

The Booker T. Washington Public Charter School for Technical Arts
1346 Florida Avenue NW
Washington, DC 20009

NOTICE: REQUEST FOR PROVIDING SERVICES FOR SPECIAL EDUCATION STUDENTS

The Booker T. Washington Public Charter School for Technical Arts, in accordance with 2204'(XV) (A) of the District of Columbia Schools Reform Act of 1995, is recruiting a company or agency to provide comprehensive diagnostic and educational services for special education students to include psycho-educational services, speech/language services, occupational and physical therapy, clinical and neuropsychological services, career and vocational assessment, psychiatric evaluation, assistive technology audio logical services, and case management. Send executive summary of services, cover letter and financial requirements to Jaiyah M. Jalarue at fax number (202) 232-6282 or call (202) 232-6312.

NOTICE: REQUEST FOR SERVICES FOR BUSINESS DEVELOPMENT SPECIALIST

The Virtual Enterprise Adult Education and Training Program, Booker T. Washington Public Charter School for Technical Arts, in accordance with 2204'(XV)(A) of the District of Columbia Schools Reforms Act of 1995, is recruiting a Business Development Specialist to instruct and assist adult learners in all business aspects, including writing a business plan, preparing a budget, and designing accounting system; and identifying and recruiting corporation sponsors and business mentors. Send resume, cover letter, and salary requirements to Jaiyah M. Jalarue at fax number (202) 232-6282 or call (202) 232-6312.

**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
1205 Clifton Street	40	2865	1
1405R Crittenden Street-Rear	823	2706	4
412 Delafield Place	175	3251	4
1123 Fairmont Street-Rear	46	2859	1
617 Farragut Street	106	3212	4
1304 Farragut Street	41	2807	4
519 Florida Avenue	35	3093	1
521 Florida Avenue	26	3093	1
3200 Georgia Avenue	909	2892	1
3203 Georgia Avenue	809	3042	1
5627-5631 Georgia Avenue	039	2991	4
5806 Georgia Avenue-Rear	841	2937	4
7700 Georgia Avenue	21	2957	4
4820 Iowa Avenue	30	2709	4
425 Irving Street-Rear	64	3049	4
535 Irving Street	31	3048	1
535 Irving Street-Rear	31	3048	1
470 K Street	44	516	2
1217 Kenyon Street	117	2844	1
1331 Kenyon Street	47	2843	1
414 Longfellow Street	19	3260	4
503 Longfellow Street	50	3206	4
718 Marietta Place	43	3155	4
4001 Marlboro Place	48	3313	4
1021 Monroe Street	74	2832	1
1824 Monroe Street	813	2614	1
1342 Montague Street	46	2796	4
1342 Montague Street-Rear	46	2796	4
3500 Nebraska Avenue	24	1599	3
1424 North Capitol Street	10	616	5
1424 North Capitol Street-Rear	10	616	5
4922 North Capitol Street	67	3401	4
505 O Street	36	479	5
507 O Street	37	479	5
509 O Street	2001/2002	479	5
820 Otis Place	119	2895	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
88-88 1/2 P Street	825	616	2
219 P Street	833	475	5
3245 Patterson Street-Rear	25	2021	4
1000 Park Road	39	2841	1
1424 Parkwood Place	46	2688	1
936 Quincy Street	92	2901	4
50 R Street-Rear	31	3101	5
403 R Street	801	0507	5
501 Rhode Island Avenue	33	475S	2
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
1421 T Street-Rear	845	205	1
533 U Street	38	3079	2
901-01 U Street	88	360	1
903 U Street, NW	89	360	1
131 Varnum Street	803	3321	4
911 W Street	067	0357	1
1305 Wallach Place	169	237	1
3224 Warder Street-Rear	13	3046	1
223 Webster Street	820	3319	4
225 Webster Street	10	3319	4
1831 Wiltberger Street	849	9441	1
1227 1 st Street	9	618	5
1202 3 rd Street	837	523	2
5311 3 rd Street-Rear	6	3328	4
5807 3 rd Place-Rear	81	3291	4
1222 4 th Street	903	513	2
1716 4 th Street	803	507	5
1809 4 th Street	17	3095	1
1416 5 th Street	26	479	2
3927 5 th Street	78	3237	4
4109 5 th Street	47	3241	4
1104 6 th Street	859	449	2
1134 6 th Street	30	449	2
1539 7 th Street	179	445	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
1503 9 th Street	29	397	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
4428 9 th Street-Rear (Addition)	34	3020	4
1513-1515 11 th Street	815	337	2
1513-1515 11 th Street-(Rear)	815	337	2
1725 11 th Street	805	0335	2
2219 13 th Street	86	271	1
3637 13 th Street	145	2829	1
5008 13 th Street	53	2806	4
5008 13 th Street-Rear	53	2806	4
3564 14 th Street	24	2688	1
3614 14 th Street	26	2689	1
5310 14 th Street	13	2716	4
3222 19 th Street-Rear	817	2604	1
1617 21 st Street	136	93	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
3701 Benning Road	807	5044	5
2301 Bladensburg Road	41	4359	5
1848 Central Place	39	4047	5
3042 Clinton Street	826	4319	5
1820 Corcoran Street	18	4049	5
600 Division Avenue	13	5196	7
1717 E Street	143	4546	6
1721 E Street	144	4546	6
26 Florida Avenue	71	3516	5
629 Florida Avenue	176	855	6
5900 Foote Street,	805	5256	7
1653 Gales Street	182	4540	6
1655 Gales Street	183	4540	6
303 K Street	804	775	6
1118 Montello Avenue	71	4070	5
1916 Newton Street	118	4202	5
2422 Otis Street-Rear	48	4298	1
52 Q Street	105	3520	5
58 Q Street	102	3250	5
4608 Quarles Street-Rear	24	5167	7
50 RI Avenue-Rear	3	3508	5
1515 Rhode Island Avenue	43	4131	5
1515 Rhode Island Avenue-Rear	43	4131	5

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
115 Riggs Road	85	3701	5
4310 Sheriff Road	819	5097	7
4326 Sheriff Road	831	5097	7
1741 Trinidad Avenue	26	4082	5
142 Webster Street	42	3668	4
1407 West Virginia Avenue	155	4059	5
2413 2 nd Street	38	3556	5
1020 3 rd Street	34	749	6
1022 3 rd Street	33	749	6
2407 3 rd Street	28	3555	5
251 8 th Street	64	917	6
608 8 th Street	45	891	6
914 9 th Street	45	910	6
4100 13 th Street	24	Par 146	5
3122 16 th Street	39	4014	5
4413 16 th Street	5	4617	5
1234 18 th Place	811	4445	5
1236 18 th Place	811	4445	5
3712 24 th Street	42	4242	5
913 43 rd Place	47	5096	7
1044 44 th Street	70	5125	7
919 47 th Street	119	5151	7
1044 48 th Place	35	5153	7
945 52 nd Street	803	5199	7
234 56 th Street	144	5250	7
201 63 rd Street	31	5269	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
4427 A Street	107	5350	7
3608 Alabama Avenue	823	5668	7
27 Atlantic Street	54	6170	8
5050 B Street	28	5326	7
5034 Bass Place	25	5325	7
4926 Call Place	33	5336	7
4030 Call Place	32	5336	7
5000 Call Place	35	5323	7
420 Chesapeake Street-Rear	808	6165	8
422 Chesapeake Street-Rear	809	6165	8
1720 D Street	87	1100	6
1229 E Street	816	1019	6
3326 Ely Place	807	5444	6
1254 Half Street	99	0701	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (cont'd)</u>			
1260 Half Street	144	0701	
1415 Morris Road	50	5809	6
1430 Morris Road	2	5810	8
2329 Q Street	56	5587	6
1008 South Carolina Avenue	23	970	6
1219 Sumner Road	979	5865	8
1242 W Street	99	5782	8
4001 4 th Street	39	6167	8
4005 4 th Street	40	6167	8
1012 7 th Street	11	906	6
1014 7 th Street	10	906	6
102 9 th Street	801	0943	6
2105 13 th Street	681	5782	6
333 16 th Street	82	1074	6
2201 16 th Street	26	5795	8
20 53 rd Place	884	5284	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
71 Forrester Street	67	6240	8

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2004, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7221 of 941 North Capitol Street, NW, Washington, D.C. 20002.

2004

January 14th
January 28th

July 14th
July 28th

February 11th
February 25th

August 11th
August 25th

March 10th
March 24th

September 8th
September 22nd

April 14th
April 28th

October 13th
October 27th

May 12th
May 26th

November 10th
November 24th

June 9th
June 23rd

December 8th
December 22nd

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These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

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BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in sixteen (12) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: **1C05**

Petition Circulation Period: **Tuesday December 2, 2003 thru Monday, December 22, 2003**
Petition Challenge Period: **Friday, December 26, 2003 thru Friday, January 2, 2003**

VACANT: **7D02, 7D07**

Petition Circulation Period: **Wednesday, December 3, 2003 thru Tuesday, December 23, 2003**
Petition Challenge Period: **Friday, December 26, 2003 thru Friday January 2, 2004**

VACANT: **3D07, 3D08, 3E05**
 5C10, 5C11
 6B11
 8B03, 8C05, 8C06

Petition Circulation Period: **Thursday, December 4, 2003 thru Wednesday, December 24, 2003**
Petition Challenge Period: **Monday, December 29, 2003 thru Monday, January 6, 2004**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N

For more information, the public may call 727-2525.

District of Columbia
BOARD OF ELECTIONS AND ETHICS

Monthly Report

of

VOTER REGISTRATION STATISTICS

as of

October 31, 2003

Covering Citywide Totals by:

WARD, PRECINCT, and PARTY

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

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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 October 31, 2003

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	27,644	2,199	988	7,133	201	38,165
2	23,351	5,007	462	7,812	135	36,767
3	28,391	7,759	391	8,335	75	44,951
4	40,831	2,418	617	6,175	179	50,220
5	38,702	1,699	619	5,421	162	46,603
6	32,960	4,045	599	6,412	157	44,173
7	36,677	1,317	471	4,698	134	43,297
8	28,676	1,263	525	4,252	117	34,833
TOTALS	257,232	25,707	4,672	50,238	1,160	339,009
<i>TOTAL Percentage (by party)</i>	75.8%	7.6%	1.4%	14.8%	0.4%	100.0%

Ward Index

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

PRECINCT STATISTICS

Ward 4

For the Period Ending: October 31, 2003

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	1,818	77	35	291	12	2,233
46	2,478	75	40	380	18	2,991
47	2,082	134	38	433	12	2,699
48	2,417	138	45	363	14	2,977
49	591	32	16	114	2	755
51	2,829	601	27	568	6	4,031
52	1,090	263	8	215	1	1,577
53	981	79	15	190	5	1,270
54	1,869	111	38	336	14	2,368
55	2,211	80	31	302	10	2,634
56	2,700	69	36	414	10	3,229
57	2,241	75	35	327	14	2,692
58	2,029	48	29	268	8	2,382
59	2,347	73	38	309	9	2,776
60	1,549	83	35	334	6	2,007
61	1,404	56	17	168	3	1,648
62	2,956	169	39	309	6	3,479
63	2,663	115	56	367	12	3,213
64	2,145	72	18	234	5	2,474
65	2,431	68	21	253	12	2,785
TOTALS	40,831	2,418	617	6,175	179	50,220

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

PRECINCT STATISTICS

Ward 7

For the Period Ending: October 31, 2003

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
80	1,127	39	15	151	6	1,338
92	1,160	52	19	154	7	1,392
93	1,112	51	14	148	4	1,329
94	1,502	65	18	181	5	1,771
95	1,183	25	19	175	2	1,404
96	1,612	64	25	233	3	1,937
97	853	33	18	128	1	1,033
98	1,415	36	16	161	8	1,636
99	966	39	16	144	6	1,171
100	1,186	49	24	173	4	1,436
101	1,389	34	10	154	8	1,595
102	1,728	57	15	191	7	1,998
103	2,580	88	33	350	9	3,060
104	1,832	65	23	255	7	2,182
105	1,689	65	32	197	3	1,986
106	2,445	78	33	271	8	2,835
107	1,098	43	19	173	2	1,335
108	1,033	45	6	88	4	1,176
109	943	42	9	94	1	1,089
110	3,396	109	36	402	12	3,955
111	1,573	46	25	233	3	1,880
112	1,637	51	21	223	11	1,943
113	1,758	86	11	237	8	2,100
132	1,460	55	14	182	5	1,716
TOTALS	36,677	1,317	471	4,698	134	43,297

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its December 3, 2003 meeting in relocating Precinct #45, Ward 4 Polling Place.

The public is advised that the proposed polling place for Precinct #45 will be relocated from:

**First Seventh-Day Adventist Church
810 Shepherd Street, N.W.**

and moved to:

**MPD - Regional Operation Command (North)
801 Shepherd Street, N.W.**

due to inaccessibility at First Seventh-Day Adventist Church. **This action will be effective beginning with the upcoming January 13, 2004, Presidential Preference Primary Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its December 3, 2003 meeting in relocating Precinct #53, Ward 4 Polling Place.

The public is advised that the proposed voting area for Precinct #53 will be changed from:

**Brightwood School
1300 Nicholson Street, N.W.
Annex - Room 101**

and moved to:

**Brightwood School
1300 Nicholson Street, N.W.
Multi-Purpose Room**

The room change will provide more space to accommodate voters on election day. **This action will be effective beginning with the upcoming January 13, 2004, Presidential Preference Primary Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its December 3, 2003 meeting in relocating Precinct #59, Ward 4 Polling Place.

The public is advised that the proposed voting area for Precinct #59 will be changed from:

**Coolidge Sr. High School
6315 - 5th Street, N.W.
Auditorium Lobby**

and moved to:

**Coolidge Sr. High School
6315 - 5th Street, N.W.
Armory**

The room change will provide more space to accommodate voters on election day. **This action will be effective beginning with the upcoming January 13, 2004, Presidential Preference Primary Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its December 3, 2003 meeting in relocating Precinct #69, Ward 5 Polling Place.

The public is advised that the proposed polling place for Precinct #69 will be relocated from:

**Evangelical Lutheran Church of Our Redeemer
1725 Michigan Avenue N.E.**

and moved to:

**Taft School
18th & Perry Streets, N.E.**

because the Evangelical Lutheran Church of Our Redeemer is no longer available. **This action will be effective beginning with the upcoming January 13, 2004, Presidential Preference Primary Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its December 3, 2003 meeting in relocating Precinct #82, Ward 6 Polling Place.

The public is advised that the proposed polling place for Precinct #82 will be relocated from:

Capitol Hill Towers
900 - G Street, N.E.

and moved to:

Sherwood Recreation Center
640 - 10th Street, N.E.

because there is more space to accommodate voters on election day. **This action will be effective beginning with the upcoming January 13, 2004, Presidential Preference Primary Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

ERRATA NOTICE

This notice is to correct the following chapters of LOTTERY AND CHARITABLE GAMES published at Title 30 of the DCMR. The chapters and the DCR publication dates are as follows: Chapter 2 "LOTTERY LICENSES" 46 DCR 2814; Chapter 3 "AGENT REQUIREMENTS" 36 DCR 8679; Chapter 4 "HEARINGS" 36 DCR 8680; Chapter 5 "GENERAL PROVISIONS" 39 DCR 7441; Chapter 6 "CLAIMS AND PRIZE PAYMENTS" 40 DCR 6960; Chapter 10 "OTHER GAMES" 39 DCR 7464; Chapter 14, "BINGO OPERATIONS" 38 DCR 2052 and Chapter 99 "DEFINITIONS" 39 DCR 7465. The corrections to Title 30 of the DCMR are illustrated by showing deleted wording in strike-through text and added wording as bolded and underlined text. The changes are as follows:

A. Amend Chapter 2, "LOTTERY LICENSES", section 208.4 to read as follows:

208.4 A Distribution Center agent must have a separate license in order to ~~order~~ sell lottery tickets to the public.

B. Amend Chapter 2, "LOTTERY LICENSES" by renumbering and amending the second section marked as 208.5 to read as follows:

208.56 The Executive Director may, in his sole discretion, provide for the delivery of the instant game tickets to a Distribution Center agent on a consignment basis. The Executive Director shall have sole discretion to accept the return of unsold tickets at the official end of an instant game or other time determined by the Executive Director.

C. Amend Chapter 3, "AGENT REQUIREMENTS", section 308.1(w) to read as follows:

308.1(w) Provide a certificate of insurance, which indicates that the agent has and maintains casualty insurance, approved by the Agency, to cover the replacement cost of the on-line computer terminal and other Agency property assigned to the agent. The agent shall notify the Agency in writing of any change in insurance coverage fifteen (15) days in advance of the change; and

D. Amend Chapter 4, "HEARINGS", section 400.1 to read as follows:

10654

400.1 A request for a hearing shall be filed with the Executive Director within fifteen (15) business days after the receipt of written notice denying a claim or written notice denying, suspending, or revoking a lottery license.

E. Amend Chapter 5, "GENERAL PROVISIONS", section 503 to read as follows:

503 CANCELLED TICKETS

F. Amend Chapter 5, "GENERAL PROVISIONS", section 503.2 to read as follows:

503.2 Exchange tickets issued pursuant to a multi-day wager shall not be cancelled.

G. Amend Chapter 5, "GENERAL PROVISIONS", section 503.3 to read as follows:

503.3 The Executive Director shall not pay a prize on any cancelled or voided on-line ticket except as provided in § section 503.7.

H. Amend Chapter 5, "GENERAL PROVISIONS", section 503.6 to read as follows:

503.6 Agents shall forward all cancelled on-line tickets to the Agency. No cancelled on-line ticket shall be returned to the player.

I. Amend Chapter 5, "GENERAL PROVISIONS", section 503.7 to read as follows:

503.7 If a winning ticket has been inadvertently or erroneously cancelled by an agent and the player retains possession of the cancelled ticket, the Executive Director may, after investigating the total circumstances involved in cancelling the ticket, honor that cancelled winning ticket without regard to its failure to validate.

J. Amend Chapter 5, "GENERAL PROVISIONS", section 503.8 to read as follows:

503.8 Section 503.7 shall not be applicable if, before he or she left the agent location, the player knew, or should have known, that the wager was cancelled or in a game in which cancellation is not permitted.

K. Amend Chapter 6, "CLAIMS AND PRIZE PAYMENTS", section 600.6 to read as follows:

600.6 Notwithstanding any requirement in § sections 308.1(m) or 600 relating to the processing of claims by an agent, the Executive Director may designate a claiming period after which no instant ticket prize may be paid by a licensed agent. The time period shall be announced to licensed agents and the public. For the purpose of this section, the term "claiming period" shall mean the period of time in which a player may be paid an instant ticket prize by a licensed agent.

L. Amend Chapter 6, "CLAIMS AND PRIZE PAYMENTS", section 606.3 to read as follows:

606.3 Except as otherwise provided in Chapter 9 of this title, annuitized prizes shall be paid in thirty (30) equal annual installments over a period of twenty-nine (29) years.

M. Amend the title of Chapter 10, "OTHER GAMES", to read as follows:

CHARTER CHAPTER 10 OTHER GAMES

N. Amend Chapter 14, "BINGO OPERATIONS", section 1405.15, to read as follows:

1405.15 In all bingo games, other than Class C multihall bingo games, the receptacle and caller shall be visible to the majority of players ~~at~~ at the premises at all times.

O. Amend Chapter 99, "DEFINITIONS", section 9900.1, to read as follows:

~~Act – the Legalized Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes Initiative #6 of 1980 effective March 10, 1981 (D.C. Law 3-172, as amended). D.C. Code §2-2501 et seq. (1994 Repl. Vol.)~~ Law to Legalize Lottery Daily Numbers Games, and Bingo and Raffles For Charitable Purposes In The District Of Columbia (D.C. Law 3-172, as amended.) D.C. Official Code §§ 3-1301 et seq. and 22-1701 et seq.

EXECUTIVE OFFICE OF THE MAYOR

SUBJECT: NOTIFICATION OF CLERICAL ERROR

Auto Rental Business License Fee

The Executive Office of the Mayor hereby gives notice that the license fee for Auto Rental businesses incorrectly listed as seventy-eight dollars (\$78.00) in the December 20, 2002, D.C. Register, should be corrected to read that the license fee for Auto Rental businesses is seven hundred eighty dollars (\$780.00).

This correction shall take effect immediately.

EXECUTIVE OFFICE OF THE MAYOR
DC COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITYDISTRICT OF COLUMBIA
COMMISSION ON NATIONAL AND COMMUNITY SERVICE

AmeriCorps Grants

NOTICE: ATTENDANCE AT A TECHNICAL ASSISTANCE SESSION IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT. A NEWLY SCHEDULED AND THE FINAL SESSION IS SCHEDULED FOR DECEMBER 16, 2003 FROM 5:00 TO 7:00 P.M. PLEASE SEE THE REMAINDER OF THIS NOFA FOR DETAILS.

Summary: The DC Commission on National and Community Service (DC CNCS) announces the availability of AmeriCorps grant funds for fiscal year 2004 to eligible organizations. DC CNCS anticipates federal funding for both new and continuing AmeriCorps programs for fiscal year 2004-2005. New applicants with high-quality proposals will compete nationally with other new and continuing programs. In addition, DC CNCS has a minimum of \$103,000 available in local formula funds.

DC CNCS seeks to fund high-quality AmeriCorps programs that will address citywide goals and the priorities of the District of Columbia's Strategic Plan by mobilizing residents as volunteers and AmeriCorps members to:

- 1.) Enhance the education of our youth;
- 2.) Improve citizen safety and neighborhood emergency preparedness; and
- 3.) Strengthen our community through service.

AmeriCorps is a national service network that provides full- and less than full-time opportunities for participants, called members, to serve their communities and build the capacity of nonprofit organizations to meet local environmental, educational, public safety, homeland security, or other human needs. Within these five issue areas, programs may submit proposals that address specific problems of local communities.

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 DC CNCS for funding must operate the program only within the District.

An organization described in Section 501 (c) (4) of the Internal Revenue Code, 26 U.S.C. 501 (c) (4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, 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 Request for Application (RFA) will be

released on November 17, 2003 at 9:00 a.m. **The deadline for submission is January 5th, 2004 at 5:00 pm.** Late applications will not be accepted. An application is considered late at 5:01 p.m.

The FINAL technical assistance sessions schedule is as follows: One Judiciary Square, 441 4th St. NW, 11th Floor Conference Center, Room 1117, December 16, 2004 from 5 p.m. to 7 p.m. (Take the Metro red line to Judiciary Square, exit 4th Street, Courthouse side.) Call Cliffie Bailey at 202-727-7925 to RSVP for a training session.

Applications can be obtained from 441 4th Street NW, Suite 1040S, Washington, DC 20001 or our website at www.cnscs.dc.gov. For additional information please call Renetta Boyd, Director of National Service Programs, at 202/727-7937.

PUBLIC CHARTER SCHOOL BOARD

NOTICE OF PUBLIC MEETING

Washington, DC: The DC Public Charter School Board will hold its monthly public meeting on Monday, December 15, 2003, at 7:30pm. The meeting will take place at the Board's headquarters at 1436 U Street, NW, Suite 401.

Community members interested in public charter school education are encouraged to attend. For more information, call 202/328-2660.

Office of the Secretary of the
District of Columbia

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 January 2, 2004.

Anderson, Leatrice C.	New	Classic Concierge 1010 Vt Ave,NW#210 20005
Brown, Darlene	New	Wilmer Cutler Pickering 2445 M St,NW 20037
Brown, Rico	New	Docsigning.com 3026 M St,SE 20019
Cramer, Ryan	New	Netco 1090 Vt Ave,NW 20005
Curkendoll, Cristie S.	New	Netco 1090 Vt Ave,NW 20005
Dahreddine, Elizabeth K.	Rpt	Congressional Title 650 Pa Ave,SE#170 20003
David, Fanta A.	Rpt	American Bankers Assoc 1120 Conn Ave,NW 20036
Davis, Mary Elizabeth	Rpt	Amer Health Care Assoc 1201 L St,NW 20005
Drummond, Charlotte	New	GRW Capital Corporation 1004 6 th St,NW 20001
Faught, Lynn	New	2009 Belmont Rd,NW#401 20009
Fisher, Monica Y.	New	National Cooperative Bank 1725 I St,NW#600 20006

Frye, Denetra T.	New	509 49 th St,NE 20019
Gault, Cornelius	New	UPS Store 5505 Conn Ave,NW 20015
Gayles, Paulette M.	Rpt	901 6 th St,SW#401A 20024
Gilbert, Angela	New	Smith Bucklin & Assoc 2025 M St,NW#800 20036
Gilbert, Lisa M.	New	A F R H 3700 N Cap St,NW 20317
Harris-Nicholls, Earl	Rpt	Dept of Mental Health 2700 MLK Ave,SE 20032
Hiranvanijkul, Boontida	Rpt	Wilkie Farr & Gallagher 1875 K St,NW 20006
Hogue, Gustina J.	New	1503 1 st St,SW 20024
Holland-Angus, Shelby M.	New	Hughes & Bentzen 1667 K St,NW#520 20006
Homer, Lisa A.	New	William C Smith & Co 1220 L St,NW 20005
Jones, Darlene	Rpt	Gibson Dunn & Crutcher 1050 Conn Ave,NW 20036
Larsen, Nina L.	Rpt	Phillips & Cohen 2000 Mass Ave,NW 20036
Lawrence, Tommie	Rpt	Amer Chemical Society 1155 16 th St,NW 20036
McDowell, Evette S.	New	Change All Souls Dev Corp 2900 14 th St,NW#100 20009

McKelvie, Roderick R.	New	Fish & Neave 1899 Pa Ave, NW4thFl 20006
McVey, Amy B.	New	4600 Albemarle St, NW 20016
Minton, Kay Frances	Rpt	Slover & Loftus 1224 17 th St, NW 20036
O'Hannon, Gail P.	New	CorpCounsel/Abuse&Neglect 400 6 th St, SW6thFl 20024
Pair, Betty B.	Rpt	TuttTaylor&RankinRealEst 1755 S St, NW 20009
Palumbos, Emily	New	N R C C 320 First St, SE 20003
Patsel, Renee	New	B B & T Bank 5200 Wisc Ave, NW 20015
Pena, Sandra Paloma	New	Baumann DeSeve & Landau 1625 Mass Ave, NW#450 20036
Peters, Jennifer L.	New	Williams & Connolly 725 12 th St, NW 20005
Pittman, Chenita	New	Natl Geographic Society 1145 17 th St, NW5thFl 20036
Reid-Johnson, Jacqueline	New	McDermott Will & Emery 600 13 th St, NW4thFl 20005
Rodgers, Allison F.	New	Wyndham Washington 1400 M St, NW 20005
Schellin, Sharon	New	Office of Zoning 441 4 th St, NW#210S 20001
Schilling, Sandra K.	Rpt	Danaher Corporation 2099 Pa Ave, NW12thFl 20006

Silberman, Rebecca	New	Neal R. Gross & Company 1323 R I Ave,NW 20005
Stup,Jr., Robert E.	New	Greater Chesapeake Title 2111 Wisc Ave,NW#103 20007
Taylor, Jeannie	New	Cohen & Cohen 1000 Conn Ave,NW#502 20006
Vansag, Linda L.	Rpt	Bell Boyd & Lloyd 1615 L St,NW#1200 20036
Work, Eleonora A.	Rpt	A I C P A 1455 Pa Ave,NW#400 20004
Zapata, Maria A.	New	Bank Fund Staff F C U 1818 H St,NW#MC2-300 20433

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

Application No. 15708-A of the National Broadcasting Corporation, pursuant to 11 DCMR 3108.1, for a special exception under Section 211 to modify a condition of the Board's previous Order No. 13554 to continue to operate a commercial broadcasting tower in an R-1-B District at premises 4001 Nebraska Avenue, N.W. (Square 1722, Lot 1).

HEARING DATES: September 23, 1992 and December 16, 1992
DECISION DATES: January 6, 1993, February 3, 1993, October 7, 2003

PROPOSED DECISION AND ORDER ON REMAND

Beginning in 1955, the Board of Zoning Adjustment (the Board) granted permission to the National Broadcasting Corporation (NBC) to operate a broadcast studio office building with an antenna tower and parking. After the initial 1955 approval, NBC filed a series of applications with the Board and was granted permission to make various changes at the site, including permission to replace the original antenna tower with a new one. NBC constructed a new tower in 1988 but also continued to use the original tower. In 1992, NBC applied to the Board for special exception approval to continue the use of the original 1955 tower.

The Board held public hearings on the application and voted in February 1993 to grant the special exception. However, the Board did not issue its written decision until December 1994, by which time three of the four-member majority had been out of office for over a year because their terms had expired. An appeal was brought to the District of Columbia Court of Appeals based in part on this procedural defect. The Board then requested the Court to remand the case so its current Board members could consider NBC's application on the merits. The Court granted the Board's motion and issued an order remanding the application to the Board for further proceedings. The present members of the Board have reviewed the entire administrative record, including the public hearing transcripts. Based upon its review of the record, the Board adopts the substance of the previous decision and order, as set forth below. This decision and order is based solely upon the record as it existed on December 16, 1992, the date upon which the record was closed.

Government Report Submissions

Office of Planning (OP) Report. OP recommended approval of this application, concluding that the applicant met the requisite burden of proof under Section 211 of the Zoning Regulations. The report concluded that the tower is necessary to adequately serve the needs of the applicant and the community and that it would not adversely impact the

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neighborhood. The report analyzed the history of the tower and other approvals by the Board and recognized that a number of technological changes have taken place that make it necessary for the applicant to continue using the smaller tower.¹ These changes include the District of Columbia Police Department usage as well as other future needs such as the high definition television requirement of the Federal Communications Commission. OP pointed out that the site is large and surrounded by institutional uses and noted the deep set backs for the antenna.

National Park Service Report The National Park Service recommended that the application be denied, contending that the 1955 tower, painted orange and white, would adversely impact Glover-Archbold Park and other parks and vistas throughout the District of Columbia. The principal objection of the Park Service was its understanding that a new tower would "replace" the older tower. The Park Service recommended that all of the devices on the tower should be painted black to match the color on the present black tower. In response, the applicant proffered that it would: (a) repaint the lower tower as necessary using a paint that would blend with the skyline and would be subject to FAA and FCC approval, and (b) dedicate a permanent scenic easement to the Park Service for a portion of the site.

ANC Reports

Advisory Neighborhood Commission (ANC) 3E ANC 3E supported the requested special exception, noting the following: The preexisting lower antenna is adjacent to the newer and taller antenna, both of which are substantially set back from all property lot lines. The applicant and its representatives have been good neighbors making positive contributions to the community in many areas. No complaints concerning the operation of the station or the antenna towers have been received. No evidence suggests that the continuation of the tower would intensify in any way the existing operation of the station either as to the number of people or amount of traffic, pedestrian or vehicular. The applicant's representatives represented that they will continue to provide a close liaison with the ANC. The subject grounds are carefully maintained and screened from surrounding property. The subject tower is reasonably necessary for the satisfactory and economic transmission and maintenance of the facility. The preexisting antenna tower serves the District of Columbia police and other important users. It appears that the newer antenna tower could not structurally support the antennas that are used on the lower tower. Interruption of service would have a severe and adverse impact on the facility.

Advisory Neighborhood Commission (ANC) 3C ANC-3C opposed the special exception, noting the following: The case should be considered as a variance rather than as a special

¹ Many of the findings of fact in this decision are based upon the state of technology as it existed in 1992 when the administrative record was closed. Obviously, much has changed since then.

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exception. The tower is unnecessary for NBC's operations. The tower intensifies the commercialization of NBC's site. The potential health hazards must be weighed against the necessity for the additional antennas. The tower is visually obtrusive. The tower, with its many additional antennas, will increase radio interference problems experienced by neighboring property users. There is nothing about the site that constitutes an exceptional situation, creating a hardship, that warrants relief. The tower is inconsistent with the zoning regulations applicable to the area, and would adversely affect the use of neighboring property.

FINDINGS OF FACT

The Property

1. The property is located on the east side of Nebraska Avenue between Massachusetts Avenue to the south and Upton Street to the north, and is known as premises 4001 Nebraska Avenue, N.W. It is zoned R-1-B.
2. The site consists of 315,810 square feet or 7.25 acres in land area. It has 60 feet of street frontage on Nebraska Avenue. The site is shaped somewhat like a baseball diamond. Vehicular access for the site is from a 310-foot long driveway from Nebraska Avenue. There is a 222-car parking lot on the site. An additional 144 spaces are provided on the adjacent site of the National Presbyterian Church. The site is developed with a two-story brick structure and a radio tower. A ground floor plus two-story addition is currently being constructed on the site. The existing structure totals approximately 124,000 square feet of floor area.
3. To the south of the subject site is the U.S. Naval Security Station with its communication facilities, including a large antenna and other miscellaneous structures close to Glover-Archbold Park. To the north of the site is the National Presbyterian Church headquarters and school facilities. The site is located in an R-1-B District. To the east of the site is Glover-Archbold Park followed by property in the C-3-A District and the McLean Gardens residential development in the R-5-A District fronting on Wisconsin Avenue.

Pertinent Zoning History

4. The Board first granted a use variance to NBC to establish an office building, and special exceptions to establish an office building with parking and a broadcast studio with tower (Appeal No. 4159, public hearing June 1, 1955). Later, following a change in the Zoning Regulations, the Board granted a use variance to permit continuation and enlargement of accessory parking facilities (Appeal No. 5494).

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5. In BZA Appeal No. 8234, dated June 16, 1965, the Board granted a use variance to permit an addition to the office building established under Appeal No. 4159. The existing building then contained 91,370 square feet and the addition provided an additional 16,280 square feet.
6. In Appeal No. 10120, dated November 16, 1979, the Board granted the applicant a use variance to permit a second floor addition to the addition permitted under Appeal No. 8234. That addition would have contained a floor area of approximately 8,140 square feet. However, the second floor addition was not constructed at that time and the Board approval for it expired.
7. In Appeal No. 12011, the Board reinstated Order No. 10120 and also granted permission to locate a temporary office structure at the property during the period of construction of the proposed second floor addition. To alleviate its continuing space concerns, NBC sought and obtained a two year extension of time for the temporary office structure (BZA Order No. 12539, dated March 7, 1978).
8. In Application No. 13222 dated July 28, 1980, the Board granted the applicant a use variance to permit a ground floor plus two-story addition to the existing structure. As a condition of approval and prerequisite to future zoning relief, the applicant was required to submit a proposed "master plan" for future development of the site.
9. NBC presented a proposed master plan to the Board with Application No. 13554 in which it sought approval for additions to the broadcast studio and office building, including a new antenna tower.
10. On November 25, 1981, the Board approved the additions and master plan, subject to the following conditions:
 - a. The additions shall be phased and constructed in accordance with the master plan marked as Exhibit No. 10 of the record.
 - b. The applicant shall secure the approval of the Director of the National Capital Region of the National Park Service for the proposed storm water drainage into Glover-Archibold Park.
11. The Board's opinion, reflecting the proposed master plan, noted that, in the future, a new larger tower structure would be installed on top of a parking garage or deck to improve broadcast range and capacity, and the larger tower would "replace" the existing 1955 tower.

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12. The new larger tower was constructed in 1988 in the general location approved by the master plan, but the 1955 tower was never removed. The garage or parking deck upon which the 1988 tower was to have been constructed was never erected because NBC obtained additional parking at the nearby National Presbyterian Church and its adjoining parking lot.
13. The 1988 tower was built, instead, on an equilateral triangular base, having footing separation of 60 feet instead of the approved 90 feet. The 1955 tower and the 1988 tower combined have a bulk of approximately 50 percent of the bulk approved for the larger antenna set forth in the master plan.
14. By letter dated February 25, 1992, the Zoning Administrator notified the applicant that under BZA Order No. 13554, the 1955 tower was to have been replaced by the 1988 tower. The Zoning Administrator advised the applicant to either remove the 1955 tower or seek special exception approval allowing it to remain. The applicant filed this application seeking modification of the previous master plan approval to permit the continued use of the 1955 tower.

The Special Exception Application

15. The two antenna towers are set back from the lot lines to conform to the Zoning Regulations, and are set back a distance of approximately 600 feet from Nebraska Avenue and approximately 200 feet from Glover-Archbold Park. The 1955 tower has an approximate height of 459 feet, a height which is 200 feet lower than the 1988 antenna tower. This height was approved by the District government during the 1955 permit process under the Act to Regulate the Height of Buildings in the District of Columbia (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 through 6-601.09). During prior proceedings the Board found this height to be reasonably necessary to render satisfactory service, and this Board adopts that particular finding based upon testimony by the applicant. The 1955 tower is approximately 30 feet from the 1988 tower at the closest point. Each part of the ground mounted antenna tower is set back a minimum of 10 feet from each lot line or a distance of at least 1/6 of the antenna height. The 1955 tower is not located within close proximity to the neighboring residential properties.
16. The 1955 tower has a minimal impact on the neighborhood from a visual standpoint. The 1955 tower is in a location which minimizes, to the greatest practical degree, its visibility from neighboring properties by virtue of its proximity to the newer tower and its main building. Set backs are provided from all property lines substantially more than is required under the Regulations. The site has been extensively landscaped and the visibility of the 1955 tower has been minimized. The visual obtrusiveness of the two towers together represents a minor skyline protrusion and the height of both towers is much less than permitted under

the Board's previous master plan approval. The 1955 tower is set back from residential areas at substantial distance and is visually shielded by distance, existing vegetation and the existing larger tower.

17. Continuation of the 1955 tower will not result in adverse impacts to the community with respect to increased density or traffic. The commercialization of the site will not be increased by a continuation of the 1955 tower and will not result in an increase in office space, number of employees, vehicular and pedestrian traffic or the establishment of other commercial uses on the site. The Board also finds that the continued use of the antenna tower will not increase existing radio interference problems, if any.
18. Continuation of the 1955 tower will not result in adverse impacts on the neighborhood stemming from the electromagnetic effects of the tower. Antennas located on the tower are licensed by the Federal Communications Commission, and the applicant has complied with all requirements of the Federal Communications Commission regarding safety of radio frequency broadcasts. In addition, the Board adopts the finding proffered by the applicant's expert engineer; i.e.: that the electromagnetic frequency is within recommended industry guidelines. The American National Standard Institutes recommended standard for impact is 1,000 microwaves per square centimeter (UM/CM²). The applicant's engineering consultant, Smith and Powstenko, noted that the maximum ground level power intensity from the main WRC/TV facility is .0014 MW/CM² which would fall at a location 69 meters from the tower base. This ground level power was likened to something less than would occur with a child's walkie-talkie transmitter.
19. With respect to the alleged health hazards stemming from the electromagnetic frequencies, the Board is not persuaded by the evidence or arguments presented by the opposition. While the record contains articles concerning the purported hazards of electromagnetic frequencies, the claims within these articles were neither persuasive nor applicable to either of the towers in this case. The Board is more persuaded by the applicant's testimony that the power generation on the site is negligible, representing a minute portion of that which is allowed under applicable laws.
20. The Board is persuaded that the continuance of the 1955 tower along with the new tower is consistent with the intent of the original master plan and the approval based upon the master plan should therefore be modified to permit its continuation. The combined volume or bulk of the two towers is well within the approved envelope of the master plan. The purpose of the 1981 master plan was to plan for the future needs and probable physical development for the NBC facility. The master plan set forth the basic design and scope of three phases of contiguous

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physical expansion. The 1955 tower covered an area of 390 square feet and had a volume of 59,670 cubic feet. The 1988 tower covered an area of 1,560 square feet with a volume of 342,680 cubic feet. The master plan, on the other hand, provided for a tower that would be 3,510 square feet in coverage and would have a volume of 771,030 cubic feet. Thus, the master plan envelope for the tower was almost twice as large as the combined area and volume of the two existing antenna towers.

21. The Board is persuaded that continuation of the 1955 tower would actually result in less impact on the surrounding neighborhood than if the master plan tower were constructed. The master plan tower would have larger structural members, 18 inches to 24 inches in width, and would be closer to Glover-Archbold Park than the other two towers. In addition, the master plan tower would have greater load bearing capacity, most likely resulting in larger and more antennas than the 1955 tower.
22. The Board credits the applicant's testimony that a continuation the 1955 antenna is critically needed for NBC's operational and economic viability. Space for antennae and antenna towers is in high demand, particularly in this area of the District. The 1955 tower is used by several providers of news programs throughout the area, the nation, and the world. As recognized in the master plan and by the Board in previous orders, NBC needs the flexibility to meet unanticipated changes in technology that require additional antenna space. The space on the 1955 tower is occupied by antennae which are critical to the operation of the TV station. These antenna include receiver microwave links from the Clock Tower at 12th Street and Pennsylvania Avenue that enable NBC-WRC to receive pictures and sound from the Mall area and the District Building. These links also allow the station to receive important news breaks and items from the White House. Additionally, there are two microwave links from the State Department, including the Channon Building and a microwave link from Capitol Hill. Of particular importance are four antennae housed on the small tower serving the District of Columbia police department. There are other antennae used by various service providers, including private two-way uses for security and other endeavors. Interruption of service would adversely affect the NBC/WRC facility.

CONCLUSIONS OF LAW

The Board is authorized under the Zoning Act of June 20, 1938 (52 Stat. 797, as amended, D.C. Code § 6-641.07(g)(2) (2001), to grant special exceptions as provided in the Zoning Regulations. The applicant applied under 11 DCMR § 3104.1 for a special exception pursuant to 11 DCMR § 211 to permit the continued use of the 1955 tower at its broadcast studio facility.

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The Board can grant a special exception where, in its judgment, two general tests are met, and, the special conditions for the particular exception are met. First, the requested special exception must "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." 11 DCMR § 3104.1. Second, it must "not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map" 11 DCMR § 3104.1.

The applicant has established that the continuation of the 1955 antenna tower is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The broadcast facility and tower has been operating at the site since 1955 and has been subject to periodic special exception reviews since that time. During this time period the tower has been compatible with the surrounding neighborhood, and there is no evidence to suggest that it would be incompatible with the neighborhood in the future (Findings of Fact 14-21). Likewise, the tower has not adversely affected the use of neighboring properties in the past; and, there is no evidence to suggest that its continued use would adversely effect the neighborhood in the future (Findings of Fact 14-21).

Under Section 211.1 of the Zoning Regulations, the Board may permit the use of commercial broadcast antenna subject to the following provisions:

The proposed location, height, and other characteristics of the antenna shall not adversely affect the use of neighboring property. Because the 1955 tower is set back from lot lines substantially more than required under the Zoning Regulations and is also set back from neighboring residential properties, its location does not adversely affect the use of neighboring properties. The height of the 1955 tower, only 459 feet, is 200 feet less than the approved 1988 tower and less than the master plan tower previously approved by the Board. The comparatively low height of the existing tower will have no impact on the use of neighboring property (See, Findings of Fact 14-15).

The antenna shall be mounted in a location that minimizes to the greatest practical degree its visibility from neighboring property and from adjacent public space, or that is appropriately screened by landscaping or other techniques so as to soften or minimize the visibility of the antenna. Because of the generous setbacks and the landscaping at the site, visibility of the tower is minimized (See, Findings of Fact 14-15). Provided the orange and white tower is repainted to "soften" its visual impact, the Board concludes that this condition will be satisfied.

Each part of a ground-mounted commercial broadcast antenna, including support system and guy wires, shall be removed a minimum of ten feet (10 ft.) from each lot line or at a distance of at least one-sixth of the mounted height of the antenna, whichever is greater. This condition is met (See, Finding of Fact 14).

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The proposed height of the tower shall not exceed that which is reasonably necessary to render satisfactory service to all parts of its service area. This condition is met (See, Findings of Fact 14 and 20).

No transmission equipment shall be located in a Residence District, unless location in the district is necessary for technically satisfactory and reasonably economical transmission. The 1955 tower is not only necessary for technically satisfactory and economic transmission; it is critically needed for NBC's operational and economic viability (See, Finding of Fact 21).

If review by the Historic Preservation Review Board or Commission of Fine Arts is required, concept review and approval shall occur before review by the Board of Zoning Adjustment. This review is not required. Therefore, this condition is inapplicable.

No height of an antenna tower in excess of that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 through 5-409 (1994 Repl. & 1999 Supp.))), shall be permitted, unless the height is approved by the Mayor. The height of the 1955 tower was approved by the District government² during the 1955 permit process (See, Finding of Fact 14).

Before taking final action on an application for use as an antenna tower, the Board shall submit the application to the D.C. Office of Planning for review and report. The Office of Planning (OP) reviewed the application and submitted a report recommending approval.

The applicant shall have the burden of demonstrating the need for the proposed height, and that full compliance with matter-of-right standards would be unduly restrictive, prohibitively costly, or unreasonable. Matter of right standards would permit only one ground mounted antenna not to exceed a height of 12 feet at its highest point (See, Sections 201.2—201.5 of the Zoning Regulations). Since 1955, when the subject tower was first approved and built, the Board has recognized that compliance with the matter-of-right standard would be unduly restrictive and unreasonable. The applicant has not only demonstrated the need for the existing 459 feet tower, it has previously demonstrated the need for towers with a greater height, i.e., the 659 feet 1988 tower, and the proposed master plan tower which was approved for 659 feet but would have appeared taller because it was to have been built atop a parking garage (See, Findings of Fact 4, 10, 14). The Board is persuaded that the applicant has satisfied its burden of demonstrating the continued need for the existing 459 feet tower.

² The District of Columbia did not have a mayor at that time. Height approval was obtained from the Commissioners of the District of Columbia instead.

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For the reasons stated above, the Board concludes that the applicant has satisfied the burden of proof with respect to the application for a special exception under § 211 to allow the continued use of the 1955 tower in a residential zone.

ANC Issues and Concerns

The Board is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; now codified at D.C. Official Code § 1-309.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. To give great weight the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC's issues and concerns.

In this case, there are two affected ANCs, ANC 3E and ANC 3C. The Board has carefully considered the reports made by each ANC. However, it finds only the report made by ANC 3E to be persuasive. As stated in the Findings of Fact, the Board agrees with ANC 3E that the continued use of the 1955 tower will not adversely impact on the neighborhood and is reasonably necessary to the applicant's operations. Accordingly, the Board gives great weight to ANC3E's recommendation to grant the special exception application.

With respect to the report by ANC 3C, the Board finds that it has not offered persuasive advice. ANC 3C maintains that this application must be evaluated under the criteria for variance relief under Section 3103 of the Zoning Regulations. The ANC is incorrect in this respect. The applicant is seeking special exception relief under Sections 3104 and 211 of the Zoning Regulations, not variance relief. Therefore, the applicant does not have to demonstrate under Section 3103.2 that that the property is affected by an exceptional condition creating a practical difficulty or undue hardship upon the owner. With respect to the ANC's other concerns; i.e. commercialization at the site, health hazards, and visual obtrusiveness, the Board is not persuaded that these issues present a significant problem for the neighborhood (See, Findings of Fact 14-18).

The Board further concludes that, as hereinafter conditioned, the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that the granting of the requested relief will not tend to adversely affect the use of neighboring property in accordance with the regulations and map. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS**:

Approval shall be until December 1, 2004, as intended by the previous Board at the time it deliberated on this case.

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The applicant shall grant the National Park Service a permanent scenic easement of a portion of the site consistent with Exhibit No. 48 of the record.

The applicant shall repaint the 1955 tower a color subject to the approval of the National Park Service.

The applicant shall establish and maintain a Community Liaison/Advisory Council which shall meet with neighborhood representatives upon the request of Advisory Neighborhood Commissions 3E and 3C. The applicant's General Manager or his/her designee(s) shall provide any relevant information about their operations upon request, including but not limited to information regarding use of the broadcast towers, real property improvements, parking and traffic issues, or community outreach efforts. The applicant shall also provide upon request information regarding its intentions to seek any licenses or approvals required by any agencies of the Federal or District or Columbia governments regarding station operations. The applicant's General Manager shall use his/her best efforts to establish an on-going dialogue with the operators of other broadcast facilities within the boundaries of Advisory Neighborhood Commissions 3E and 3C.

Therefore, for the reasons stated above, it is hereby **ORDERED** that: The motion to approve the special exception is **GRANTED**.

VOTE: 5-0-0 (Geoffrey Griffis, Curtis Etherly, Jr., Ruthanne Miller, David Zaidin and John Parsons, in favor of the motion, none opposed)

Note: Vote taken on October 7, 2003 to affirm order and send proposed order out for exceptions. The order was sent to all of the parties for exceptions and arguments on November 4, 2003. No exceptions or arguments were received by the established deadline of November 25, 2003. This order was therefore issued on DEC 01 2003.

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

Each concurring member has approved the issuance of this Decision and Order.

DATE OF FINAL ORDER: DEC 01 2003

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND 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. SG/rsn

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

Application No. 16896-A of Randle Highlands Manor, L.P., pursuant to 11 DCMR § 3103.2, for a variance from maximum number of stories under § 400, and a variance from the floor area ratio requirements under § 402, and pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a community residence facility (assisted living facility for seniors and other qualified persons, 52 residents and 40 rotating staff) under § 358, in an R-5-A zone district, at premises 2700 R Street, S.E. (Square 5585, Lot 812).

HEARING DATES: July 16, 2002, October 22, 2002, January 7, 2003

DECISION DATE: January 28, 2003

DATE OF DECISION ON RECONSIDERATION: July 1, 2003

ORDER DENYING RECONSIDERATION

On April 17, 2003, applicant Randle Highlands Manor, L.P., ("Applicant") moved for reconsideration of the Board of Zoning Adjustment's ("Board") March 28, 2003 order denying its application for variance and special exception relief. *See*, § 3126 of Title 11 of the District of Columbia Municipal Regulations ("DCMR"). On May 1, 2003, opposition party representative Geraldine Marshall filed an untimely response to the request for reconsideration. *See*, 11 DCMR § 3126.5.

In its Motion for Reconsideration, Applicant set forth six alleged errors in the Board's order and, pursuant to § 3126.6, presented as new evidence two letters from the Director of the District of Columbia Department of Housing and Community Development ("DHCD") which were not in the record before the Board on January 28, 2003. On April 30, 2003, Applicant supplemented its Motion for Reconsideration with *Community Housing Trust v. Department of Consumer and Regulatory Affairs*, 257 F.Supp.2d 208 (D.D.C. 2003), an April 16, 2003 decision of the United States District Court for the District of Columbia concerning the discriminatory application of the District's zoning regulations.

The Applicant asserts that the Board should consider the two letters from DHCD in reconsidering its decision. The first letter is dated January 28, 2003, the date of the Board's decision meeting, and the second is dated April 16, 2003. The first letter states DHCD's approval of the proposed use. The second letter reiterates and fleshes out this approval. The Applicant feels that these letters warrant reconsideration of the Board's order because language in the order led the Applicant to believe that the absence of a clear statement of DHCD approval of the proposed use may have contributed to the denial of the application. Although the Applicant does not direct the Board to the language in question in the order, from what the Board can glean from the Applicant's

motion, it appears to be referring to footnote number 1, on page 1 of the order. Footnote number 1 shows that the Board was attempting to ascertain whether the subject property, which Applicant purchased from the District of Columbia Homestead Program, could be improved with an assisted living facility, because the Program requires the purchaser of Homestead property to "[s]ell each unit to first-time homebuyer who will live in it for at least five years."

The Board has reviewed and considered both DHCD letters. While the Board is appreciative of DHCD's approval of the proposed use, the Board's decision was not at all based on the use of the proposed facility, whether or not approved by DHCD. The Board merely questioned whether this facility is permissible on a Homestead Property, but did not consider this issue in making its decision. The Board reached its decision based on a neutral application of the zoning law, and DHCD's approval of the proposed use is not relevant to the Board's zoning analysis of FAR and height variances. Therefore, the fact that DHCD's position relative to the proposed use may not have been clear to the Board on January 28, 2003 had no bearing on the Board's decision.

Applicant further asserts that the Board erroneously found that a smaller facility might be possible at the subject location, that the proposed facility would cause traffic and parking congestion, and that the primary need for the requested relief was the maximization of profit. Applicant complains that the Board did not follow its own and case law precedent and that it ignored the recommendation of Advisory Neighborhood Commission ("ANC") 7(B) and the testimony of community residents.

The Applicant also claims that the use of the proposed facility as a senior residence facility led to opposition and was a factor in the Board's decision. The Applicant claims that *Community Housing Trust* does not allow use to be considered if it leads to a discriminatory application of the zoning regulations.

After reading the Federal District Court case and considering all of the Applicant's contentions, the Board denies the Applicant's motion for reconsideration. Concerning the size of the facility and the economic justification therefore, the Board reiterates that this facility, with its more-than-double-matter-of-right FAR, is just too dense for the subject property. The property is not appropriate for a building of this size and there is nothing inherent in the property or in any of the other factors cited by the Applicant which necessitates the density. The density is necessary because of financial constraints. Due to the greater density, there will be a greater negative effect on local traffic and parking.

As far as the Applicant's contentions concerning ignoring precedent, each special exception and variance application is considered on its own facts. The Board is not unmindful of caselaw and its own past decisions allowing variance relief based on a confluence of factors. The factors Applicant relies on, however, are too far afield and do

not create uniqueness nor result in undue hardship to the Applicant. Nor can they sustain a special exception when weighed against the negative impacts on the neighborhood.

The Applicant also claims that the Board "ignored" or "disregarded" the testimony of local residents and of the ANC Chairman, as well as the written letter of the ANC. It is not apparent how the Applicant came to this conclusion. The Board listens to, and considers, all the evidence in the record in every case before it. It does not disregard testimony, but it may choose not to rely on certain testimony. *See, e.g., Bakers Local Union v. Board*, 431 A.2d 176, 178-179 (D.C. 1981). The Board may also weigh some testimony more heavily than other testimony. *See, e.g., Kopff v. District of Columbia Alcoholic Beverage Control Board*, 381 A.2d 1372, 1385 (D.C. 1977). ("Individual ... members are presumed capable of properly assessing the reliability and weight of evidence.") Further, the Board considered the letter from the ANC, but was prevented from according it the "great weight" to which it would otherwise have been entitled because it failed to meet all the requirements of 11 DCMR § 3115.1. *See*, March 28, 2003 Order, at 4-5.

The Applicant also points the Board to the *Community Housing Trust* case. The case concerned the discrepancy between the certificate of occupancy ("C of O") requirements applicable to six unrelated disabled persons living together versus those of six unrelated non-disabled persons living together. The latter, under 11 DCMR § 199.1, constitutes a "family," and therefore, does not need a C of O, but the former is considered to constitute a Community-Based Residential Facility, which needs a C of O. Under this scenario and the facts in the case, the zoning regulations were held to be discriminatory both facially, and as applied to persons with disabilities.

Community Housing Trust is distinguishable here. First, unlike in *Community Housing Trust*, which involved a residence for men with mental disabilities, the Applicant did not claim that the proposed facility would be operated as housing for persons with handicaps. This would have been a matter-of-right use in an R-5-A zone district. *See*, 11 DCMR § 330.5(i) and March 28, 2003 Order, Finding of Fact No. 10. Second, the Board's decision was not based to any degree on the use of the facility, but on the size of the facility. The FAR and height variances requested here have nothing to do with the status of the residents. The same zoning tests would apply and would be addressed by the Board whether or not the residents were disabled. This is not true in *Community Housing Trust*. There, different zoning regulations applied depending solely on whether or not the residents were disabled.

Community Housing Trust also discusses the "tainting" effect of neighborhood opposition. In the instant case, there was some community opposition, and some community support. Both were irrelevant to the Board's decision making. The Board re-emphasizes that its decision was based on the magnitude of the relief requested and the

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failure of the Applicant to meet the special exception and variance tests, not on the existence of an opposition party or on the status of the residents of the proposed facility.

For these reasons, it is hereby **ORDERED** that Randle Highlands Manor L.P.'s Motion for Reconsideration is **DENIED**.

VOTE: 3-1-1 (Geoffrey H. Griffis, David A. Zaidain, and James H. Hannaham (by proxy) to deny, Curtis L. Etherly, Jr. opposed to the motion, Ruthanne G. Miller not voting, not having participated in the case).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: DEC 01 2003

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. LRFM/rsn

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

Application No. 17073 of PSD Trust, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to a single-family dwelling under section 223, not meeting the side yard requirements (section 405) in the TSP/R-1-A District at premises 2740 32nd Street, N.W. (Square 2119, Lot 18).

HEARING DATE: November 25, 2003
DECISION DATE: November 25, 2003 (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) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C 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 § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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 OP 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, subject to the conditions set forth below, 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

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

VOTE: 5-0-0 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., David A. Zaidain, Ruthanne G. Miller, and John G. Parsons 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: DEC - 1 2003

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.

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,

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FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

Application No. 17074 of Deborah Gelin, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to a single-family semi-detached dwelling under section 223, not meeting the lot occupancy requirements (section 403) rear yard requirements (404) and nonconforming structure provisions (subsection 2001.3) in the R-3 District at premises 1404 29th Street, N.W. (Square 1258, Lot 809).

HEARING DATE: November 25, 2003
DECISION DATE: November 25, 2003 (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) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E submitted a letter at the hearing 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 § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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 OP 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, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17074

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

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., David A. Zaidain, and John G. Parsons 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: DEC - 1 2003

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.

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,

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

Application No. 17076 of Jubilee Housing, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, for a private club in the R-5-B District at premises 1630 and 1650 Fuller Street, N.W. and 1631 Euclid Street, N.W. (Square 2576, Lots 62, 63, and 809).

HEARING DATE: November 25, 2003
DECISION DATE: November 25, 2003

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) 1C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report in support of the application. The site of the application is located within the jurisdiction of ANC 1C. ANC 1C submitted a letter in support of the application.

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 ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party,

BZA APPLICATION NO. 17076
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and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 4-0-1 (Curtis L. Etherly, Jr., David A. Zaidain, John G. Parsons, and Ruthanne G. Miller to approve, Geoffrey H. Griffis not voting, having recused himself).

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: DEC - 1 2003

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.

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

BZA APPLICATION NO. 17076

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AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

Application No. 17077 of Eugene D. Myles (New Beginning Christian Fellowship, Inc.), pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, for a church in the C-1 District at premises 4421 Sheriff Road, N.E. (Square 5126, Lots 824 and 826).

HEARING DATE: November 25, 2003
DECISION DATE: November 25, 2003 (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) 7C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report in support of the application. The site of the application is located within the jurisdiction of ANC 7C. ANC 7C did not participate in the application.

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 report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party,

BZA APPLICATION NO. 17077
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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 be **GRANTED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., David A. Zaidain, John G. Parsons to approve,).

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: DEC - 1 2003

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.

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,

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FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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

Application No. 17078 of TC MidAtlantic Development Inc. on behalf of Avalon Bay Communities, Inc. and Ruby Restaurant, Inc. pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements in order to permit the development of a ten-story office building with ground floor retail in the DD/C-2-C District pursuant to section 411 and subsection 770.6, at premises 777 6th Street, N.W. (Square 486, Lots 10, 11, 12, 13, 36, 804, 805, 806, 807 and 808).

HEARING DATE: November 25, 2003
DECISION DATE: November 25, 2003 (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) 6C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report in support of the application. The site of the application is located within the jurisdiction of ANC 6C. ANC 6C submitted a letter 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 § 770.6. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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 OP the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 770.6, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

VOTE: 3-1-1 (Curtis L. Etherly, Jr., Ruthanne G. Miller, and David A. Zaidain to approve, John G. Parsons opposed to the motion and Geoffrey H. Griffis not voting having recused himself).

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

FINAL DATE OF ORDER: DEC - 1 2003

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.

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

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DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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