

Office of Administrative Hearings**Public Notice**

The District of Columbia Office of Administrative Hearings ("OAH") announces the commencement of new jurisdiction effective October 1, 2004. OAH's procedural rules were published as final rules in the D.C. Register on March 5, 2004, at 51 DCR 2415; September 3, 2004, at 51 DCR 8595; September 3, 2004, at 51 DCR 8606; and as emergency and proposed rules on September 23, 2004, at 51 DCR 9322. A complete compilation of these rules is available on the OAH website: <http://www.oah.dc.gov>. Pursuant to the Office of Administrative Hearings Establishment Act (D.C. Law 14-76, effective March 6, 2002; D.C. Official Code § 2-1831, *et seq.*), on October 1, 2004 the Office of Administrative Hearings assumes jurisdiction over the adjudicated cases formerly heard by the following District agencies:

- Department of Consumer and Regulatory Affairs;
- Office of Tax and Revenue, other than real property tax cases;
- Department of Employment Services, other than the private workers' compensation function; and
- Taxicab Commission.

The Office of Administrative Hearings' primary mailing and filing address is:

**Office of Administrative Hearings
P.O. Box 77718
Washington, DC 20013-8718**

Hearings will be held and in-person filings received in connection with the cases described above at the following location:

**941 North Capitol Street, NE Suite 9100
Washington, DC 20002-4259
Phone: (202) 442-8167; Fax: (202) 442-9451**

**For additional pre-recorded general information please call:
(202) 442-9091**

**For the main Clerk's Office, please call:
(202) 442-9094**

**Community Academy Public Charter School (CAPCS)
1300 Allison Street, NW
Washington, DC 20011**

NOTICE: REQUEST FOR ARCHITECTURAL AND ENGINEERING SERVICES

Community Academy Public Charter School (CAPCS), in accordance with section 31-2801,2853.14 of the District of Columbia Reform Act of 1995, is currently soliciting bids for architectural and engineering services for a project involving the restoration and renovation of an historic Washington, DC school building to serve students in preschool through 8th grade. The three-story building, designed in the Renaissance Revival style in 1902, has a footprint of 42,700 square feet and a gross building area of approximately 110,000 square feet. The proposal should include a qualifications statement that offers evidence of the bidder's experience and professional abilities in the work directly related to this project, as well as the ability to perform the required services in a timely manner and within the limits of the established budget and schedule. To submit a Proposal, architect must be locally based and legally licensed under applicable laws in the District Columbia.

Bids will be analyzed on total professional's services, as well as for a guaranteed maximum price for the completion of the architectural plan and drawings. Sub-consultants may be used to comply with requirements or perform specialized work.

Bid documents containing information including location and scope of work can be obtained by contacting David Valdez at 202-723-7236. A site visit will be arranged. Early bids are encouraged. Final bids will be due on November 19, 2004.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of **August 31, 2004**. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

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

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

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

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF PUBLIC INTEREST

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|---------------------------------|------------|---------------|-----------|
| <u>Northwest</u> | | | |
| 1106 Allison Street | 76 | 2917 | 4 |
| 1102 Buchanan Street | 124 | 2918 | 4 |
| 1102 Buchanan Street-Rear | 124 | 2918 | 4 |
| 7100 Chestnut Street | 808 | 3184 | 4 |
| 1323 Corcoran Street | 21 | 240 | 2 |
| 1502 Decatur Street | 32 | 2707 | 4 |
| 1205 Delafield Place | 2 | 2923 | 4 |
| 1205 Delafield Place-Rear | 2 | 2923 | 4 |
| 1315 Delafield Place-Rear | 30 | 2808 | 4 |
| 1123 Fairmont Street-Rear | 46 | 2859 | 1 |
| 519 Florida Avenue | 25 | 3093 | 1 |
| 1461 Florida Avenue | 147 | 2660 | 1 |
| 3003 Georgia Avenue | 111 | 3052 | 1 |
| 3200 Georgia Avenue | 909 | 2892 | 1 |
| 3200 Georgia Avenue-Rear (West) | 909 | 2892 | 1 |
| 3200 Georgia Avenue-Rear (East) | 909 | 2892 | 1 |
| 3626 Georgia Avenue | 135 | 2897 | 1 |
| 3912 Georgia Avenue | 104 | 2892 | 4 |
| 3912 Georgia Avenue-Rear | 104 | 2892 | 4 |
| 3801 Georgia Avenue | 55 | 3028 | 4 |
| 1235 Ingraham Street | 64 | 2931 | 4 |
| 1342 Ingraham Street-Rear | 75 | 2804 | 4 |
| 641 Keefer Place | 19 | 3041 | 1 |
| 624 Kennedy Street | 49 | 3208 | 4 |
| 440 Kenyon Street | 43 | 3049 | 1 |
| 709 Kenyon Street | 806 | 2892 | 1 |
| 1331 Kenyon Street | 47 | 2843 | 1 |
| 414 Longfellow Street-Rear | 19 | 3260 | 4 |
| 416 Luray Place, NW-Rear | 77 | 3044 | 1 |
| 430 Manor Place | 65 | 3036 | 1 |
| 4001 Marlboro Place | 48 | 3313 | 4 |
| 37 Missouri Avenue | 39 | 3393 | 4 |
| 39 Missouri Avenue | 40 | 3393 | 4 |
| 1342 Montague Street | 46 | 2796 | 4 |
| 3500 Nebraska Avenue | 24 | 1599 | 3 |
| 3816 New Hampshire Avenue | 37 | 3133 | 4 |
| 1713 New Jersey Avenue | 16 | 507 | 5 |
| 1424 North Capitol Street | 10 | 616 | 5 |

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|-----------------------------------|------------|---------------|-----------|
| <u>Northwest (cont'd)</u> | | | |
| 1424 North Capitol Street-Rear | 10 | 616 | 5 |
| 505 O Street | 36 | 479 | 5 |
| 507 O Street | 37 | 479 | 5 |
| 820 Otis Place | 119 | 2895 | 1 |
| 619 Park Road | 833 | 3038 | 1 |
| 750 Quebec Place-Rear (garage) | 201 | 3031 | 1 |
| 1001 Quebec Place | 63 | 2902 | 4 |
| 1000 Rhode Island Avenue | 19 | 337 | 2 |
| 1427 Rhode Island Avenue | 27 | 210 | 2 |
| 1429 Rhode Island Avenue | 28 | 210 | 2 |
| 735 Rock Creek Church Road-Rear | 58 | 3130 | 4 |
| 1355 Shepherd Street | 45 | 2823 | 4 |
| 201 T Street | 832 | 3088 | 1 |
| 1421 T Street-Rear | 845 | 205 | 1 |
| 613 Upshur Street | 72 | 3226 | 4 |
| 613 Upshur Street-Rear | 72 | 3226 | 4 |
| 1325 V Street-Rear | 184 | 235 | 1 |
| 131 Varnum Street | 803 | 3321 | 4 |
| 1505 Varnum Street | 25 | 2698 | 4 |
| 223 Webster Street | 820 | 3319 | 4 |
| 225 Webster Street | 10 | 3319 | 4 |
| 1448 Whittier Place | 80 | 2732 | 4 |
| 1329 Wisconsin Avenue | 68 | 1232 | 2 |
| 1227 1 st Street | 9 | 618 | 5 |
| 1542 1 st Street | 199 | 552 | 5 |
| 5105 2 nd Street | 23 | 3399 | 4 |
| 1202 3 rd Street | 837 | 523 | 2 |
| 5311 3 rd Street-Rear | 6 | 3328 | 4 |
| 1221 4 th Street | 848 | 523 | 2 |
| 1416 5 th Street | 26 | 479 | 2 |
| 1555 9 th Street | 819 | 397 | 2 |
| 4001 5 th Street-Rear | 42 | 3238 | 4 |
| 1104 6 th Street | 859 | 449 | 2 |
| 1539 7 th Street | 179 | 445 | 2 |
| 1523 8 th Street-Rear | 13 | 421 | 2 |
| 1301 9 th Street | 801 | 399 | 2 |
| 1303 9 th Street | 62 | 399 | 2 |
| 1305 9 th Street | 63 | 399 | 2 |
| 1307 9 th Street | 803 | 399 | 2 |
| 1309 9 th Street | 804 | 399 | 2 |
| 1513-1515 11 th Street | 815 | 337 | 2 |
| 2219 13 th Street | 86 | 271 | 1 |

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|-----------------------------------|------------|---------------|-----------|
| <u>Northwest</u> | | | |
| 2719 13 th Street | 57 | 2859 | 1 |
| 3637 13 th Street | 145 | 2829 | 1 |
| 3564 14 th Street | 24 | 2688 | 1 |
| 3614 14 th Street | 26 | 2689 | 1 |
| 5310 14 th Street | 13 | 2716 | 4 |
| 1825 19 th Street | 218 | 132 | 2 |
| 3222 19 th Street-Rear | 817 | 2604 | 1 |
| 1617 21 st Street | 136 | 93 | 2 |
| 4513 45 th Street | 73 | 1588 | 3 |

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|----------------------------|------------|---------------|-----------|
| <u>Northeast</u> | | | |
| 4952 Blaine Street | 1 | 5189N | 7 |
| 3027 Channing Street | 54 | 4360 | 5 |
| 3042 Clinton Street | 826 | 4319 | 5 |
| 600 Division Avenue | 13 | 5196 | 7 |
| 4237 Dix Street | 812 | 5088 | 7 |
| 4419 Edson Place | 831 | 5131 | 7 |
| 4419 Edson Place-Rear | 831 | 5131 | 7 |
| 4920 Fitch Place | 38 | 5181 | 7 |
| 631 Florida Avenue | 330 | 855 | 6 |
| 5900 Foote Street | 805 | 5256 | 7 |
| 315 H Street | 814 | 777 | 6 |
| 303 K Street | 804 | 775 | 6 |
| 1907 Kearney Street | 45 | 4206 | 5 |
| 612 M Street | 8 | 855N | 6 |
| 1227 Meigs Place | 106 | 4055 | 5 |
| 917 New Jersey Avenue | 15 | 738 | 6 |
| 919 New Jersey Avenue | 16 | 738 | 6 |
| 1524 Olive Street | 34 | 5165 | 7 |
| 1524 Olive Street-Rear | 34 | 5165 | 7 |
| 52 Q Street | 105 | 3520 | 5 |
| 58 Q Street | 102 | 3250 | 5 |
| 4608 Quarles Street | 24 | 5167 | 7 |
| 1218 Queen Street | 814 | 4057 | 5 |
| 115 Riggs Road | 85 | 3701 | 5 |
| 1741 Trinidad Avenue | 26 | 4082 | 5 |
| 234 V Street | 11 | 3561 | 5 |
| 415 W Street | 41 | 3601 | 5 |
| 1916 West Virginia Avenue | 33 | 4045 | 5 |

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|------------------------------|------------|---------------|-----------|
| <u>Northeast (Cont'd)</u> | | | |
| 1020 3 rd Street | 34 | 749 | 6 |
| 1022 3 rd Street | 33 | 749 | 6 |
| 819 7 th Street | 22 | 889 | 6 |
| 821 7 th Street | 39 | 889 | 6 |
| 251 8 th Street | 64 | 917 | 6 |
| 608 8 th Street | 45 | 891 | 6 |
| 802 10 th Street | 47 | 933 | 6 |
| 4413 16 th Street | 5 | 4617 | 5 |
| 919 47 th Street | 119 | 5151 | 7 |
| 234 56 th Street | 144 | 5250 | 7 |
| 244 56 th Place | 145 | 5249 | 7 |
| 201 63 rd Street | 31 | 5269 | 7 |

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|---------------------------------|------------|---------------|-----------|
| <u>Southeast</u> | | | |
| 4928 A Street | 23 | 5331 | 7 |
| 27 Atlantic Street | 54 | 6170 | 8 |
| 4504 Bowen Road | 811 | 5365 | 7 |
| 5000 Call Place | 35 | 5323 | 7 |
| 5500 Central Avenue | 29 | 5282 | 7 |
| 420 Chesapeake Street-Rear | 808 | 6165 | 8 |
| 1425 Congress Place | 48 | 5889 | 8 |
| 1107 D Street | 50 | 992 | 6 |
| 1229 E Street | 816 | 1019 | 6 |
| 3326 Ely Place | 807 | 5444 | 6 |
| 2412 Martin Luther King Jr | 243 | 5806 | 8 |
| 3600 Martin Luther King Jr | 42 | 5331 | 7 |
| 3600 Martin Luther King Jr-Rear | 42 | 5331 | 7 |
| 915 New Jersey Avenue | 14 | 738 | 6 |
| 919 New Jersey Avenue | 16 | 738 | 6 |
| 1008 South Carolina Avenue | 23 | 970 | 6 |
| 1225 Sumner Road | 980 | 5865 | 8 |
| 1518 W Street | 814 | 5779 | 8 |
| 4001 4 th Street | 39 | 6167 | 8 |
| 1012 7 th Street | 11 | 906 | 6 |
| 1014 7 th Street | 10 | 906 | 6 |
| 2105 13 th Street | 681 | 5782 | 6 |
| 333 16 th Street | 82 | 1074 | 6 |
| 2304 16 th Street | 76 | 5753 | 8 |
| 1550 41 st Street | 55 | 5370 | 7 |

| <u>BUILDINGS CONDEMNED</u> | <u>LOT</u> | <u>SQUARE</u> | <u>WD</u> |
|----------------------------|------------|---------------|-----------|
| <u>Southwest</u> | | | |
| 78 Darrington Street-Rear | 23 | 6223S | 8 |
| 71 Forrester Street | 67 | 6240 | 8 |

District of Columbia
Department of Human Services
Office of Early Childhood Development

REQUEST FOR APPLICATIONS (RFA): #1101-05

**Unified Communication Center (UCC)
Child Development Center Operation**

The Department of Human Services/Office of Early Childhood Development invites the submission of applications for funding through the U.S. Department of Health and Human Services Child Care and Development Block Grant.

Announcement Date: October 1, 2004

RFA Release Date: October 8, 2004

Application Submission Deadline: Monday, November 1, 2004, 2:00 pm EST

LATE APPLICATIONS WILL NOT BE ACCEPTED

NOTICE

PRE-APPLICATION CONFERENCE

WHEN: *Friday, October 15, 2004*

WHERE: *Office of Early Childhood Development
717 14th Street, NW
8th Floor Conference Room
Washington, DC 20005*

TIME: *10:00 AM – 12:00 PM*

CONTACT PERSON: *Diane V. Paige, Program Analyst
Office of Early Childhood Development
717 14th Street, NW
Suite # 1200
Washington, DC 20005
(202) 727-1839*

**District of Columbia
Department of Human Services
Office of Early Childhood Development**

Request for Applications (RFA): #1101-05

UCC Child Development Center

INTRODUCTION

The Department of Human Services (DHS), Office of Early Childhood Development (OECD) is the lead agency in the District of Columbia responsible for providing child care services for District of Columbia children six (6) weeks through twelve (12) years of age. Additionally, OECD provides services to families that cannot afford quality child care at market prices, and that need child care at non-traditional hours, such as early mornings, overnight, weekends, and holidays.

The UCC Child Development Center (CDC) is a newly constructed facility and shall provide services to the children of UCC employees, other District government employees, and Ward 8 families whose children are ages six (6) weeks to twelve (12) years. This program **shall not** provide School-Age Before and After Care. It will be located at 2720 Martin Luther King Jr. Avenue, SE, Washington, DC 20032.

Information about the UCC Child Development Center (CDC), administrative organization, program expectations, and all other details are contained in this RFA. The Review Panel is an independent entity which shall consist of representatives with prior experience judging grant applicants.

TARGET POPULATION

The on-site District Government Employee UCC CDC was established primarily for employees of the UCC as well as lower-income families living or working in the District of Columbia Ward 8. The center has a maximum capacity of sixty-seven (67) children.

Ninety-five (95%), equal to sixty-three (63) slots at the CDC are reserved for the employees of the UCC and other District government employees. The remaining five (5%), equal to four (4) slots, shall be available first to children of working parents in Ward 8 who qualify for District of Columbia subsidies, then to other families in the District at subsidy rate or the market rate.

The CDC is also open to families able to pay the full tuition as space is available.

ELIGIBLE ORGANIZATIONS/ENTITIES

Applications are requested from licensed child care Providers in good standing and with experience in child care subsidy program eligibility determination.

SOURCE OF GRANT FUNDING

The funds are made available through the Child Care and Development Block Grant from the U.S. Department of Health and Human Services.

AWARD PERIOD

The grant award shall be for an initial period not to exceed two (2) years from the date of the award. Upon satisfactory performance, availability of funds, and at the discretion of the District, three (3) one-year renewable options may be exercised by the District.

CONTACT PERSON

For further information, please contact:

Diane Paige
Office of Early Childhood Development
717 14th Street, NW, Suite 1200
Washington, DC 20005
Phone (202) 727-1839
Fax (202) 724-7229

INTERNET

Applicants who obtained this RFA through the Office of Partnerships and Grants Development web-based Grants Clearinghouse at the following link: www.opgd.dc.gov shall provide the Office of Grants Management with the following information:

- Name of organization
- Key contact
- Mailing address, and
- Telephone and fax numbers

This information shall be provided so that the applicant will receive updates and or addenda to the application.

Applications may also be obtained from Ms. Priscilla Burnett, Program Assistant for the Office of Grants Management at 64 New York Avenue, NE, Washington, D.C., 6th Floor. Please call (202) 671-4398.

DISTRICT OF COLUMBIA
POLICE TRAINING AND STANDARDS BOARD

NOTICE OF PUBLIC MEETING

The District of Columbia Police Training and Standards Board will hold an open meeting on Monday, December 6, 2004. The meeting will begin at 5:00 p.m. and end no later than 7:00 p.m. The meeting will be held at 441 4th Street, Northwest, Washington, D.C. Room #1117. You must present picture identification to enter the building.

Copies of the materials to be voted on by the Board at the meeting may be obtained in advance through Wednesday, December 1, 2004, at 5:00 p.m. Written comments on the materials may be submitted to the Board in advance of the meeting through Wednesday, November 10, 2004. Written comments received via e-mail or postmarked after November 10, 2004 will not be accepted.

Anyone interested in the work of the District of Columbia Police Training and Standards Board may attend the meeting. Citizens may make oral comments during a thirty-minute comment period at the end of the meeting. The comments will be limited to three minutes. Anyone interested in making oral comments must sign up in advance. Slots will be allotted on a "first come-first served" basis.

Anyone interested in obtaining written materials or participating in the open comments portion of the meeting may contact:

Ms. Sharon Barbour on (202) 727-1516 or Sharon.Barbour@dc.gov

Written comments may be mailed to:

District of Columbia Police Training and Standards Board
300 Indiana Avenue, Northwest
Washington, D.C. 20001 Room 5031
Attn: Lieutenant George Caldwell

Or E-Mailed to:
George.Caldwell@dc.gov

Government of the District of Columbia
Public Employee Relations Board

| | | |
|---|---|------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | |
| Doctors' Council of the District |) | |
| of Columbia General Hospital, |) | |
| |) | PERB Case No. 97-U-25 |
| Complainant, |) | |
| |) | Opinion No. 758 |
| v. |) | |
| |) | FOR PUBLICATION |
| District of Columbia General Hospital, |) | |
| |) | |
| and |) | |
| |) | |
| District of Columbia Health and Hospitals |) | |
| Public Benefit Corporation, |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

DECISION AND ORDER

In the above-referenced case, the Hearing Examiner found that the District of Columbia General Hospital ("Respondent" or "DCGH") and the District of Columbia Health and Hospitals Public Benefit Corporation ("Respondent" or "PBC") violated D.C. Code Sec. 1-617.04(a)(2), (3) and (5). Specifically, the Hearing Examiner found that DCGH interfered with the existence of the Doctors' Council of the District of Columbia General Hospital ("Complainant" or "DCDCGH") by providing unlawful assistance to a rival labor organization, namely, the Doctors' Council of the District of Columbia ("DCDC"). In addition, the Hearing Examiner determined that DCGH unlawfully discriminated against the medical officers represented by DCDCGH in order to discourage their continued representation by DCDCGH. The Hearing Examiner determined that this was done by failing to provide DCDCGH medical officers wage parity comparable with the medical officers represented by DCDC. Finally, the Hearing Examiner concluded that DCGH failed to exercise good faith in its unsuccessful attempt to fund the compensation agreement with the DCDCGH that would have provided wage parity.

In Slip Op. No. 539 which was issued on February 20, 1998. the Board concluded that the Hearing Examiner's findings were supported by the record. However, the Board rejected several of the Hearing Examiner's conclusions. Specifically, the Board determined that DCGH and the PBC engaged in unlawful conduct by "its less than even handed treatment " of DCDCGH. However, the

Decision and Order

PERB Case No. 97-U-25

Page 2

Board "reject[ed] the Hearing Examiner's findings that DCGH/PBC violated the [Comprehensive Merit Personnel Act] by its failure unilaterally to effect wage parity during the transitional period [from the DCGH to the PBC]." Slip Op. No. 539 at p. 4. Also, the Board indicated that the interest-of-justice criteria articulated in American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2776 v. D.C. Department of Finance and Revenue, 37 DCR 5658, Slip op. No. 245, PERB Case No. 89-U-02 (1990), did not warrant the awarding of reasonable costs in this case. Therefore, the Board rejected the Hearing Examiner's recommendation awarding costs to the Complainant.

DCDCGH appealed the Board's decision to the Superior Court of the District of Columbia. The Superior Court affirmed the Board's decision. As a result, DCDCGH appealed the decision of the Superior Court.

In an Order issued on January 20, 2004, the District of Columbia Court of Appeals, indicated that the Board in Slip Op. No. 539, "[i]n effect . . . concluded that there was no agreement binding DCGH/PBC prior to October 1, 1996. Therefore, DCDCGH was denied the relief sought with respect to the implementation of a compensation agreement that would have corrected a wage disparity in certain fiscal years between medical officers employed by the DCGH and those employed by the District of Columbia Department of Human Services. [Also, the Court of Appeals, points out that,] [w]hile reviewing PERB's decision in DCDCGH v. DCGH & PBC, Case No. 97-U-25, th[e] court has determined that there are PERB opinions in other cases concerning or related to the wage compensation matter in this case. . . . [Moreover,] two of these cases appear to raise questions as to the proper disposition of the instant case. [However,] because we are unable to reconcile the [other] PERB opinions . . . both with respect to factual findings and the application of the law, we are constrained to remand this case to the agency." (Order at p. 1).

Consistent with the Order of the Court of Appeals, we are requesting that the parties in this case provide clarification, explanation and/or their position concerning the two following questions:

(1) Is the DCDCGH/DCGH compensation agreement discussed in DCDCGH v. DCGH & PBC, 45 DCR 3999, Slip Op. No. 539, PERB Case No. 97-U-25 (1998), the same as that discussed in District of Columbia Health and Hospitals Public Benefit Corporation and All Unions Representing Bargaining Units in Compensation 12, 20, 21, 22, 23 and 24 and Employees employed by the Health and Hospitals Public Benefit Corporation, 47 DCR 2995, Slip Op. No. 604, PERB Case Nos. 97-UM-05, 97-CU-02 and 99-U-02 (1999)? If so, is the date on which that agreement was reached mid-September 1996, or a date after the October 1, 1996, transfer of medical officers to the PBC? If two different compensation agreements are involved, what are the dates on which those respective agreements were reached or initiated?

(2) If the DCDCGH/DCGH agreement is the same one discussed in both cases, should the legal conclusion in both cases be the same with respect to its binding effect? If the answer is yes, is the DCDCGH entitled to any compensation in this case?

Decision and Order
PERB Case No. 97-U-25
Page 3

ORDER

IT IS HEREBY ORDERED THAT:

1. The parties in this case provide clarification, explanation and/or their position concerning the two following questions:

(A) Is the DCDCGH/DCGH compensation agreement discussed in DCDCGH v. DCGH & PBC, 45 DCR 3999, Slip Op. No. 539, PERB Case No. 97-U-25 (1998), the same as that discussed in District of Columbia Health and Hospitals Public Benefit Corporation and All Unions Representing Bargaining Units in Compensation 12, 20, 21, 22, 23 and 24 and Employees Employed by the Health and Hospitals Public Benefit Corporation, 47 DCR 2995, Slip Op. No. 604, PERB Case Nos. 97-UM-05, 97-CU-02 and 99-U-02 (1999)? If so, is the date on which that agreement was reached mid-September 1996, or a date after the October 1, 1996, transfer of medical officers to the PBC? If two different compensation agreements are involved, what are the dates on which those respective agreements were reached or initiated?

(B) If the DCDCGH/DCGH agreement is the same one discussed in both cases, should the legal conclusion in both cases be the same with respect to its binding effect? If the answer is yes, is the DCDCGH entitled to any compensation in this case?

2. The parties' clarification, explanation and/or their position concerning the above noted questions, shall be filed with the Public Employee Relations Board within fourteen (14) days from the issuance of this Decision and Order.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

July 23, 2004

Government of the District of Columbia
Public Employee Relations Board

| | | | |
|--|--|---|------------------------|
| _____ | |) | |
| In the Matter of: | |) | |
| | |) | |
| Tonya Johnson, | |) | |
| | |) | |
| Complainant, | |) | PERB Case No. 03-U-21 |
| | |) | |
| v. | |) | Slip Opinion No. 762 |
| | |) | |
| | |) | FOR PUBLICATION |
| American Federation of State, County and | |) | |
| Municipal Employees, Local 2091, | |) | |
| | |) | |
| Respondent. | |) | |
| _____ | |) | |

DECISION AND ORDER

I. Statement of the Case:

Tonya Johnson ("Complainant"), filed an Unfair Labor Practice Complaint against the American Federation of State, County and Municipal Employees, Local 2091. The case was assigned to a Hearing Examiner and a hearing was scheduled for April 8, 2004. However, the Complainant failed to appear. As a result, the Hearing Examiner issued an "Order to Show Cause." In his "Order to Show Cause," the Hearing Examiner directed "that the Complainant respond within 15 days with good cause for continuing this case to a later date." The Complainant failed to respond to the Order to Show Cause. In view of the above, the Hearing Examiner is recommending that the Complaint be dismissed in its entirety for want of prosecution. The Complainant did not file any exceptions to the R&R.

The Hearing Examiner's Report is before the Board for disposition.

II. Discussion

The Complainant filed an Unfair Labor Practice Complaint, in the above-referenced case. The Complainant alleges that the American Federation of State, County and Municipal Employees, Local 2091 violated D.C. Code § 1-617.04 (a) and (b) (2001 ed.) by failing to represent her after she was terminated by the District of Columbia Water and Sewer Authority. (Compl. at p. 2). In a notice

Decision and Order

PERB Case No. 03-U-21

Page 2

dated March 19, 2004, the parties were informed that a hearing was scheduled for April 8, 2004. The hearing was to begin at 10:00 a.m. The Respondent's representative was present at the hearing. However, the Complainant failed to appear. As a result, at 10:25 a.m., the Board's staff called the Complainant's home in order to determine whether the Complainant was planning to attend the hearing. The Complainant did not answer her telephone. Therefore, at 11:00 a.m., the Hearing Examiner decided to open the record. The Respondent's representative "moved that the Complaint be dismissed on grounds that the Complainant failed to appear." (See Order to Show Cause at p.1). The Hearing Examiner did not grant the Respondent's motion. Instead, on April 8, 2004, the Hearing Examiner issued an "Order to Show Cause." In his "Order to Show Cause," the Hearing Examiner directed "that the Complainant respond within 15 days with good cause for continuing this case to a later date." (R&R at p. 1). As of May 11, 2004, the Complainant had not filed a response to the Order to Show Cause. As a result, the Hearing Examiner recommended that the Complaint be dismissed in its entirety for want of prosecution.

Pursuant to D.C. Code § 1-605.02 (3) (2001 ed.) and Board Rule 520.4, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner and find them to be reasonable, persuasive and supported by the record. Specifically, we find that the Hearing Examiner's recommendation that the Complaint be dismissed is supported by the record. For example, we note that the Hearing Examiner made his recommendation to dismiss, approximately two months after the Complainant failed to appear at a hearing and approximately one month after the Complainant failed to respond to the "Order to Show Cause." In addition, on May 12, 2004 the Complainant was provided with a copy of the Hearing Examiner's report and informed that she could file exceptions to the Hearing Examiner's report. The Complainant's exceptions were due on June 1, 2004. However, the Complainant did not submit any exceptions to the Hearing Examiner's report. In view of the above, we adopt the Hearing Examiner's recommendation and dismiss the complaint with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Hearing Examiner's recommendation is adopted and the Complaint is dismissed with prejudice.
2. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC RELATIONS BOARD
Washington, D.C.**

July 23, 2004

Decision and Order
PERB Case No. 03-U-20
Page 2

II. Discussion

On March 18, 2003, the Complainants filed with the District of Columbia Public Employee Relations Board ("Board" or "PERB") a document titled "Complaint for Damages"¹ against the American Federation of Teachers ("AFT" or "Respondents"), the Washington Teachers' Union, Local 6, ("WTU" or "Respondents") and several officers and individuals of the Washington Teachers' Union. This case was treated as an unfair labor practice complaint and assigned a docket number. Subsequently, the Complainants filed an "Amended Complaint for Damages" which appears to be identical to the original document filed on March 18, 2003. Counsel for AFT filed an Answer contending, inter alia, that the document filed by the Complainants, did not state a proper claim for relief under PERB's jurisdiction and that PERB lacked jurisdiction over the AFT. (See, AFT's Answer at p. 3) Thereafter, counsel for Esther Hankerson filed a document styled "Motion To Dismiss And Proposed Answer", asserting, inter alia, that the Amended Complaint failed to allege any violation within the jurisdiction of PERB. Pursuant to Board Rule 550.1, the Board issued a "Notice of Pre-Hearing Conference."² The pre-hearing conference was scheduled for 9:00 a.m. on Tuesday, May 11, 2004.

The Hearing Examiner indicated in his R&R that "it appears that counsel for Complainants orally requested a postponement of the pre-hearing conference in this matter." (R&R at p. 2) The Board's staff informed Complainants' counsel that she should submit her request in writing.³

¹The caption also contained the following language: "(Overcharging of Dues, Breach of Contract)."

²This matter was originally scheduled for a hearing to be held on May 11, 2004. However, the Hearing Examiner decided that the May 11th date would be used to hold a pre-hearing conference. As a result, on April 16, 2004, the parties were informed of this change and directed to appear at the pre-hearing conference. The purpose of the pre-hearing conference was to consider the various pending motions and other preliminary matters that needed to be addressed prior to the hearing.

³Board Rule 550.5 and 550.6 provide as follows:

Board Rule 550.5 - Postponement Requests

Postponements of hearings shall not be granted except for sufficient cause as determined by the Executive Director. Requests for postponements shall comply with Section 501 of these rules and shall also meet the following requirements:

- (a) Alternate dates for any rescheduled hearings shall be given; and
- (b) The positions of all other parties regarding the postponement requested shall be ascertained in advance by the requesting party and set forth in the request.

Decision and Order

PERB Case No. 03-U-20

Page 3

However, the Complainants' counsel did not submit a written request for a postponement. As a result, the pre-hearing conference went on as scheduled.

On May 11, 2004, the Hearing Examiner convened the pre-hearing conference at 9:00 a.m., as scheduled. Counsel for both the AFT and WTU were present. In addition, counsel for Esther Hankerson⁴ and a court reporter were also present. However, the Complainants' counsel failed to appear. After thirty (30) minutes, the Hearing Examiner decided to go forward with the pre-hearing conference, and opened the record. The pre-hearing conference concluded at 10:30 a.m.

At the pre-hearing conference, the Respondents requested that the complaint be dismissed. However, the Hearing Examiner did not grant the Respondents' request. Instead, the Hearing Examiner issued an "Order to Show Cause." In his "Order to Show Cause," the Hearing Examiner directed that the Complainants respond within thirteen (13) days with good cause why this matter should not be dismissed. Specifically, the Hearing Examiner ordered "that Complainants show cause on or before May 24, 2004, why this [matter] should not be dismissed because 1) the complaint was untimely filed; 2) [the complaint] alleges matters not within the jurisdiction of PERB; and 3) [the complaint] fails to state a claim for which relief may be granted by PERB." (Order to Show Cause at p. 2). The Complainants failed to respond to the Order to Show Cause. As a result, the Hearing Examiner issued a Report and Recommendation (R&R) in which he recommended that the Complaint be dismissed in its entirety. The Complainants did not file any exceptions to the Hearing Examiner's R & R.

In his R & R the Hearing Examiner notes that Board Rule 520.4 and 544.4 provide as follows:

Board Rule 520.4

Unfair labor practice complaints shall be filed no later than 120 days after the date on which the alleged violation(s) occurred.

Board Rule 544.4

A complaint alleging a violation of [the Standards of Conduct] shall be filed not later than one hundred and twenty (120) from the date the alleged violation(s) occurred.

Board Rule 550.6 - Postponement Requests (cont.)

Except under the most extraordinary circumstances, no request for postponement shall be granted during the five (5) days immediately preceding the date of a hearing.

In the present case the Complainants' counsel did not comply with the requirement of Board Rule 550.5. As a result, the Complainants' counsel did not provide the Board's Executive Director with the information necessary to determine if the Complainants should be granted a postponement pursuant to Board Rule 550.6.

⁴Esther Hankerson is one of the named Respondents. Ms. Hankerson is the former vice president of the WTU.

Decision and Order

PERB Case No. 03-U-20

Page 4

Applying the requirements of Board Rule 520.4 and 544.4 to the facts of this case, the Hearing Examiner observed that the Complainants' pleadings indicate that "Complainants George Parker, et al., knew or should have known by September 2002 that the activities complained of in the Amended Complaint for Damages had occurred. [Specifically, the Hearing Examiner notes that] [t]his scheme began in 1995 and continued until their activities were uncovered on or around September 2002. [However,] the original Complaint for Damages was filed on March 18, 2003, more than 120 days after September 2002." (R&R at p. 2)

The Board has held that "[the] deadline date is 120 days after the date Petitioner admits he actually became aware of the event giving rise to [the] complaint allegations." Hoggard v. DCPS and AFSCME, Council 20, Local 1959, 43 DCR 1297, Slip Op. No. 352 at p.3, PERB Case No. 93-U-10 (1993).⁵ Also, the Board has determined that "the time for filing a complaint with the Board concerning [] alleged violations [which may provide for] a statutory cause of action, commence when the basis of those violations occurred ... However, proof of the occurrence of an alleged statutory violation is not necessary to commence the time limit for initiation a cause of action before the Board. The validation, i.e. proof, of the alleged statutory violation is what proceedings before the Board are intended to determine." Jackson and Brown v. American Federation of Government Employees, Local 2741, AFL-CIO, 48 DCR 10959, Slip Op. No. 414 at p.3, PERB Case No. 95-S-01 (1995).

In the present case, the Complainants assert that several officers of the WTU engaged "in a scheme to illegally embezzle and convert WTU's funds. . . . [Furthermore, the Complainants contend that] this scheme began in 1995 and continued until their activities were uncovered on or around September 2002." (Amended Complaint at ¶ 12). In view of the above, the events giving rise to the Complaint allegations took place between 1995 and September 2002. Therefore, the Complainants were required to file their Complaint against WTU within 120 days of the September 2002 date. However, the present Complaint and Amended Complaint were not filed until March 18, 2003. This filing occurred more than six months after the Complainants became aware of the alleged violations. Based on the above, it is clear that the Complainants' filing exceeded the 120 day requirement in Board Rule 520.4

Board Rules governing the initiation of actions before the Board are jurisdictional and mandatory. As such, they provide the Board with no discretion or exception for extending the deadline for initiating an action. See, Public Employee Relations Board v. D.C. Metropolitan Police Department, 593 A. 2d 641 (D.C. 1991). For the reasons noted above, the Board can not extend the time for filing a complaint. As a result, we concur with the Hearing Examiner's conclusion that the Complainants' claims are untimely.

In addition to the untimeliness of the allegations, the Hearing Examiner found that the Complaint and Amended Complaint fail to state a statutory cause of action in this case. Specifically, the Hearing Examiner determined that the pleadings do not: (1) disclose allegations of matters within

⁵See also, American Federation of Government Employees, Local 2725, AFL-CIO v. District of Columbia Housing Authority, 46 DCR 119, Slip Op. No. 509, PERB Case No. 97-U-07 (1997).

Decision and Order

PERB Case No. 03-U-20

Page 5

the Board's jurisdiction or (2) state a claim for which relief may be granted by PERB. (R&R at p. 3).

Also, the Hearing Examiner indicated that his "Order to Show Cause" provided that absent a showing of good cause, he would recommend that the Board dismiss the complaint. The Complainants failed to respond to the Order to Show Cause. For the reasons noted above, the Hearing Examiner is recommending that the Board dismiss this matter with prejudice. (See R&R at p. 4)

In their pleadings the Complainants assert that "[t]his action arises under provisions of the Labor-Management Reporting and Disclosure Act (Landrum Griffin Act) 29 U.S.C. 501 et seq., and various state law claims specifically, breach of contract, fraud and breach of fiduciary duties." (Amended Complaint at ¶ 14). The Board lacks jurisdiction to consider alleged violations of the Labor-Management Reporting and Disclosure Act (Landrum Griffin Act) 29 U.S.C. 501 et seq. or the Complainants' state law claims. PERB's jurisdiction extends only to violations of the Comprehensive Merit Personnel Act, and no such violations are claimed. Therefore, we concur with the Hearing Examiner's finding that the pleadings do not disclose allegations of matters within the Board's jurisdiction.

Both AFT and Ms. Hankerson have requested that Respondents be reimbursed for their costs and attorney fees. With respect to AFT's requests for attorney's fees, the Hearing Examiner indicated that "PERB has held that D.C. Code Section 1-617.13 does not authorize it to award attorney fees. International Brotherhood of Police Officers, Local 1446, AFL-CIO/CLC v. District of Columbia General Hospital, 39 DCR 9633, Slip Op. No. 322, PERB Case No. 91-U-14 (1992); and University of the District of Columbia Faculty Association, NEA v. University of the District of Columbia, 38 DCR 5658, Slip Op. No. 373, PERB Case No. 90-U-10 (1991). Accordingly, [the Hearing Examiner is recommending] to [the Board] that the request for attorney's fees be denied." (R&R at p. 3)

Relying on the Board's decision in American Federation of State, County, and Municipal Employees, District Council 20, Local 2776, AFL-CIO v. District of Columbia Department of Finance and Revenue, 37 DCR 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990), the Hearing Examiner concluded that reasonable costs should be awarded to the Respondents. Specifically, the Hearing Examiner concluded that the interest-of-justice test has been met in this case, "based on the without-merit standard, and the fact that Complainants failed to prosecute their case by not appearing for the Pre-hearing Conference and not responding in timely fashion to the Order to Show Cause." (R&R at pgs. 3-4) As a result, the Hearing Examiner recommended that the Board direct that counsel for Respondents submit to the D.C. PERB Executive Director separate statements of their reasonable costs (not to include attorney's fees) in connection with this matter, to be paid by Complainants, and that the Board provide for a hearing, if necessary, whereby such costs may be demonstrated and proved." (R&R at p. 4)

We have held that D.C. Code Section 1-617.13 does not authorize us to award attorney fees. See, Committee of Interns v. D.C. Dept. of Human Services, 46 DCR 6868, Slip Op. No. 480, PERB Case No. 95-U-22 (1996). See also, University of the District of Columbia Faculty Association, NEA v. University of the District of Columbia, 38 DCR 2463, Slip Op. No. 272, PERB Case No. 90-U-10

Decision and Order

PERB Case No. 03-U-20

Page 6

(1991). As a result, we adopt the Hearing Examiner's determination that the Respondents' request for attorney's fees should be denied. With respect to costs, the Board first addressed the circumstances under which the awarding of costs to a party may be warranted in AFSCME, D.C. Council 20, Local 2776 v. D.C. Dept. of Finance and Revenue, 37 DCR 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990). We observed:

[W]e believe such an award must be in the interest of justice. Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued. We do not believe it possible to elaborate in any one case a complete set of rules or earmarks to govern all cases, nor would it be wise to rule out such awards in circumstances that we cannot foresee. What we can say here is that among the situations in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among employees for whom it is the exclusive bargaining representative. Slip Op. No. 245, at 5.

In the present case, the Complainants were notified of the date of the pre-hearing conference. However, they failed to appear. In addition, they failed to respond to the Hearing Examiner's "Order to Show Cause." Furthermore, the Complainants were provided with a copy of the Hearing Examiner's R&R and did not file exceptions to the Hearing Examiner's R&R. In view of the above, we believe that the Complainants' conduct in this case, satisfies the standard for awarding costs. Specifically, we find that the Complainants wholly failed to prosecute their claims. We base this conclusion on the fact that the Complainants failed to prosecute their case by not appearing for the pre-hearing conference and by not responding to the Hearing Examiner's Order to Show Cause. Accordingly, we concur with the Hearing Examiner's finding that the interest-of-justice standard has been met. As a result, we grant Respondents' request for costs.

Pursuant to D.C. Code § 1-605.02(3) (2001 ed.) and Board Rule 520.4, the Board has reviewed the findings, conclusions, and recommendations of the Hearing Examiner and find them to be reasonable, persuasive, consistent with Board precedent and supported by the record. As a result, we adopt the Hearing Examiner's recommendation and dismiss the complaint with prejudice. In addition, we adopt the Hearing Examiner's recommendation granting Respondents' request for reasonable costs.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Hearing Examiner's findings and recommendations are adopted. Therefore, the Complaint and Amended Complaint are dismissed with prejudice.
2. The Respondents' request for attorney's fees is denied.
3. The Respondents' request for reasonable costs is granted. The Respondents shall submit to

Decision and Order

PERB Case No. 03-U-20

Page 7

the Public Employee Relations Board ("Board"), within fourteen (14) days from the date of this Decision and Order, a statement of actual costs incurred processing this matter. The statement of costs shall be filed together with supporting documentation and shall be served on Complainants' counsel. The Complainants may file a response to the statement within fourteen (14) days from service of the statement.

4. The Complainants shall pay the Respondents, their reasonable costs incurred in this proceeding within ten (10) days from the determination by the Board or its designee as to the amount of those reasonable costs.
5. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC RELATIONS BOARD

Washington, D.C.

September 27, 2004

**Government of the District of Columbia
Public Employee Relations Board**

| | |
|---|------------------------|
| _____) | |
| In the Matter of:) | |
|)) | |
| District of Columbia Fire and Emergency) | |
| Medical Services Department,) | |
|)) | |
| Complainant,) | PERB Case No. 03-U-02 |
|)) | |
| v.) | Slip Opinion No. 765 |
|)) | |
| American Federation of Government) | FOR PUBLICATION |
| Employees, Local 3721,) | |
|)) | |
| Respondent.) | |
| _____) | |

DECISION AND ORDER

The District of Columbia Fire and Emergency Medical Services Department ("FEMS") filed an unfair labor practice complaint ("Complaint") against the American Federation of Government Employees, Local 3721 ("AFGE"). The Complaint alleges that AFGE failed and refused to bargain in good faith by refusing to negotiate a successor collective bargaining agreement. FEMS asserts that AFGE's conduct violates D.C. Code §1-617.04(b)(3) (2001 ed.).

This matter was assigned to a Hearing Examiner and scheduled for a hearing to be held on June 23, 2004. However, by letter dated June 18, 2004, the parties notified the Board that pursuant to paragraph six of a Memorandum of Agreement executed on June 17, 2004, the parties had agreed that this case would be withdrawn.¹ As a result, the parties requested that the Complaint be

¹ Pursuant to paragraph six of the Memorandum of Agreement, PERB Case No. 02-U-22 was also withdrawn. In PERB Case No. 02-U-22, AFGE, Local 3721 alleged that FEMS committed an unfair labor practice by: (1) failing to inform AFGE that the Financial Responsibility and Management Assistance Authority (FRMAA" or "Control Board") disapproved the parties' 1995 negotiated agreement; (2) denying AFGE the Right to have the 1995 negotiated agreement approved in accordance with D.C. Code § 1-617.15; and (3) preventing AFGE from representing its members under the provisions negotiated in the 1995 negotiated agreement.

Decision and Order
PERB Case 03-U-02
Page 2

dismissed. In light of the above, the Hearing Examiner is recommending that the Complaint be dismissed with prejudice.

Pursuant to D.C. Code § 1-605.02(3)(2001 ed.) and Board Rule 520.4, the Board has reviewed the recommendation of the Hearing Examiner and finds it to be reasonable and supported by the record. As a result, we adopt the Hearing Examiner's recommendation and dismiss the Complaint with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Hearing Examiner's recommendation is adopted and the Complaint is dismissed with prejudice.
2. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC RELATIONS BOARD
Washington, D.C.**

September 29, 2004

**District of Columbia
Workforce Investment Council
Meeting Schedule
Fiscal Year 2004-2005**

Mayor Williams established the District of Columbia Workforce Investment Council (DC WIC) in compliance with the federal Workforce Investment Act of 1998. The Council was directed to provide the leadership and oversight required to develop a more effective and integrated workforce development system to meet the needs of District employers and residents. The DC WIC is a policy board that acts as a clearinghouse to gather and disseminate useful information and best practices, convenes and engages stakeholders, and work toward improving the alignment of resources, programs and services to the District's workforce needs.

The DC WIC will focus this year's meetings on the Power of the three E's – Education, Employment and Economic Development.

All of the DC WIC general meetings are open to the public and employers, stakeholders, and residents are welcome to attend and provide their comments.

Meeting Date: September 17, 2004
Location: Franklin Street DC Networks One-Stop Career Center
1500 Franklin Street, N.E.
Washington, D.C. 20002
Time: 8:30 a.m. – 11:00 a.m.
Agenda Topic: This meeting will focus on Education.

Meeting Date: December 17, 2004
Location: Potomac Electric and Power Company (PEPCO)
1701- 9th Street, N.W. – Second Floor Conference Room
Washington, D.C. 20068
Time: 8:30 a.m. – 11:00 a.m.
Agenda Topic: This meeting will focus on Employment.

Meeting Date: March 18, 2005
Location: DC Department of Corrections
1923 Vermont Avenue, N.W.
Washington, D.C. 20009
Time: 8:30 a.m. – 11:00 a.m.
Agenda Topic: This meeting will focus on Economic Development

Meeting Date: June 17, 2005

Location: To be announced
Washington, D.C. 20001

Time: 8:30 a.m. – 11:00 a.m.

Agenda Topic: This meeting will focus on DC WIC recommendations to the Mayor.

** Please contact the DC WIC at 202.698.5826 for June 17th meeting location.

ZONING COMMISSION ORDER NO. 04-01
Z.C. CASE NO. 04-01
Consolidated Planned Unit Development and Map Amendment for
Property Located at 2215 Constitution Avenue, N.W.
(Site of the American Pharmacists Association)
Square 62, Lots 19, 810, Pt. 813, 814, and 815
July 12, 2004

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on June 3, 2004, to consider applications from the American Pharmacists Association, for consolidated review and approval of a planned unit development and related zoning map amendment from unzoned property to the SP-2 District. The Commission considered the applications pursuant to Chapters 24 and 30 of the D.C. 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 Zoning Commission hereby approves the applications.

FINDINGS OF FACT

The Applications, Parties, and Hearing

1. On January 13, 2004, the American Pharmacists Association (the "Applicant"), with the consent of the U.S. General Services Administration ("GSA"), filed an application with the Zoning Commission to amend the Zoning Map from unzoned to SP-2 District for the property located at Lots 810, Pt. 813, 814, and 815 in Square 62, and an application for a planned unit development ("PUD") for Lots 19, 810, Pt. 813, 814, and 815 in Square 62 for premises address 2215 Constitution Avenue, N.W., Washington, D.C.
2. After proper notice, the Zoning Commission held a hearing on the applications on June 3, 2004. The parties to the case were the Applicant and Advisory Neighborhood Commission ("ANC") 2A, the ANC within which the property is located.
3. At the June 3, 2004, hearing, the Zoning Commission took proposed action by a vote of 4-1-0 to approve with conditions the applications and plans that were submitted to the record and presented at the June 3, 2004, hearing.

Z.C. ORDER NO. 04-01
Z.C. CASE NO. 04-01
PAGE 2

4. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Home Rule Act. NCPC, by delegated action of the Executive Director dated July 8, 2004, found 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.
5. The Zoning Commission took final action to approve the applications on July 12, 2004.

The PUD Project

6. The Subject Property is located at Lots 19, 810, Pt. 813, 814 and 815, comprising all of Square 62 with the exception of the excluded portion of Lot 813. The site is rectangular in shape and contains approximately 82,085 square feet of land area. Lot 19 is zoned SP-2, whereas the remaining Lots are unzoned.
7. The surrounding area is characterized by a mixture of Federal and institutional uses. To the north of the site are C Street and the United States Department of State; to the east of the site are 22nd Street and the National Academy of Sciences. The western boundary of the site is adjacent to the 17-foot strip along 23rd Street that has been dedicated for open space, and across the street from the future site of the Institute of Peace. The southern side of the site is adjacent to United States government open space, including a portion of the National Mall.
8. The proposed PUD consists of an addition to the existing American Pharmacists Association headquarters located at 2215 Constitution Avenue, N.W. The present three-story "annex," constructed in 1962 and located to the rear of the main building, will be replaced with a new five-story addition. The existing building with the new addition will contain approximately 166,750 square feet of gross floor area and will have an aggregate density of approximately 2.14 floor area ratio ("FAR").
9. The annex that will be demolished was determined by the Historic Preservation Review Board ("HPRB") to be non-contributing to the landmark building. The project architects have taken great care to design the addition in a manner that is consistent and compatible with the original historic structure. The addition will be of similar height to surrounding buildings and will align with the existing building lines on both C Street and 23rd Street. The addition will be symmetrically situated on the northern side of the existing building, creating a uniform and rectangular backdrop to the historic structure.
10. Lot 19 of the PUD site is located in the SP-2 District. The SP-2 District is a medium-high density district that was designed to act as a buffer between adjoining commercial and residential areas and to ensure that new development is compatible in use, scale, and

Z.C. ORDER NO. 04-01
Z.C. CASE NO. 04-01
PAGE 3

design with the transitional function of the zone district. The maximum height permitted in the SP-2 District is 90 feet with no limitation on the number of stories. The total density permitted in the SP-2 District is 6.0 FAR, with non-residential uses permitted up to a 3.5 FAR.

11. The Foggy Bottom/West End area is characterized by a mixture of land uses, including predominantly high-rise office buildings, hotels, and apartment houses and a broad range of institutional uses. Retail uses for the most part are contained within the first floor of high-rise buildings devoted to other uses.
12. The PUD regulations require a site in the SP-2 District to contain a minimum of 15,000 square feet of land area. The total land area of the entire PUD site is 82,085 square feet, and thus meets the minimum area requirements for a PUD.
13. The proposed development complies with the height standards under § 2405.1 of the Zoning Regulations. The maximum building height for the proposed development is 65.42 feet. The PUD project will be developed to a total aggregate density of 2.14 FAR, or 166,750 square feet of gross floor area. This density is significantly lower than the 4.5 FAR permitted for a PUD in the SP-2 District.
14. The following benefits and amenities will be created as a result of the PUD project:
 - a. *Urban Design, Architecture, Landscaping and Open Space.* The new addition has been sensitively designed to frame the original building designed by renowned American architect John Russell Pope, complement the monumental Beaux Art style of the original structure, and protect its free-standing qualities through adequate setbacks. At the same time, it will allow for the continued use and viability of the landmark building as originally intended well into the future. The proposed addition has undergone extensive review with regard to its design and architecture and has received favorable recommendations from HPRB, NCPC, and the Commission of Fine Arts. The resulting architecture is compatible with both the existing historical structure and surrounding buildings in terms of materials, scale, and massing. The urban design has been carefully articulated to create visual consistency with the existing building lines on both C Street and 23rd Street.
 - b. *Transportation Features.* The off-street parking provided, as discussed in the Traffic Report, far exceeds the requirements of the Zoning Regulations. Further, the parking will be provided in a below-grade garage, allowing much of the existing surface parking area to be replaced with additional landscaping. The PUD site is within several blocks of the Foggy Bottom Metrorail stop and has excellent access to I-66 and other major roadways. The development has also been designed with two entrances and exits to the parking garage, in order not to

Z.C. ORDER NO. 04-01

Z.C. CASE NO. 04-01

PAGE 4

rely solely on access from 22nd Street. Since the State Department has closed off C Street to vehicular traffic, cars and taxis often form a queue on 22nd Street while dropping off or picking up. An additional point of access on 23rd Street will improve access to the Property and vehicular movement on the surrounding street system.

- c. *Historic Preservation.* The American Pharmacists Association building is an individually-designated landmark listed in the D.C. Inventory of Historic Sites and the National Register of Historic Places. The original American Pharmacists Association building design is based on Pope's rejected scheme for a memorial to Abraham Lincoln's birthplace in Kentucky. The American Pharmacists Association embraced the design and began construction in 1933; the original structure was completed in 1934. In 1962, the American Pharmacists Association needed to expand and an addition was constructed at the rear at the C Street side of the building. The addition is known today as the "annex." The new addition that will replace the annex will be considerably larger in scale and massing but will be separated from the historic structure by a "hyphen" that is compatibly scaled to the Pope building. The new addition will allow for the continued use and viability of the landmark building well into the future.
- d. *Environmental Benefits.* The proposed addition was designed with significant sensitivity to landscaping and tree preservation. There are several mature evergreen trees to the front of the existing building that will remain. There are also a number of other significant trees that will be preserved on the site. Development of the Federally-owned lots will also allow for important environmental remediation. Subsurface investigations of the soil on Lots 810, 813, 814, and 815 indicated that the soil is contaminated with volatile organic compounds as a result of a former dry cleaning establishment that operated in the 1940s. As all land-disturbing activities in the District of Columbia are regulated by law, the Federally-owned lots would be remediated in conjunction with the construction of the proposed addition.
15. The proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the Generalized Land Use Map, and furthers and complies with the major themes and elements for the District and Ward 1 in the Comprehensive Plan. The project significantly advances these purposes by promoting the social, physical, and economic development of the District through the provision of quality institutional development that will enhance the built environment. The project will also achieve the community goal of adequate parking through an unobtrusive below-grade parking garage that provides substantially more parking than that required by the zoning ordinance.
16. The PUD is also consistent with many of the Comprehensive Plan's major themes, as follows:

Z.C. ORDER NO. 04-01

Z.C. CASE NO. 04-01

PAGE 5

- a. *Stabilizing and Improving the District's Neighborhood.* The proposed addition to the existing American Pharmacists Association headquarters will maintain the stable institutional/Federal character of the neighborhood.
 - b. *Respecting and Improving the Physical Character of the District.* The proposed PUD respects and improves the physical character of the District through the construction of a well-planned and carefully designed development.
 - c. *Preserving the Historic Character of the District.* The historic landmark building significantly contributes to the historic beauty and fabric of the District. It will be retained and remain a viable building for years to come by virtue of the sensitively designed addition.
 - d. *Reaffirming and Strengthening District's Role as an Economic Hub.* The Comprehensive Plan encourages maximum use of the District's location for both private and public growth to promote economic development. The expansion of the American Pharmacists Association headquarters provides additional jobs to strengthen the economic health of this area while supporting a network of the Association's approximately 50,000 members.
17. The Project also furthers the specific objectives and policies of many of the Comprehensive Plan's major elements as follows:
- a. *Economic Development Element.* According to the Economic Development Element of the Comprehensive Plan, the District places a high priority on the generation of new and productive uses of currently underused commercially- and industrially-zoned land. 10 DCMR § 200.10. The proposed PUD will dramatically improve upon the vacant parcels along C Street. Another priority of the Economic Development Element is stimulating and facilitating a variety of commercial, retail, and residential development investments appropriate to selected Metrorail station areas outside of the Central Employment Area, consistent with the Land Use element and ward plans, with sensitivity to the surrounding area. 10 DCMR § 204.2(m). This project provides commercial development outside of the Central Employment Area that will maintain a significant number of jobs. A portion of the new space will be leased to third parties, to include GSA, and will therefore contribute to the tax base of the District of Columbia.
 - b. *Urban Design Element.* The Urban Design Element expresses the District's goal to promote the protection, enhancement, and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient. 10

Z.C. ORDER NO. 04-01
Z.C. CASE NO. 04-01
PAGE 6

DCMR § 701.1. The Urban Design Element also has an objective of encouraging new construction or renovation/rehabilitation of older buildings in areas with vacant or underused land or structures in order to create a strong, positive physical identity. 10 DCMR § 712.1. The proposed PUD has been designed to enhance the physical character of the area and complement the materials, height, scale, and massing of the surrounding development. 10 DCMR § 708.2. The streetscape objective of this element is to establish a clear classification of streets and sidewalks that is functionally efficient and visually coherent, enhances the pedestrian environment, and provides for the orderly movement of goods and services. 10 DCMR § 709.1.

- c. *Preservation and Historic Features Element.* The preservation and historic features goal for the District of Columbia, as set forth in the Comprehensive Plan, is to preserve the important historic features of the District while permitting new development that is compatible with those features. 10 DCMR § 801.1. The proposed PUD exemplifies this goal, in maintaining an important historic landmark while allowing for necessary but compatible expansion.

18. The Project also fulfills and furthers the specific objectives for this area, as set forth in the Comprehensive Plan for Ward 2:

- a. *Ward 2 Transportation Element.* Ward 2 is located at the center of the District and at the focal point of the Metrorail system, buslines, and the city's freeway and arterial street system. Although its location provides great benefits to the residents and employees of Ward 2, it also creates some adverse impacts on quality of life. 10 DCMR § 1309.1. Parking within the ward is identified as a major problem due to evening visitors, student parking, and the lack of parking provisions for many residential dwellings. 10 DCMR § 1309.11 This element of the Comprehensive Plan encourages strict adherence to the current parking requirements of the zoning regulations. 10 DCMR § 1311.1(d)(3). The provision of a minimum of 143 parking spaces, well above the 91 spaces required, will ensure that the new addition will not contribute to parking shortages in the area. The parking will be provided in a below-grade garage, allowing portions of the existing surface parking area to be replaced with additional landscaping. The PUD site's proximity to both the Foggy Bottom Metrorail Station and I-66 provides ready access and mobility.
- b. *Ward 2 Urban Design Element.* A Ward 2 objective for urban design is to place special emphasis on the sensitive design of areas around Metrorail stations where new development is likely to occur, respecting the integrity of those areas adjacent to those sites. This element states that pedestrian amenities, ease of access, lighting, security and signage befitting a portal to the city should be provided, in addition to adequate buffering and integration of new development into the surrounding city. 10 DCMR § 1317.1(c). The proposed addition has

Z.C. ORDER NO. 04-01

Z.C. CASE NO. 04-01

PAGE 7

been designed to enhance the physical character of the area and complement the materials, height, scale, and massing of the existing building.

- c. *Ward 2 Preservation and Historic Features Element.* Primary objectives of the Ward 2 Preservation and Historic Features Element include the preservation and reuse of historic landmarks and buildings in historic areas of Ward 2, and the preservation of the design quality of historic and special streets and places in Ward 2. 10 DCMR § 1319.1(a)(b). The proposed addition will be compatible with the existing historic landmark building, allowing the design quality to be preserved.
- d. *Ward 2 Major Institutional Complexes Element.* The Comprehensive Plan sets forth a single objective for major institutional complexes in Ward 2: to undertake coordinated planning for the continued, reasonable development of the major institutional complexes in Ward 2. 10 DCMR § 1341.1. The American Pharmacists Association has undertaken the PUD process in order to ensure coordinated planning and review of this important historical site. As detailed above, the proposed development conforms to the goals, objectives, and policies of the Comprehensive Plan, including those of the ward plan.

Office of Planning Report

19. By report dated May 24, 2004, and through testimony presented at the public hearing, the Office of Planning ("OP") recommended approval of the PUD application. OP found that the proposed PUD is not inconsistent with the Comprehensive Plan. OP further found that the proposal is consistent with the objectives and evaluations standards of a PUD. OP stated that the prominence of the existing historic structure was maintained by an appropriately designed addition and that the proposed SP-2 zone designation of the parcel is consistent with the surrounding properties.

District Department of Transportation Report

20. By report dated May 29, 2004, the District Department of Transportation ("DDOT") stated that it had no objection to the project as proposed. DDOT recommended that the Applicant coordinate with the State Department and the National Academy of Sciences to ensure that traffic circulation is improved on 22nd Street, N.W., near the C Street intersection.

Advisory Neighborhood Commission

21. By resolution dated May 19, 2004, and through letter dated May 24, 2004, Advisory Neighborhood Commission ("ANC") 2A unanimously supported the PUD project and zoning of the unzoned parcel to SP-2. ANC 2A noted that the proposed addition, as modified by supplemental drawings submitted by the Applicant, will create a superior

Z.C. ORDER NO. 04-01

Z.C. CASE NO. 04-01

PAGE 8

backdrop for the Pope building better than is currently afforded by the State Department building. The ANC further commented that the PUD does not request any development flexibility beyond the limits allowed in the SP-2 District as a matter-of-right and is substantially below the height and FAR permitted in SP-2.

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 Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments that 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 proposed PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD is within the applicable height, bulk, and density standards of the Zoning Regulations. The project will, in fact, include less height and density on the site than is permitted as a matter-of-right either in the SP-2 District. The size, scale, design, and use of the building are appropriate for this site and the monumental nature of Constitution Avenue and will allow the American Pharmacists Association to continue its long association with this parcel. Accordingly, the project should be approved. The impact of the project on the surrounding area is not unacceptable. As set forth in the Findings of Fact, the proposed development has been appropriately designed to respect the existing historic building in terms of height and mass and is complementary to adjacent buildings.
6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

Z.C. ORDER NO. 04-01

Z.C. CASE NO. 04-01

PAGE 9

7. The project benefits and amenities are reasonable for the development proposed on the site. The PUD responds to both the historic building and the surrounding institutional and governmental buildings.
8. Approval of this PUD is appropriate, because the proposed development is consistent with the present character of the area.
9. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan.
10. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the affected ANC's recommendation. The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.
11. The applications for a PUD and map amendment 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.
12. The applications for a PUD and map amendment are subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended.

DECISION

The Zoning Commission for the District of Columbia orders **APPROVAL** of the applications for consolidated review of a Planned Unit Development for Lots 19, 810, 814, 815, and part of 813 in Square 62 and for a Zoning Map amendment from unzoned to SP-2 for Lots 810, 814, 815, and part of 813 in Square 62, subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed substantially in accordance with the plans prepared by Hartman Cox Architects, dated May 14, 2004, marked as Exhibit No. 20 of the record (the "Plans"), as modified by the guidelines, conditions, and standards herein.
2. The PUD shall be an office building addition to the existing historic landmark Pope Building. The addition shall contain a maximum of approximately 166,750 square feet of gross floor area. The total project shall have an overall density of approximately 2.14 FAR. The uses in the building shall be limited to:
 - a. Organizations and institutions serving American Pharmacists Association on a non-profit basis, including normal incidental and accessory uses;
 - b. Office space and ancillary support space for pharmaceutical-related uses or entities devoted to the field of public health, but excluding space to be used for the provision of professional services; or

Z.C. ORDER NO. 04-01
Z.C. CASE NO. 04-01
PAGE 10

c. Office space for local, federal, international, or quasi-governmental agencies.

Any other proposed use shall require the prior approval in writing by the Zoning Commission for the District of Columbia and the National Capital Planning Commission.

3. The maximum height of the building shall be 65.42 feet, as shown on the Plans. The building may include a roof structure with a height not to exceed 18.50 feet, as shown on the Plans.
4. The Project shall include a minimum of 143 parking spaces in the below-grade parking garage.
5. The Project shall include two twelve-foot by thirty-foot loading berths and one twelve-foot by twenty-foot service/delivery space as shown on the Plans.
6. The Applicant shall include landscaping for the project as shown on the Plans. The Applicant or its successors shall maintain all landscaping.
7. Landscaping in the public space on the surrounding public streets shall be in accordance with the Plans, as approved by the Public Space Division of DDOT or by the National Park Service, whichever has jurisdiction. The Applicant or its successors shall maintain all landscaping in the public space.
8. 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, including 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 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;
 - c. To make minor modifications to the exterior design, materials, and landscaping in response to the final review by the D.C. Historic Preservation Review Board and the Mayor's Agent for Historic Preservation, the Commission of Fine Arts and the National Capital Planning Commission;
 - d. 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 Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and

Z.C. ORDER NO. 04-01

Z.C. CASE NO. 04-01

PAGE 11

- e. 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 decrease below a minimum of 143 spaces.
9. No building permit shall be issued for this PUD until the Applicant has 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 the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
10. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.
11. 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 years of the effective date of this Order.
12. 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 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.
13. The approval of the PUD and the change of zoning shall become effective upon transfer of the property from the United States of America to the American Pharmacists Association.

On June 3, 2004, the Zoning Commission approved the applications by a vote of 4-1-0 (Carol J. Mitten, Anthony J. Hood, Gregory Jeffries, and Kevin Hildebrand to approve; John G. Parsons to deny).

Z.C. ORDER NO. 04-01
Z.C. CASE NO. 04-01
PAGE 12

The Order was adopted by the Zoning Commission at its public meeting on July 12, 2004, by a vote of 4-1-0 (Anthony J. Hood, Carol J. Mitten, Gregory Jeffries and Kevin Hildebrand to adopt; John G. Parsons opposed).

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 _____.

DISTRICT OF COLUMBIA REGISTER

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

OCT 15 2004

ZONING CODE
District of Columbia
Case No. 04
Block 4

Washington, D.C., December 30, 2003

Plat for Building Permit of SQUARE 62 LOTS 19, 810, 813, 814, 815

Scale: 1 inch = 40 feet Recorded in Book 176 Page 200 (LOT 19),
Book A&T Page 3444-E (LOTS 810, 813-815)

Receipt No. 08629

Furnished to: HOLLAND & KNIGHT

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

[Signature]
Surveyor, D.C.

Date: _____

By: L.M.A. *[Signature]*

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

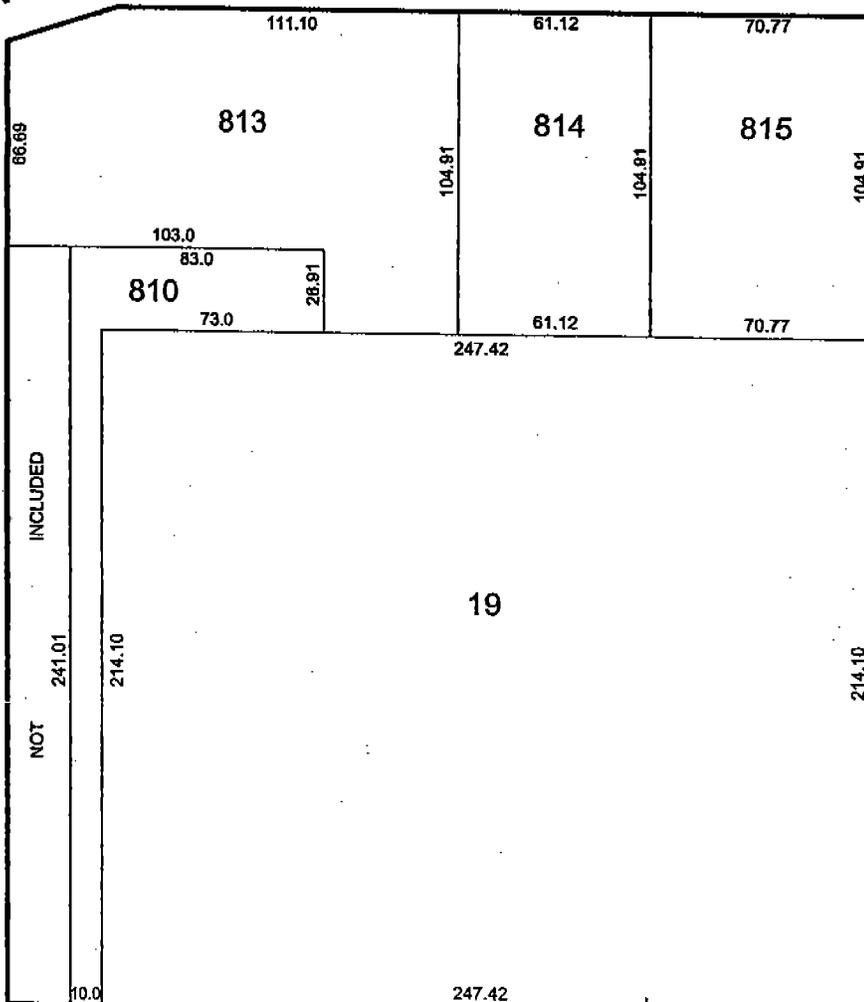
NEW YORK AVENUE

C

STREET

STREET

23RD



SO-08629(2003)
District of Columbia

STREET

22ND

9795

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

| TITLE | SUBJECT | PRICE |
|-------|--|---------|
| 1 | DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001) | \$16.00 |
| 3 | DCMR ELECTIONS & ETHICS (JUNE 1998) | \$20.00 |
| 4 | DCMR HUMAN RIGHTS (MARCH 1995) | \$13.00 |
| 5 | DCMR BOARD OF EDUCATION (DECEMBER 2002) | \$26.00 |
| 6A | DCMR POLICE PERSONNEL (MAY 1988) | \$8.00 |
| 7 | DCMR EMPLOYMENT BENEFITS (JANUARY 1986) | \$8.00 |
| 8 | DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988) | \$8.00 |
| 9 | DCMR TAXATION & ASSESSMENTS (APRIL 1998) | \$20.00 |
| 10 | DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999) | \$33.00 |
| 10 | DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT* | \$26.00 |
| 11 | DCMR ZONING (FEBRUARY 2003) | \$35.00 |
| 12 | DCMR CONSTRUCTION CODES SUPPLEMENT (2003) | \$25.00 |
| 13 | DCMR ELECTRICAL & MECHANICAL CODE (MARCH 1987) | \$10.00 |
| 13B | DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984) | \$7.00 |
| 14 | DCMR HOUSING (JULY 1991) | \$20.00 |
| 15 | DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998) | \$20.00 |
| 16 | DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT | \$20.00 |
| 17 | DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990) | \$26.00 |
| 18 | DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT* | \$26.00 |
| 19 | DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001) | \$26.00 |
| 20 | DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997) | \$20.00 |
| 20 | DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997) | \$26.00 |
| 21 | DCMR WATER & SANITATION (FEBRUARY 1998) | \$20.00 |
| 22 | DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986) | \$26.00 |
| 22 | DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995) | \$13.00 |
| 23 | DCMR ALCOHOLIC BEVERAGES (AUGUST 2004) | \$10.00 |
| 24 | DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996) | \$20.00 |
| 25 | DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003) | \$20.00 |
| 26 | DCMR INSURANCE (FEBRUARY 1985) | \$9.00 |
| 27 | DCMR CONTRACTS AND PROCUREMENT (JULY 1988) | \$22.00 |
| 28 | DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004) | \$10.00 |
| 29 | DCMR PUBLIC WELFARE (MAY 1987) | \$8.00 |
| 30 | DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997) | \$20.00 |
| 31 | DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004) | \$16.00 |

Publications Price List (Continued)

OTHER PUBLICATIONS

| | |
|--|--------------------------|
| 1994 - 1996 Indices | \$52.00 + \$5.50 postage |
| 1997 - 1998 Indices | \$52.00 + \$5.50 postage |
| Complete Set of <i>D.C. Municipal Regulations</i> | \$627.00 |
| D.C. Register yearly subscription | \$195.00 |
| Rulemaking Handbook & Publications Style Manual (1983) | \$5.00 |
| *Supplements to D.C. Municipal Regulations | \$4.00 |

MAIL ORDERS: Send exact amount in check or money order made payable to the D.C. Treasurer. Specify title and subject. Send to: D.C. Office of Documents and Administrative Issuances, Room 520, One Judiciary Square, 441 - 4th St., N.W., Washington, D.C. 20001. Phone: 727-5090

OVER THE COUNTER SALES: Come to Rm. 520, One Judiciary Sq., Bring cash, check or money order.

All sales final. A charge of \$65.00 will be added for any dishonored check (D.C. Law 4-16)