of 1,645 units, including one-for-one replacement of 695 units devoted to public housing, 2,138,431 square feet of residential gross floor area, and 753,000 square feet of commercial gross floor area. The applicant is seeking a modification to increase the overall unit count to 1,747, while still including the 695 public housing units, and to increase the residential density to 8.6% to 2,323,329 gross square feet and the commercial density by 0.4% to 756,052 gross square feet. This request is not inconsistent with the Comprehensive Plan of the District of Columbia.

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 07-26**

**Z.C. Case No. 07-26**

**Consolidated Planned Unit Development and Related Zoning Map Amendment  
O Street Roadside LLC -- Square 398, Lots 829 & 830  
May 12, 2008**

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on March 6, 2008, to consider an application from O Street Roadside LLC, owner of Lots 829 and 830 in Square 398, for consolidated review and one-step approval of a planned unit development ("PUD") and a related map amendment from the C-2-A Zone District to the C-3-C Zone District to construct a mixed-use development on the property. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

**FINDINGS OF FACT**

**Applications, Parties, and Hearings**

1. On September 17, 2007, O Street Roadside LLC (the "Applicant"), as owner of Lots 829 and 830 in Square 398 (the "Subject Property"), filed applications with the Commission requesting consolidated review and one-step approval of a PUD and a related map amendment from the C-2-A Zone District to the CR or C-3-C Zone District for the Subject Property. At the public hearing, the Commission only considered rezoning to the C-3-C Zone District.
2. The Subject Property has a combined land area of approximately 149,600 square feet and is currently zoned C-2-A. Square 398 is located in the northwest quadrant of the District, and is bounded by P Street on the north, 7<sup>th</sup> Street on the east, O Street on the south, and 9<sup>th</sup> Street on the west. The Subject Property is bisected by the former 8<sup>th</sup> Street, N.W. right-of-way, which was legally closed in 1977.
3. The Applicant proposes to construct a mixed-use development consisting of market-rate housing, senior and affordable housing, a hotel (as an alternative the development may include additional residential uses in lieu of a hotel), a grocery store, and other retail uses on the Subject Property. The new development will contain approximately 770,780 square feet of gross floor area, with an overall density of 5.15 floor area ratio ("FAR")

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and a maximum building height of 95 feet. Approximately 545,775 square feet will be devoted to residential uses, approximately 115,115 square feet will be devoted to hotel or devoted to additional residential uses should the Applicant elect not to construct the hotel, and approximately 69,000 square feet will be devoted to retail uses. The project includes 500 parking spaces in underground and first floor garages, as well 80 additional spaces in vault space, but the Applicant requested the flexibility to provide approximately 225 parking spaces for the retail grocery store, instead of the 250 spaces originally allocated, which represents a 10% reduction.

4. On November 9, 2007, the Applicant filed a supplemental statement (Exhibits 15A and 16), in support of the application, which included additional information regarding the planning and design of the project, as well as numerous letters in support of the project.
5. On December 5, 2007, the Applicant submitted a letter with revised plans (Exhibits 18 and 19), indicating that the project's height has been reduced with various setbacks and step downs. The overall density of the project was also reduced to 5.15 FAR, which is significantly less than the 8.0 FAR permitted under the PUD guidelines. The plans also included photo-renderings of the 9<sup>th</sup> Street elevation illustrating the transition from the west elevation of the PUD to the 30- to 40-foot height structures across 9<sup>th</sup> Street.
6. At its public meeting held on December 10, 2007, the Zoning Commission voted to schedule a public hearing on the applications.
7. On December 27, 2007, the Applicant submitted a Prehearing Statement, along with revised architectural drawings (Exhibits 22 and 23).
8. On February 15, 2008, the Applicant submitted additional Supplemental Hearing Materials (Exhibits 29 and 29A), which included revised architectural drawings, information regarding the proposed public benefits and amenities, sustainable design features information, and expert witness resumes. The materials also reflected a five-foot increase in the height of the project for a portion of the eastern residential building.
9. After proper notice, the Commission held a public hearing on the applications on March 6, 2008. The parties to the case were the Applicant and Advisory Neighborhood Commission ("ANC") 2C, the ANC within which the Subject Property is located.
10. The Applicant presented four witnesses at the hearing of March 6, 2008, including Armond Spikell, principal of Roadside Development and accepted by the Commission as an expert in urban mixed use development; Robert Sponseller, an architect with Shalom Baranes Associates and accepted by the Commission as an expert in architecture; Christopher Gay, of Vanasse, Hangen & Brustlin and accepted by the Commission as an expert in transportation; and Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, accepted by the Commission as an expert in land use and zoning. Also

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available to testify was Jeff Lee, on behalf of Lee + Papa and Associates, as a landscape architect.

11. Tim Mack, of Shaw Main Street; Cary Silverman, of Mount Vernon Square Neighborhood Civic Association; Leroy Thorpe, President of East Central Civic Association; and Alexander Padro, Single Member District Commissioner for ANC 2C01 all testified in support of the project at the hearing.
12. The record includes the following letters in support of the applications: ANC 2C; East Central Civic Association of Shaw; French Street Neighborhood Association; The Blagden Alley Association; Ralph Brabham; a petition signed by numerous property owners; Councilmembers Vincent C. Gray and Jack Evans; Neil Albert, the Deputy Mayor for Planning and Economic Development; the Community Preservation and Development Corporation; and 1330 Seventh Street Limited Partnership (See Exhibits 15, 17, 20, 31 and 32).
13. ANC 2C submitted a letter in support of the applications. ANC 2C indicated that it is fully supportive of the project's density, proposed rezoning to C-3-C, and building heights. ANC 2C also indicated that it has fully supported the redevelopment of the Subject Property and its Comprehensive Plan designation to allow high-density and medium-density commercial so that this specific project, which is of extreme value and importance to the community could move forward. The ANC also requested that the Commission approve the applications as expeditiously as possible.
14. On March 13, 2008, the Applicant submitted a Post-Hearing Submission, which included updated architectural drawing sheets and a response to the District of Columbia's Department of Transportation ("DDOT") report dated March 5, 2008 (Exhibits 40, 41, and 42).
15. At its special public meeting on March 24, 2008, the Commission took proposed action by a vote of 5-0-0 to approve with conditions the applications and plans that were submitted to the record. The Commission also voted to approve the related map amendment for the Subject Property from C-2-A to C-3-C.
16. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Home Rule Act. NCPC, by action dated March 27, 2008, found that the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.
17. The Commission took final action to approve the application on May 12, 2008, by a vote of 5-0-0.

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**The PUD Project**

18. The proposed project will have an overall density of 5.15 FAR and a total gross floor area of approximately 770,780 square feet dedicated to a mixed-use development that includes affordable residential units for rent to senior citizens, homeownership and rental residential units, and a hotel with 210 rooms (or additional residential uses in the space reserved for hotel use). The proposed project also includes retail and services uses including a 65,000 square foot grocery store, 10,000 square feet of additional retail space, and an 8,000 square foot restaurant. The existing historic O Street Market will be rehabilitated and incorporated into the new grocery store.
19. The proposed residential density of the project is 3.65 FAR, the hotel's density is 0.77 FAR, the retail density is 0.46 FAR, and the retail parking on the ground floor of the west building accounts for 0.27 FAR in the project. If the Applicant elects to construct additional residential uses instead of a hotel, the residential density will be 4.42 FAR.
20. The portion of the eastern residential building located above the grocery store will be constructed to a height of 95 feet; the remainder of the building will be constructed to a height of 90 feet. The increase in height to 95 feet was necessitated by the 15-foot finished floor-to-ceiling height of the proposed grocery store on the eastern portion of the project site. The proposed eight floors of residential units could not provide acceptable floor-to-ceiling heights without the additional five feet of building height. Without the increase, the units would have a finished ceiling height of 7'-1" in the kitchen and bathroom areas, and 8'-1" in the living areas. With the five-foot increase in building height, the ceiling heights would increase to 7'-8" to 8'-8", respectively. The Commission finds the additional five feet in overall building height for the portion of the east building located above the grocery store to be acceptable and necessary to the successful functioning of the project and the residential units, in particular. It is consistent with the provisions of several overlay districts, such as the H Street Overlay, which permits an increase in overall building height to encourage and compensate for greater than average floor-to-ceiling heights for ground floor retail.
21. The western residential building will be constructed to a height of 90 feet facing 8<sup>th</sup> Street, and step down to 72 feet and then 62 feet at the property line facing 9<sup>th</sup> Street. The proposed hotel portion of the project (which may be used as residential uses at the election of the Applicant) will be constructed to a height of 90 feet. The retail uses at the ground level along 8<sup>th</sup> Street will have a floor-to-ceiling height of 15 feet. The grocery store will have a ceiling height of 16 feet.
22. The proposed project includes 500 parking spaces in underground and first floor garages, as well 80 additional spaces in vault space. The project includes four loading berths at 55 feet deep, three berths at 30 feet deep, and five service/delivery loading spaces at 20 feet deep. All loading and service bays for the project are located on the B-2 level of the

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garage and are accessed from a single driveway on 9<sup>th</sup> Street. All maneuvering is accomplished on-site and below-grade.

### **Matter of Right Development under Existing Zoning**

23. The Subject Property is currently zoned C-2-A. The C-2-A Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. (11 DCMR § 720.2.) Moreover, the C-2-A Zone Districts are generally located in low- and medium-density residential areas with access to main highways or rapid transit stops, and include office employment centers, shopping centers, and medium-bulk mixed use centers. (11 DCMR § 720.3.)
24. The maximum permitted matter-of-right height in the C-2-A Zone District is 50 feet, with no limit on the number of stories. (11 DCMR § 770.1.) The C-2-A Zone District permits a maximum density of 2.5 FAR, all of which may be residential, but of which not more than 1.5 FAR may be used for other, non-residential permitted purposes. (11 DCMR § 771.2.) Pursuant to § 772.1 of the Zoning Regulations, no building or portion of a building in the C-2-A Zone District devoted to a residential use, may occupy more than 60% of the lot upon which the structure is located. (11 DCMR § 771.2.) There is no lot occupancy limitation for commercial uses in the C-2-A Zone District.
25. Development under the PUD guidelines for the C-2-A Zone District would allow a maximum building height of 65 feet, and a maximum density of 3.0 FAR, of which not more than 2.0 FAR may be devoted to commercial use, including hotels. (11 DCMR §§ 2405.1 and 2405.2.)

### **Matter of Right Development Under C-3-C Requirements**

26. The Applicant also sought a PUD-related map amendment to the C-3-C Zone District. The C-3-C Zone District permits medium- to high-density development, including office, retail, housing, and mixed-use development. (11 DCMR § 740.8.) The C-3-C Zone District also permits a maximum height of 90 feet, and a maximum density of 6.5 FAR for all uses. (11 DCMR §§ 770.1, 771.2.) The C-3-C Zone District permits 100% lot occupancy. (11 DCMR § 772.1.)
27. Pursuant to § 774.1 the Zoning Regulations, a minimum 12-foot rear yard must be provided for each structure in the C-3-C Zone District. Side yards are generally not required for any building or structure located in the C-3-C Zone District. (11 DCMR § 775.5.) However, if a side yard is provided, its minimum width must be two inches wide per foot of building height, but not less than six feet. (11 DCMR § 775.5.)

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28. With respect to off-street parking, an apartment house or multiple dwelling in the C-3-C Zone District requires one parking space for each four dwelling units; a hotel requires one parking space for each four rooms useable for sleeping, plus one parking space for each 300 square feet of floor area in either the largest function room or the largest exhibit space (whichever is greater); and a retail establishment in excess of 3,000 square feet requires one additional parking space for each additional 750 square feet of gross floor area and cellar floor area. (11 DCMR §2101.1.)
29. Under the PUD guidelines for the C-3-C Zone District, the maximum permissible building height on this site is 110 feet and the maximum density is 8.0 FAR for all uses. (11 DCMR §2405.1, 2405.2.)

### **Development Incentives and Flexibility**

30. The Applicant requested the following areas of flexibility from the Zoning Regulations:
- a. Flexibility to Permit Multiple Principal Buildings on a Single Record Lot - The Zoning Regulations provide that, "[w]hen [two portions of a structure are] separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building." (11 DCMR § 199.1 - definition of "building") In order to visually re-instate the former historic 8<sup>th</sup> Street vista, relief from this provision is necessary, because there will be no meaningful above-grade communication between all of the proposed buildings. Therefore, the Applicant is seeking flexibility to permit multiple principal buildings on a single record lot. Section 2516 of the Zoning Regulations authorizes the placement of two or more principal buildings on a single record lot. (11 DCMR § 2516.1.) The requested flexibility will allow the development of a project that will have a substantial benefit for the community, since the project includes, among other things, the rehabilitation and adaptive reuse of the O Street Market and the provision of significant new housing, much of which will be set aside for senior citizens.
  - b. Flexibility from Roof Structure Requirements - The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because the project includes multiple roof structures and a number of the structures cannot be setback from all exterior walls a distance equal to their height above the roof. (11 DCMR §§ 411.2, 411.3.) Each roof structure is a necessary feature and the structures have to be separated due to the different construction schedules for each component of the development, as well as the desire to break up massing on the roof. In addition, the Applicant is providing the greatest setbacks possible given the size of the roofs and the internal configuration of the proposed buildings. The requested roof structure design will not adversely impact the light and air of adjacent buildings since each element has been located to minimize their visibility. Therefore, the intent and purposes of the Zoning Regulations will not

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be materially impaired and the light and air of adjacent buildings will not be adversely affected.

- c. Flexibility from Court Width Requirements - Courts in the C-3-C Zone District are required to have a minimum width of court of four inches per foot of height but not less than 15 feet. (11 DCMR § 776.3.) This yields a requirement of 27 feet for Court 5 shown on the plans. However, Court 5, which is located between the hotel (which may instead be additional residential uses) and a wing of the west residential building, has a width of 17 feet, 2 inches. Thus, the Applicant is seeking a reduction of 9 feet, 10 inches in the required court width.
- d. Additional Areas of Flexibility - The Applicant also requests flexibility in the following areas:
- (i) To be able to provide a range in the number of residential units, senior housing units, and hotel rooms;
  - (ii) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - (iii) To vary the number, location and arrangement of parking spaces, provided that the total is not reduced below the minimum level required under the zoning regulations; and
  - (iv) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

### Public Benefits and Amenities

31. The Commission finds that the following benefits and amenities will be created as a result of the PUD:
- a. *Housing and Affordable Housing.* The single greatest benefit to the area, and the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan and the Mayor's housing initiative. The proposed PUD will contain approximately 545,775 square feet of gross floor

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area dedicated to residential uses, including approximately 80 affordable residential units for rent to seniors (at 60% of AMI), and 527 market rate units.

- b. *Environmental Benefits.* The site plan is designed to be highly efficient in land utilization. The Applicant has committed to attempting to achieve a minimum of 26 LEED points depending on construction costs at the time the project moves forward.
- c. *Urban Design, Architecture, Landscaping and Open Space.* The project's design will further the goals of urban design and enhance the streetscape and surrounding neighborhood. The design concept for the site is guided by the idea of expressing the multiple individual buildings and uses which make up the development program, and the expression of the various buildings reinforces the high quality of buildings on the site and allows the buildings to relate to both the similarly scaled structures in the surrounding context and importantly the historic O Street Market building. Moreover, the retail pavilions to be located along the former 8<sup>th</sup> Street right-of-way provide a visual base to these buildings, by scaling them to the pedestrian and activating the former street through multiple retail tenants, which form a two-sided retail pavilion. In addition, the architectural treatment of the project is sensitive to the scale and stature of the existing market building. With respect to massing, the project has been designed to place the taller buildings and penthouses along the wider former 8<sup>th</sup> Street frontage, and tapers the buildings to the eastern and western sides of the site. The use of a rich material palette and the proposed street level murals are additional enhanced features of the project. In addition, all loading and service bays for the project are located on the B-2 level of the garage and are accessed from a single driveway on 9<sup>th</sup> Street. All maneuvering is accomplished on-site and below-grade.
- d. *Uses of Special Value to Neighborhood.* The project includes a significant amount of area dedicated to new retail uses, which the community has expressed as a strong need. Specifically, the project includes a reconstructed and expanded grocery store, additional retail spaces along O Street and the former 8<sup>th</sup> Street axis, and restoration of O Street Market and its return to active retail use as part of grocery store. The Applicant has also committed to work with the District's Department of Parks and Recreation to make repairs and contribute funds for uniforms at the Kennedy Recreation Center; assist in the development of a girl's softball field at Bundy Recreation Center; provide a community shuttle service to the Tivoli/Brentwood Giant grocery store while the O Street Giant is being renovated; and contribute funds for computer labs or other amenities at neighboring buildings, and scholarships for Shaw residents, among other important contributions. These additional commitments further emphasize the significant value of this project to the surrounding community and the city as a whole.

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- e. *Employment and Training Opportunities.* Expanding employment opportunities for residents and local businesses is a priority of the Applicants. Therefore, the Applicants have entered into a First Source Employment Agreement with the Department of Employment Services. The Applicants have also executed a Local, Small, and Disadvantaged Business Enterprises (“LSDBE”) Memorandum of Understanding with the District’s Office of Local Business Development.

### **Consistency with the Comprehensive Plan**

32. The Comprehensive Plan for the National Capital: District Elements (“Comprehensive Plan”), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300), designates the Subject Property as being located in a mixed-use, medium-density commercial, and high-density residential category. The medium-density commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate-density commercial areas but generally do not exceed eight stories in height. The corresponding zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. (§ 224.13.) The high-density residential designation is used to define neighborhoods and corridors where high-rise (eight stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The corresponding zone districts are generally R-5-D and R-5-E, although other zones may apply. (§ 224.9.)
33. The Generalized Policy Map includes the Subject Property in a Neighborhood Enhancement Area. The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development “fits-in” and responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land use designation on the Future Land Use Map. (§ 223.7.) New development in these areas should improve the real estate market, reduce crime and blight, and attract complementary new uses and services that better serve the needs of existing and future residents. (§ 223.8.)
34. The Applicant's proposal to construct housing, retail, and possibly a hotel on the Subject Property is consistent with the Future Land Use Map and the Generalized Policy Map designation of the Subject Property. The Applicant is proposing to rezone the Subject Property from C-2-A to C-3-C in connection with this application. The C-3-C Zone District permits medium- to high-density development, including office, retail, housing, and mixed-use development, which is consistent with the designation of the Subject Property.

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35. The proposed project is also consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as follows:
- a. *Managing Growth and Change.* In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (§ 2.3, ¶ 217.4.) The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (§ 2.3, ¶ 217.6). The proposed PUD is fully consistent with each of these goals. Redeveloping the Subject Property into a mixed-use development that will include a grocery store and other retail uses, apartment buildings, a possible hotel, and an affordable senior housing facility will further the revitalization of the neighborhood and will generate significant tax revenue for the District.
  - b. *Creating Successful Neighborhoods.* One of the guiding principles for creating successful neighborhoods is the recognition that many neighborhoods include commercial uses that contribute to the neighborhood's character and make communities more livable. (§ 2.3, ¶ 218.2). Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. (§ 2.3, ¶ 218.8). The proposed PUD further these goals with the construction of a grocery store and other retail uses, apartment buildings, a possible hotel, and an affordable senior housing facility, the creation of additional employment opportunities, and generate significant tax revenues for the District. In addition, as part of the PUD process, the Applicant will continue to work with the Advisory Neighborhood Commission, local community groups and HPRB to assure that the development provides a positive impact to the immediate neighborhood.
  - c. *Increasing access to education and employment.* An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems. (§ 2.3, ¶ 219.2) The project is fully consistent with these goals. The proposed development includes a significant amount of retail space that will help to create new jobs for residents.

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- d. *Building green and healthy communities.* The Comprehensive Plan provides that as the nation's capital, the District should be a role model for environmental sustainability and new developments should minimize the use of non-renewable resources, promote energy and water conservation, reduce harmful effects on the natural environment, and improve the quality of surface and groundwater. (§ 2.3, ¶¶ 221.3, 221.4). As discussed in the Environmental Benefits section of this Order, the proposed PUD includes a significant number of low impact development measures designed to promote environmental sustainability and mitigate development impacts on the environment.
36. The Commission finds that the proposed PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as follows:
- a. *Land Use Element.* Major goals of the Land Use Element include ensuring the efficient use of land resources to meet long-term neighborhood, city-wide, and regional needs; protecting the health, safety, and welfare of District residents and businesses; sustaining, restoring, or improving the character and stability of neighborhoods in all parts of the city; and effectively balancing the competing demands for land to support the many activities that take place within District boundaries. (¶ 302.1). This element also recommends better utilization of land around transit stations and along transit corridors as a means to accommodate the growth of the city and minimize the number and length of auto trips generated by households. (¶ 306.3). The development of diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments, as well as attractive, pedestrian-friendly design is also encouraged. (¶ 306.4). The proposed development responds to these goals with the construction of a high-quality project that includes residential, potential hotel, and retail uses. The proposed project is also fully-consistent with and implements the following policies:
- (i) Policy LU-1.1.5: Urban Mixed Use Neighborhoods - The proposed development encourages new central city mixed used neighborhoods combining high-density residential, office, retail, cultural, and open spaces uses. Housing, including affordable housing, is particularly encouraged and should be a vital component of the future land use mix.
- (ii) Policy LU-1.4.1: Infill Development - The project is consistent with the goal of encouraging infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. The development complements the established character of the area and does not create sharp changes in the physical development pattern.

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- (iii) Policy LU-2.1.1: Variety of Neighborhood Types - Consistent with this policy element, the development adds to the variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods.
  - (iv) Policy LU-2.2.4: Neighborhood Beautification - This policy encourages projects to improve the visual quality of the District's neighborhoods. The development of the site will be an improvement to the current neighborhood condition and will help to revitalize the area.
  - (v) Policy LU-2.4.10: Use of Public Space within Commercial Centers - This policy encourages the development of outdoor sidewalks cafes, flower stands, and similar uses which "animate" the street. As shown on the Architectural Plans and Elevations, the project includes the visual reestablishment of the 8<sup>th</sup> Street right-of-way for use as plaza retail, and access area is ideally situated to engage the public throughout the day and is designed to become part of the urban streetscape.
- b. *Transportation Element.* The overall goal of the Transportation Element is to create a safe, sustainable efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents. (§ 401.1) The proposed PUD is consistent with a number of the policies and actions included in this element, including:
- (i) Policy T-1.1.4: Transit-Oriented Development - Encourages support for transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major corridors, and transfer points. The subject property has frontage on 7<sup>th</sup> Street, which provides convenient access to numerous locations on the District. Moreover, the subject property is within walking distance of the Mount Vernon Metrorail station.
  - (ii) Action T-2.3-A: Bicycle Facilities - This element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bike racks as amenities within the development that accommodate and encourage bicycle use.
- c. *Housing Element.* The policies and actions for the Housing Element state that expanding the housing supply is a key part of the District's vision to create successful neighborhoods, and housing production is essential to the future of the District's neighborhoods and key to improving the city's fiscal health. (§ H-1.1,

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¶ 503.1) Ensuring the affordability of housing is also a critical objective of the housing element. (§ H-1.2, ¶ 504) The PUD supports these initiatives by increasing the housing supply with the construction of a significant number of new units, as well as the construction of affordable senior housing.

- d. *Economic Development Element.* The Economic Development Element of the Comprehensive Plan recommends expanding the retail sector and pursuing a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. (Policy ED-2.2.1.) Policy ED-2.2.6 specifically highlights the need to develop new grocery stores and supermarkets, particularly in neighborhoods where residents currently have to travel long distances for food and other shopping services. The economic development element also recommends the continued support and growth of the hospitality industry, which is a core industry in the District. Indeed, Policy ED-2.3.1, "Growing the Hospitality Industry," provides that the District should develop an increasingly robust tourism industry and strive to increase the number of visitors staying in the District (rather than in suburban hotels). The Applicant's proposal to construct a mixed-use development on the property that includes a grocery store, other retail uses, and a potential hotel is consistent with, and implements, each of these goals.
- e. *Urban Design Element.* The proposed project is also consistent with a number of the polices included in the Urban Design Element of the Comprehensive Plan. For example, as shown on the Architectural Plans and Elevations, the project includes an attractive, visually-interesting and well-designed building façade that eschews monolithic or box-like forms, or long blank walls which detract from the human quality of the street. ( Policy UD-2.2.5.) The project is also consistent with the improved streetscape design goals.
- f. *Historic Presentation Element.* The Historic Preservation Element calls for the promotion of appropriate preservation of historic buildings, the application of design guidelines without stifling creativity or having an adverse impact on the balance between restoration and adaptation of historic buildings, permitting compatible new infill development, and using historic preservation as a tool for economic and community development and revitalization. (Policy HP-2.4.1, 2.4.3, 3.2.1, 3.2.3.)

The Historic Preservation Review Board has recommended approval of the overall site plan and architectural plans in concept. In addition, the Mayor's Agent has found that the scope of the preservation program contemplated by the proposed project represents a significant public benefit to the District and that the project was approved as one of "special merit." Moreover, the Mayor's Agent found that the sensitive treatment of the historically significant portions of the O

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Street Market, and the integration of that historic structure into the new development, is precisely the type of adaptive reuse encouraged by the city and will provide a significant public benefit to the city. Thus, the project is fully consistent with the historic preservation element of the Comprehensive Plan.

- g. *Near Northwest Area Element.* The proposed project is consistent with a number of the policies of the Near Northwest Area Element. For example, Policy NNW-1.1.4 calls for improving the neighborhood shopping areas along 7<sup>th</sup> and 9<sup>th</sup> Streets, which the proposed development will certainly help to improve. Moreover, the Shaw/Convention Center Area element also recommends protecting existing affordable housing within the Shaw/Convention Center area, producing new affordable housing and market rate housing on underutilized sites, and supporting development of the O Street market site as a mixed use project that becomes the focal point for the 7<sup>th</sup> and 9<sup>th</sup> Street retail corridors (Policy NNW-2.1.1, 2.1-F). The proposed project is fully consistent with, and helps to implement, each of these policy objectives.

#### **Convention Center Area Strategic Development Small Area Action Plan**

37. The Convention Center Area Strategic Development Small Area Action Plan, adopted by the D.C. Council pursuant to Resolution No. 16-759 on June 20, 2006, establishes a vision whereby the Subject Property would serve as a neighborhood center and mid-city commercial node between downtown and U Street., and the proposed development is fully-consistent with the plan. Specifically, the O Street Market is the focal point for the retail corridor, connecting the commercial sections of 7<sup>th</sup> and 9<sup>th</sup> Streets. Both the plan and the Applicant's proposed development allows for more intensive, mixed-use development consisting of mixed income residential on 9<sup>th</sup> and P Streets, ground floor retail on 7<sup>th</sup> and O Streets, parking below grade, and new loading facilities for Giant within the building envelope. In addition, both the plan and proposed project includes restoration of the vista of the former 8<sup>th</sup> Street right-of-way as an important community amenity.

#### **Office of Planning Report**

38. By reports dated October 4, 2007 and November 9, 2007, the Office of Planning ("OP") recommended that the Commission schedule a public hearing on the applications. (Exhibits 13, 14).
39. By report dated February 25, 2008, OP recommended final approval of the application. (Exhibit 30). OP indicated that the application will further a number of the Guiding Principles of the Comprehensive Plan and is not inconsistent with the Plan's policies and land use maps, and OP supported all of the requested zoning flexibility necessary to

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create the traditional layout of the community. OP also indicated that the Applicant's amenity package is adequate in magnitude and appropriate to the neighborhood.

#### **Other Government Agency Reports**

40. The D.C. Fire and Emergency Medical Services Department submitted a letter dated February 5, 2008, indicating it has no objections to the proposed project provided the construction is in compliance with the International Fire Code and all applicable D.C. laws.
41. The D.C. Water and Sewer Authority ("DCWASA") submitted a memorandum dated February 20, 2008, indicating that the existing sewer infrastructure is adequate to accommodate the proposed construction. DCWASA further stated that it would coordinate with the Applicant to determine if, and how best, to connect to existing water mains for service. DCWASA also noted that this application would need to conform to District standards for stormwater runoff and erosion control during the building permitting process.
42. The District Department of Transportation ("DDOT") submitted a memorandum dated March 5, 2008, indicating that DDOT has no objections to the project. DDOT indicated that the project will have negligible vehicular trip impacts. Nonetheless, DDOT recommended that the Applicant reduce the number of retail and residential parking spaces, develop a transportation management plan, and coordinate with DDOT to determine whether 8<sup>th</sup> Street can be dedicated as public roadway instead of as a private road with a public easement.
43. The Applicant responded to DDOT's recommendations in its post-hearing submission dated March 13, 2008. The Applicant committed to implement a number of transportation management measures, including reserving bike parking spaces, providing two car-sharing spaces, providing a Smart Trip card of \$20 for each residential unit at the time of initial move-in, and providing website hot links to [godcgo.com](http://godcgo.com) and [commuterconnections.com](http://commuterconnections.com). The Applicant disagreed with DDOT's recommendation to reduce the number of retail and residential parking spaces, given the extreme parking shortage in the immediate vicinity caused by, among other things, the lack of public parking in the nearby Convention Center, the agreement with Giant and its necessary cooperation for this project to proceed, and the Applicant's dialogue with the neighboring community as to the amount of parking to be provided. DDOT did not supply any studies or evidence that there would be excess parking for the residential or retail uses. With respect to DDOT's recommendations regarding the former 8<sup>th</sup> Street right-of-way, the only evidence of record indicates that the Applicant is restoring the vista and, as shown on the plans submitted to the Zoning Commission, will be improving the area with plantings, street trees and other improvements. The Applicant never stated it would be dedicated as a public street. Furthermore, the area of the former 8<sup>th</sup> Street right-of-way is

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part of the "protected area" under the terms of the Giant lease and is, therefore, unavailable for dedication.

44. The Commission agrees with the Applicant and finds that reducing the number of parking spaces to the degree requested by DDOT would be below-market and inconsistent with the Applicant's understanding with the community, as highlighted in testimony at the March 6<sup>th</sup> public hearing. A reduction in the number of parking spaces would create a significant shortage with major negative ramifications to the community and the proposed users of the development. With respect to DDOT's recommendations regarding the former 8<sup>th</sup> Street right-of-way, the Commission agrees that the Applicant never proffered to maintain the former 8<sup>th</sup> Street right-of-way area as either a private street with a public easement or a public street. Accordingly, the Commission rejects DDOT's recommendation and finds that the Applicant's proposal to restore the former 8<sup>th</sup> Street vista is a significant project amenity.

#### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The residential uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.

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6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility, and any potential adverse effects.
8. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the affected ANC's recommendation. In this case, ANC 2C voted to support the project and recommended that the Commission approve the applications as expeditiously as possible. (Exhibit 15). The Commission has given ANC 2C's recommendation great weight in approving this application.
10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code §6-623.04) to give great weight to OP recommendations. OP recommended approval of the PUD. The Commission has given OP's recommendation great weight in approving this application.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review and approval of a planned unit development ("PUD") and an application for a related amendment to the Zoning Map from the C-2-A to the C-3-C Zone District, subject to the following guidelines, conditions, and standards. References to "Applicant" include successors and assigns, and the owner of the Subject Property, if different:

1. The PUD shall be developed in accordance with the plans prepared by Shalom Baranes Associates, dated February 15, 2008, and as amended or supplemented by drawings dated March 6, 2008, marked as Exhibits 29A and 42, respectively, in the record, and as further modified by the guidelines, conditions, and standards herein.
2. The project shall be a mixed-use commercial and residential development consisting of approximately 770,780 square feet of gross floor area. The PUD project shall not exceed

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an overall density of 5.15 FAR and a maximum height of 90 feet for the west building and 95 feet for the east building, with setbacks as shown on the plans. Approximately 545,775 square feet of gross floor area shall be devoted to residential uses; approximately 115,115 square feet of gross floor area shall be devoted to hotel uses or to additional residential uses; approximately 69,000 square feet of gross floor area shall be devoted to commercial retail uses, and approximately 40,890 square feet of gross floor area on the ground floor shall be designated for parking. The project shall provide approximately 500 parking spaces; an additional 80 parking spaces will be located in vault space.

3. The project shall provide approximately 580 to 680 residential units, of which approximately 80 units shall be designated affordable to senior citizens earning no more than 60% of AMI for Washington, D.C. (adjusted for household size).
4. The Applicant shall demonstrate the ability to achieve a minimum of 26 LEED points.
5. Landscaping and improvements to private open spaces and public space along the street elevations of the building shall be in accordance with the plans submitted to the record.
6. The Applicant shall implement a transportation management plan that will include bike parking spaces, two car-sharing spaces, one \$20 Smart Trip card per unit to residents upon initial move-in, provide website hot links to [godcgo.com](http://godcgo.com) and [commuterconnections.com](http://commuterconnections.com), and request the hotel operator (if there is one) to promote transit use on its website and distribute transportation information and brochures at its reception desk.
7. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - a. To vary the location and design of all interior components, partitions, structural slabs, doors, hallways, columns, stairways, atrium and mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not materially change the exterior configuration of the building;
  - b. To vary the sustainable design features of the building so long as the total number of LEED points achievable for the project does not decrease below 26 points.
  - c. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments and trim, or any other minor changes to comply with the District of Columbia Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and

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- d. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, as long as the number of parking spaces does not exceed the 475 zoning compliant spaces and 80 vault spaces specified.
8. At the time the existing grocery store on the project site is closed to allow construction to proceed on the PUD project until the new grocery store is opened, the Applicant shall provide a minibus shuttle service from the PUD site or adjacent apartment buildings to the Tivoli and/or Brentwood Giant Food Stores, twice a week for two years, based on usage. During construction of the new grocery store and until it is open, the Applicant shall provide free "Peapod" delivery service in partnership with Emmaus Services for the Aging in the Shaw neighborhood.
  9. Prior to issuance of any Certificate of Occupancy for the PUD project, the Applicant shall:
    - a. Contribute a total of \$75,000 to the Green Team, in annual increments of \$25,000 during construction of the PUD;
    - b. Contribute \$15,000 for commissioned artwork for the new Watha T. Daniel Library;
    - c. Contribute \$2,500 to each of the following residential building or tenant associations (a total of \$15,000 for all five residential buildings/associations), for computer labs or other community services: Asbury Dwellings, Gibson Plaza Tenants Association, Lincoln Westmoreland, and Foster House; and \$5,000 to the 1330 Tenants/Owners Association.
    - d. Contribute \$25,000 to the D.C. Department of Parks and Recreation for the benefit of Kennedy Recreation Center, of which \$10,000 will be directed to the repair and refinish gym floors two times between 2008 and 2011, and \$15,000 directed to the purchase of uniforms and equipment;
    - e. Contribute \$5,000 to Shaw Together to sponsor special community events;
    - f. Provide a total of \$10,000 to fund scholarships to four residents of the Shaw neighborhood (\$2,500 each) to attend the University of the District of Columbia Certified Addition Counselor Program. Scholarship recipients must meet all of the UDC program requirements and will be selected by the East Central Civic Association; and
    - g. Contribute an additional \$25,000 to the D.C. Department of Parks and Recreation enterprise fund for development of girls softball field[s] at Bundy recreation Center.

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10. Prior to issuance of the building permit for the PUD project, the Applicant shall enter into a Memorandum of Understanding with the D.C. Department of Small and Local Business Development in order to achieve, at a minimum, the goal of 35% participation by certified business enterprises in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project.
11. Prior to issuance of the building permit for the PUD project, the Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") in order to achieve the goal of utilizing District of Columbia residents for at least 51% of the jobs created by the PUD project.
12. No building permit shall be issued for this PUD until the Applicants have recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and DCRA. Such covenant shall bind the Applicants and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
13. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three (3) years of the effective date of this Order.
14. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. 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, 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicants 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.

On March 24, 2008, the Zoning Commission approved the application by a vote of 5-0-0 (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Michael G. Turnbull, and Peter G. May to approve).

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The Order was **ADOPTED** by the Zoning Commission at its public meeting on May 12, 2008, by a vote of 5-0-0 (Gregory N. Jeffries, Curtis L. Etherly, Jr., Anthony J. Hood, Michael G. Turnbull [by absentee ballot], and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on JUL 18 2008.

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