

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS**Certification of Filling Vacancies In Advisory Neighborhood Commissions**

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

Maude E. Ababio
Single-Member District 5B12

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2008

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 51 N Street, NE., Washington, D.C., intends to issue a permit to United Medical Center to operate one (1) 24.5 Million BTU/hr Cleaver Brooks Boiler at 3101 Southern Avenue SE Washington DC 20032.

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

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

Comments should be addressed to:

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

No written comments postmarked after October 19, 2008 will be accepted.

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

**DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HIV/AIDS ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY
RFA #HAA_EMA10-03-08**

FY 2009 Ryan White Part A Eligible Metropolitan Area (EMA)-Wide Grant

The Government of the District of Columbia, Department of Health/ HIV/AIDS Administration (Grantee and the District of Columbia Administrative Agency) in conjunction with the Prince George's County Health Department (Suburban Maryland Administrative Agency), the Northern Virginia Regional Commission (Suburban Virginia Administrative Agency) and the Washington Metropolitan Regional HIV Health Services Planning Council (Planning Council) is soliciting applications from qualified applicants to provide a variety of clinical and medical support services to indigent, uninsured and under-insured persons who are HIV-infected and affected.

Approximately \$22,305,734 in FY 2009 (March 1, 2009 – February 28, 2010) Ryan White Part A EMA-Wide Grant funds are expected to be available in the following jurisdictions: District of Columbia is expected to have approximately \$13,000,000 available; Suburban Maryland is expected to have approximately \$5.4 million dollars available; and Suburban Virginia is expected to have approximately \$3.9 million dollars available.

These funds will be awarded to the District of Columbia HIV/AIDS Administration (HAA) by the U.S. Health Resources & Services Administration (HRSA) under the Ryan White Part A program contingent upon availability of funds. Services under the FY 2009 Ryan White Part A EMA-Wide Grant programs includes outpatient primary medical health care, specialized case management, basic life needs and a variety of support services.

The Request for Applications (RFA) is both EMA-wide and separated by jurisdiction. **The release date for this RFA is Friday, October 3, 2008.** The District of Columbia, Department of Health, HIV/AIDS Administration will have the complete EMA-wide RFA including the District of Columbia section available for pick up at 64 New York Avenue, NE, 5th Floor, Suite 5001 and on the following website www.opgd.dc.gov on **Friday, October 3, 2008.** Please contact T'Wana Holmes at (202) 671-4900 for additional information.

The Request for Application (RFA) submission deadline is 5:00 pm Friday, November 21, 2008 for the EMA, District of Columbia, Suburban Virginia and Suburban Maryland. Applicants applying for EMA-wide service categories must submit applications to the District of Columbia. Applicants applying for jurisdictional services must submit their applications to the appropriate jurisdiction. The EMA-Wide Pre-Application conference will be held in the District of Columbia at 64 New York Avenue, NE, 5th Floor, Suite 5001, Washington, DC 20002, **on Monday, October 13, 2008, from 10:00am – 1:00pm.**

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DEPARTMENT OF HEALTH

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The Prince Georges County Health Department will have their jurisdictional RFA available for pick up at 1701 McCormick Drive, Suite 210, Largo, Maryland 20774 and on the web at http://www.co.pg.md.us/Government/AgencyIndex/Health/grant_opps.asp on **Friday, October 3, 2008**. The Prince Georges County Health Department will only have the Suburban Maryland sections of the RFA available for pick up. Please contact Olive Majors at (301) 883-7848 for additional information.

The Northern Virginia Regional Commission will have their jurisdictional RFA available for pick up at 3060 Williams Drive, Suite 510, Fairfax, Virginia 22031 and on the web at www@novaregion.org on **Friday, October 3, 2008**. The Suburban Virginia Regional Commission will only have the Northern Virginia sections of the RFA available for pick up. Please contact Nicole Clopton at (703) 642-0700 for additional information.

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF FUNDING AVAILABILITY**

Leila Finucane Edmonds, Director, Department of Housing and Community Development (DHCD), and Steve Baron, Director, Department of Mental Health (DMH), announce a Notice of Funding Availability (NOFA) under the Department of Mental Health (DMH) funds administered by DHCD. The RFQ process will identify a qualified lender to leverage up to \$1 million DMH grant dollars with other private funds to finance needed rehabilitation of smaller buildings serving DMH consumers.

The District is interested in financing the rehabilitation of multi-family residential buildings, in order to preserve multi-family rental housing for low and moderate income DMH consumers. *The financed units will be designated for the exclusive occupation and use of DMH consumers.*

The competitive Request for Qualifications (RFQ) will be released on Wednesday, October 8, 2008. Interested parties may obtain the RFQ package, including all application materials, at DHCD, Development Finance Division, 801 North Capitol Street, N.E., 2nd floor receptionist desk. This material will also be available from the DHCD website, www.dhcd.dc.gov by Friday, October 10, 2008.

For additional information, contact DHCD at (202) 442-7173.

Completed applications must be delivered on or before Friday, November 7, 2008, no later than 4:00 PM EST, to DHCD, Development Finance Division, 801 North Capitol Street, N.E., 2nd floor receptionist desk, Washington, DC, 20002.

DHCD will review applications and expects to invite qualified Lenders to be interviewed for selection by late November. DHCD expects to complete the review process within 30 days of the RFQ closing date.

NO APPLICATIONS WILL BE ACCEPTED AFTER THE SUBMISSION DEADLINE

Please see our website www.dhcd.dc.gov for updates.

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

Options Public Charter School seeks bids on laptop computers, personal computers, and mobile computer lab carts configured to our LAN with three year warranties. The actual number of computers purchased will vary based on the bid price.

Bids should include individual unit pricing and group pricing on laptop and PC computers. Bidders may submit bids for the equipment alone or the equipment and installation.

In addition, we would like to receive pricing on mobile computer lab carts which support HP, IBM, or Lenovo laptop computers. The pricing of the lab carts should be independent of the laptops with an option to purchase the carts with the laptop computers.

The selection committee will consider the quality and cost of the product offered and the experience and availability of the service provider to install the product in a timely manner.

Minimum specifications for the Laptops, PCs, and Lab Carts and contact information are provided below.

Laptop Computers:

15" TFT screen, 1.5ghz processor, 512MB RAM, 40GB hard drive, CD-RW/DVD, Wireless 802.11g, Ethernet 10/100, 4.5hrs battery life, 3 year warranty, Windows XP-Pro, Office.

Two (2) Brentford Mobile Lab Carts with slots for 18 laptops, Heavy steel cabinets with lockable doors, suitable power supply to charge laptops when not in use, top area usable for printer.

Bids must be received by Bids should be received by 4:00 pm on Friday, September 26, 2008.

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

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

Options Public Charter School is a 501(c)(3), not-for-profit, public school seeking bids on a 14 seat Multi-Function School Activity Bus (MFSAB) meeting all FMVSS for school buses including seat belts for all seats. We are eligible for all State and Federal discount pricing.

We are seeking a single or dual wheel vehicle with automatic transmission, a standard chassis that is currently in production, and factory air. Bids may also include, but do not require, a standard service contract. The successful bidder will have a bus available for delivery upon award of the bid. Bids should include a full description of both standard and optional features with full cost after all discounts.

Bids must be received by Friday, September 26, 2008.

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

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

Options Public Charter School seeks a special education coordinator attorney or legal firm to represent the school and the school's Board of Trustees in the District of Columbia.

Successful bidders will have a minimum of ten years experience representing parents and Charter Schools in the District of Columbia and will offer a full range of legal services and advice to include representation at hearings and other legal proceedings.

Preference will be given to bidders offering a flat fee retainer for all legal services incurred during the 2009 school year. Bids should include an option to renew for a period of not less than three years.

Bids should be received by 4:00 pm on Friday, September 26, 2008.

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

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

Appeal No. 17532-B of AppleTree Institute for Education Innovation, Inc., pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, to require BZA special exception approval for a proposed addition to an existing building to accommodate a public charter school use. Appellant alleges that the Zoning Administrator erroneously relied upon the Zoning Commission's February 13, 2006 emergency rulemaking to require additional on-site parking spaces. The subject property is located in the R-4 district at premises 138 12th Street, N.E. (Square 988, Lot 820).

HEARING DATE:	November 21, 2006
DECISION DATE:	January 9, 2007
RECONSIDERATION DATE:	August 17, 2007
STAY DECISION DATE:	October 23, 2007

ORDER DENYING STAY

By order issued July 25, 2007, the Board of Zoning Adjustment ("Board" or "BZA") granted an appeal by AppleTree Institute for Education Innovation, Inc. ("Appellant" or "AppleTree"), finding that the Zoning Administrator erred in denying AppleTree's application for a building permit on the grounds that the proposed use of the subject property as a public school failed to meet minimum requirements for lot area, lot width, and number of parking spaces. Parties in this proceeding were the Appellant, Advisory Neighborhood Commission 6A, and Northeast Neighbors for Responsible Growth.

By motion dated September 7, 2007, several individuals who were members of Northeast Neighbors for Responsible Growth requested a stay of the Board's order pending the outcome of their appeal of the order to the District of Columbia Court of Appeals.¹ The motion alleges that petitioners will suffer immediate and irreparable harm "if the building permits are issued" to AppleTree as a result of the Board's ruling on the appeal. The petitioners argue that a stay will not cause undue hardship to AppleTree, as the school year has already begun and thus AppleTree cannot commence its proposed charter school at the subject property for at least a year. The motion also asserts that a zoning text amendment, under consideration by the Zoning Commission in Z.C. Case No. 07-03, will render the Board's ruling moot and will require

¹ Petitioners also filed a motion for stay of the order with the District of Columbia Court of Appeals. The Court of Appeals denied the motion on the basis of *Barry v. Washington Post Co.*, 529 A.2d 319 (D.C. 1987). See *Jorgen et al. v. D.C. Bd. of Zoning Adjustment*, 07-AA-943 (D.C. September 21, 2007). The Board also relies on the *Barry* case as set forth in this order.

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AppleTree to seek a special exception for its proposed additions to the building at the subject property.

CONCLUSIONS OF LAW

To prevail on a motion for stay, the party seeking the stay must demonstrate that (i) it is likely to prevail on the merits, (ii) irreparable injury will result if the stay is denied, (iii) the opposing party will not be harmed by a stay, and (iv) the public interest favors the granting of a stay. *See Kufлом v. District of Columbia Bureau of Motor Vehicle Services*, 543 A.2d 340, 344 (D.C. 1988) (administrative agency required to consider the four specified factors in considering a motion for stay). Where the last three factors strongly favor temporary relief, only a "substantial" showing of likelihood of success, not a "mathematical probability," is necessary for the grant of a stay. *See Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987).

The Board concludes that the motion for stay fails to satisfy any of the four prongs of the test required for the granting of a stay. The motion does not address the likelihood that the petitioners will prevail on the merits of their appeal of the Board's order in this proceeding. The motion alleges, without any description or elaboration, that the petitioners will suffer immediate and irreparable harm if AppleTree receives building permits as a result of the Board decision to grant AppleTree's appeal. Petitioners argue that such permits would allow construction and that it would be an extraordinary remedy for the Court to order Appletree to tear down such building should the Court rule against Appletree. However, a landowner who proceeds to erect a building while the issuance of a building permit is on appeal does so at his own risk. *See Coneen v. Speedy Muffler King, Inc./Bloor Automotive, Inc.*, 568 A.2d 700 (Pa. Commw. Ct. 1989). Nor is the Board persuaded by the petitioners' unsubstantiated claim that additional delay arising from a stay will not cause undue hardship to AppleTree simply because a new school year has begun. The petitioners argue that denial of a stay would frustrate the public purpose by allowing AppleTree to avoid having to seek a special exception, consistent with amendments approved by the Zoning Commission in Case No. 07-03. However, the Board's decision to grant AppleTree's appeal became effective prior to the effective date of the Zoning Commission's final rulemaking in Case No. 07-03.

For the reasons stated above, the Board concludes that the petitioners did not meet the burden of proof with respect to their motion to stay the effect of the Board's order issued in this proceeding. It is hereby **ORDERED** that the motion for stay is **DENIED**.

VOTE: **3-0-2** (Ruthanne G. Miller, Curtis L. Etherly, Jr., and Marc D. Loud
voting to deny; Zoning Commission member and one Board
member not participating, not voting).

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

Each concurring Board member approved the issuance of this order.

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FINAL DATE OF ORDER: SEP 05 2008

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 07-30
Z.C. Case No. 07-30
(Map Amendment – 11 DCMR)
(Marshall Heights rezoning from R-5-A to the R-2 or R-3 Zone Districts)
July 14, 2008**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF SPECIAL PUBLIC MEETING**

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled a Special Meeting for Thursday, October 16, 2008, at 6:30 P.M., to consider various items.

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

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
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DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

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