

**OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis**

**NOTICE of INCREASES in the 2009 STANDARD DEDUCTION,
PERSONAL EXEMPTION, HOMESTEAD DEDUCTION
and TRASH COLLECTION CREDIT**

I. Standard Deductions

Per D.C. Code §§ 47-1801(26) and 47-1803.03(c), the annual Standard Deduction (pertaining to the Individual Income Tax) for calendar year 2009 is adjusted in the following manner:

The Washington Area CPI value for July 2007:	134.442
The Washington Area CPI value for July 2008:	142.065
The percent change in the index during the above time period:	5.7%

Therefore, effective January 1, 2009:

- **the Standard Deduction for all filers (except for a married person filing separately) will be (rounded down to the nearest \$50.00) \$4,200.00**

- **the Standard Deduction for a married person filing separately will be (rounded down to the nearest \$50.00) \$2,100.00**

II. Personal Exemption

Per D.C. Code § 47-1806.02(i), the annual Personal Exemption (pertaining to the Individual Income Tax) for calendar year 2009 is adjusted in the following manner:

The Washington Area CPI value for July 2007:	134.442
The Washington Area CPI value for July 2008:	142.065
The percent change in the index during the above time period:	5.7%

Therefore, effective January 1, 2009:

- **the Personal Exemption will be (rounded down to the nearest \$50.00) \$1,750.00**

III. Homestead Deduction

Per D.C. Code §§ 47-850(a)(1) and 47-850.01(a)(1), the annual Homestead Deduction (pertaining to Real Property Tax) for tax year 2009 is adjusted in the following manner:

The Washington Area CPI value for September 2007:	134.678
The Washington Area CPI value for September 2008:	142.036
The percent change in the index during the above time period:	5.5%

Therefore, effective October 1, 2008:

- **the Homestead Deduction will be (rounded down to the nearest \$50.00) \$67,500.00**

IV. Condominium and Cooperative Trash Collection Credit

Per D.C. Code §§ 47-872 and 47-873, the annual Trash Collection Credit amount (pertaining to Real Property Tax) for tax year 2009 is adjusted in the following manner:

The Washington Area CPI value for calendar year 2007:	133.464
The Washington Area CPI value for calendar year 2008:	139.447
The percent change in the index during the above time period:	4.5%

Therefore, effective January 1, 2009:

- the Trash Collection Credit will be (rounded to the nearest whole dollar) \$96.00**

A Summary of CPI-Adjusted Deduction and Exemption Amounts for 2009			
	2008 Amounts	CPI Adjustment Factor*	2009 Amounts
Standard Deduction	\$4,000.00	1.057	\$4,200.00
Married Filing Separate	\$2,000.00	1.057	\$2,100.00
Personal Exemption	\$1,675.00	1.057	\$1,750.00
Homestead Deduction	\$64,000.00	1.055	\$67,500.00
Trash Collection Credit	\$92.00	1.045	\$96.00

* Source: U.S. Bureau of Labor Statistics, data accessed February 2, 2009.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST

The following is a listing of raze permit applications filed with the Permit Operations Division of the Department of Consumer and Regulatory Affairs:

Application Date	Address	Lot	Square	Use
January 28, 2009	6929 Georgia Avenue, NW	812	2967	2 story single family development
January 28, 2009	6925 Georgia Avenue, NW	811	2967	2 story single family development

For further information, please contact Mr. Joseph Bembry at the Permit Operations Division via email at Joseph.Bembry@dcra.gov or Ms. Cheryl Randall Thomas, Manager of the Permit Center, at (202) 442-4534.

OFFICE OF DOCUMENTS**NOTICE OF AVAILABILITY****D.C. Municipal Regulations
Comprehensive List of Amendments**

The Comprehensive List of Amendments to the District of Columbia Municipal Regulations (DCMR), as of January 30, 2009, is available online on the Web site for the Office of the Secretary.

To display the DCMR List of Amendments:

1) Visit the Web site for the Secretary of State at: **<http://www.os.dc.gov>**

2) From the **Services** section on the left hand side of the page,

Click on **Access DC Municipal Regulations and Register**.

The browser displays the DC Municipal Regulations and Register Page.

3) Click on **List of Amendments to the D.C. Municipal Regulations**.

The amendments are arranged by DCMR title.

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 six (6) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3D07, 6B11, 7B01, 8C05, 8C06, 8E01

Petition Circulation Period: **Tuesday, February 17, 2009 thru Monday, March 9, 2009**

Petition Challenge Period: **Thursday, March 12, 2009 thru Wednesday, March 18, 2009**

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
Washington, DC 20001**

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2009

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 operate one (1) 300 kW Kohler, Model 300REOZDD diesel emergency generator at 4555 Overlook Avenue, SW, Washington D.C.

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

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

Comments should be addressed to:

Stephen S. Ours
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE, 5th Floor
Washington D.C. 20002

No written comments postmarked after March 15, 2009 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT - ENERGY OFFICE**FISCAL YEAR 2009 - NOTICE OF FUNDING AVAILABILITY****District of Columbia Renewable Energy Incentive Program****Introduction**

The District of Columbia Renewable Energy Incentive Program (REIP) was established by section 209 of the Clean and Affordable Energy Act of 2008 and provides rebates to District of Columbia organizations, businesses, and individuals to support the installation of renewable energy generation equipment. The program is administered by the District Department of the Environment (DDOE) under the Energy Office's "GreenEnergyDC" program umbrella. Eligible technologies include solar photovoltaic, solar thermal water and space heating, geothermal ground source heat pumps, small wind, biomass, methane, or waste-gas capture. To qualify for a rebate, each technology must meet specific criteria outlined in program materials available online at www.greenenergy.dc.gov and at the District Department of the Environment - Energy Office. The program operates on a first-come, first-served basis until all funds are committed for the fiscal year ending September 30, 2009.

Incentive Levels

A funding level of \$2 million per year is appropriated for fiscal years 2009-2012, of which up to \$20,000 annually may be used to support the installation of renewable energy monitoring and communications systems. Rebate levels are tiered and vary according to technology type. Rebates may only be used for materials and services pertinent to the renewable energy system and is therefore limited to equipment, labor, permits, construction costs and materials only.

Incentive Eligibility

The following organizations are eligible to apply for rebates under this Notice of Funding Availability: individuals, organizations, small businesses, and independent schools and educational institutions. The following entities are not eligible to apply for DC Renewable Energy Incentive Program rebates: United States Federal government, electricity utilities, electricity suppliers, natural gas utilities, natural gas suppliers, heating oil suppliers, District of Columbia government agencies, and District of Columbia Public Schools.

Contractors interested in participating in this program via listing in DDOE's register of "Washington Area Renewable Energy Contractors, Installers and Suppliers" must submit a Contractor Participation Application, and maintain a current and trade-appropriate District business license with the Department of Consumer and Regulatory Affairs.

Application Process

Rebate prequalification applications submitted under this solicitation will receive a reservation number according to the date and time the prequalification application is received by DDOE. This reservation number is unique to each application, and is held on file for 12 months in the event that all funds are expended for the program year. Following approval of the prequalification application, system owners must submit a full program application to apply for an incentive payment.

Rebate Payments and Project Completion

Payments will be processed upon DDOE's receipt of a full REIP application packet that includes a renewable energy generating equipment purchase invoice. The system owner has six (6) months from the date of final approval to complete installation and have it verified by DDOE. DDOE retains the exclusive right to allow a system owner to request in writing an additional six (6) months to complete their installation and verify successful completion. If the installation is not completed in the time allotted, the incentive must be returned to DDOE. A system owner's failure to return the rebate will constitute a lien on all of owner's real and personal property to secure repayment.

Contacts:

For further information and application materials, please visit www.greenenergy.dc.gov

Mailing address:

Emil King – Program Manager
Renewable Energy Incentive Program
District Department of the Environment
Energy Office
2000 14th Street, NW
Suite 300 East
Washington, DC 20009
Energy Hotline: 202.673.6750
greenenergy@dc.gov

Applicant Timeline

Program Opens	February 23, 2009
Deadline for submissions	Applications are accepted until all funds are committed
Dissemination of Rebates	Year-round as approved

**HEALTH REGULATION AND LICENSING ADMINISTRATION
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**Notice of Regularly Scheduled Public Meetings
Calendar Year 2009-2010**

Health Professional Boards Monthly Meetings

FEBRUARY 2009

Board	Day	Date	Time
Nursing	Wednesday	4	8:00 am
Pharmacy	Thursday	5	9:30 am
Respiratory Care	Monday	9	9:00 am
Chiropractic	Tuesday	10	1:00 pm
Social Work	Wednesday	11	9:00 am
Nursing Home Administration	Thursday	12	1:30 pm
Professional Counseling	Friday	13	9:00 am
Physical Therapy	Tuesday	17	3:00 pm
Dentistry	Wednesday	18	10:00 am
Veterinary Examiners	Thursday	19	10:00 am
Massage Therapy	Thursday	19	1:30 pm
Psychology	Friday	20	10:00 am
Audiology & Speech Therapy	Monday	23	9:00 am
Medicine	Wednesday	25	9:00 am

MEETING LOCATION

717 14th Street, NW
10th Floor
Washington, DC 20005

The locations, dates and/or dates may vary. To confirm attendance and location please contact:

Deborah Y. Barnes
Executive Assistant
Government of the District of Columbia
Health Regulation and Licensing Administration
717 14th Street, NW 10th Floor
Washington, DC 20005
Phone: (202) 724-8819 | Fax: (202) 724-8677
deborah2.barnes@dc.gov

**DEPARTMENT OF HEALTH CARE FINANCE
PHARMACY AND THERAPEUTICS COMMITTEE**

NOTICE OF PUBLIC MEETING

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held Thursday, March 5, 2009, at 2:30pm in Conference Room 4131, at 825 North Capitol Street, NE Washington, DC 20002.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Rapid-Acting Insulin	Multiple Sclerosis Agents
Insulin Mix Products	Endothelin Receptor Antagonists (Oral Agents)
Insulin 70/30	Cholinesterase Inhibitors (Alzheimer's Agents)
Insulin N	NMDA Receptor Antagonists (Namenda)
Insulin R	Non-Ergot Dopamine Receptor Antagonists
Carbamazepine Derivative Anticonvulsants	Histamine-2-Receptor Antagonists
First Generation Anticonvulsants	Benzoyl Peroxide/Clindamycin Products
Second Generation Anticonvulsants	Ulcerative Colitis Agents (Oral and Rectal)
Progestins for Cachexia	Meglitinides

Any person or organizations who wish to make a presentation to the DHCF Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 no later than 4:45pm on Friday, February 27, 2009. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee no later than 4:45pm on Friday, February 27, 2009. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back). The ready-to-disseminate, written information can also be mailed before the meeting to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
825 North Capitol Street, NE
Washington, DC 20002

DISTRICT OF COLUMBIA HOUSING AUTHORITY

Notice of Public Meetings

The regular meetings of the Board of Commissioners of the District of Columbia Housing Authority are held in open session on the second Wednesday of each month. The dates and times of the meetings for the year 2009 follows.

January 14, 2009	CANCELLED	1:00 p.m.
February 11, 2009		1:00 p.m.
March 11, 2009		1:00 p.m.
April 8, 2009		1:00 p.m.
May 13, 2009		1:00 p.m.
June 10, 2009		1:00 p.m.
July 8, 2009		1:00 p.m.
August 12, 2009	CANCELLED	1:00 p.m.
September 9, 2009		1:00 p.m.
October 14, 2009		1:00 p.m.
November 11, 2009		1:00 p.m.
December 9, 2009		1:00 p.m.

A copy of the draft agenda for each meeting is posted in the lobby at 1133 North Capitol Street, N.E.

January 2009

DC STATE BOARD OF EDUCATION**NOTICE OF PUBLIC MEETING****DC State Board of Education**

The DC State Board of Education will hold their regularly scheduled public meeting on **residency verification**.

Should anyone wish to testify before the DC State Board of Education on this or any educational concerns, they should notify the State Board of Education office by close of business February 17, 2009. They should also bring fifteen (15) copies of their testimony to the meeting.

Wednesday, February 18, 2009

5:30 pm

First Floor Chambers

441 4th Street, NW

Washington, DC 20001

Contact: Beverley R. Wheeler (202) 741-0884

Beverley.wheeler@dc.gov

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

Application No. 17793-A of Ann-Lee Chen and Ray S. Chen, pursuant to 11 DCMR §3104, for a special exception to allow a change of a non-conforming use of the subject property from a rooming house to a two-family flat under § 2003.1 in the R-3 District at premises 1693 35th Street, N.W. in Georgetown (Square 1294, Lot 0218).

HEARING DATES: July 15, 2008, October 28, 2008, and November 5, 2008

DECISION DATE: November 5, 2008 (Bench Decision)

CORRECTED DECISION AND ORDER*

This application was submitted on February 13, 2008, pursuant to a November 5, 2007 referral letter from the Zoning Administrator, by Ann-Lee Chen and her brother, Ray S. Chen (collectively “Applicant”), the owners of the property that is the subject of this application (“Property”). In September 2006, the Applicant purchased the Property, a two story row dwelling constructed in 1900. The first floor and basement were configured and used as a one-family dwelling by the previous owner dating back to the 1950’s. The second floor was configured and used as a rooming house. The two levels are connected by an interior staircase. Certificate of Occupancy (“C of O”) No. B6124 (August 12, 1957), authorized the use of Unit No. 2 as a “Rooming House (Less Than Five Roomers).” In September 2007, DCRA issued a change of ownership C of O, No. CO 151251, to the Applicant authorizing continued use of the second floor as a “Rooming House (5) Rooms.”

The Property is located in the R-3 zone district. Pursuant to the May 1958 version of the Zoning Regulations, a rooming house is first permitted in the R-4 zone. Because the rooming house use was lawfully established, but is no longer permitted in the zone district where it is located, it is considered a nonconforming use. 11 DCMR § 199.1 (definition of “Nonconforming use”). The Applicant desires to change the nonconforming rooming house use to a dwelling unit. The creation of a second dwelling unit would result in the entire building being considered a flat, which is also a use first permitted in the R-4 district. The Applicant therefore filed this application pursuant to § 2003, which permits the Board to grant requests of this type.

The Board held hearings on the application on July 15, 2008, October 28, 2008, and November 5, 2008. The July 15, 2008 hearing was continued at the request of the Applicant. The October 28, 2008 hearing was continued at the request of the Citizen’s Association of Georgetown and Advisory Neighborhood Commission (“ANC”) 2E. At the close of the November 5, 2008 hearing, the Board voted, 3-0-2, to approve the application.

*This order corrects Order No. 17793 by eliminating Finding of Fact No. 11 and its corresponding footnote. The correction was made to more accurately reflect the record in the application.

BZA APPLICATION NO. 17793-A**PAGE NO. 2****PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated February 28, 2008, the Office of Zoning (“OZ”) provided notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation, ANC 2E, the ANC within which the Property is located, the Single Member District for 2E02, and the Councilmember for Ward 2. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing date in the *D.C. Register*, and mailed such notice to the Applicant, ANC 2E, and all owners of property within 200 feet of the Property.

Requests for Party Status. ANC 2E was automatically a party to the case and appeared in opposition to the application. The ANC was concerned that, with a flat, the density of the use of the Property would be too great and would erode the R-3 one-family zoning present throughout most of the Georgetown Historic District. At the July 15, 2008 public hearing, the Board granted opponent party status to the Citizen’s Association of Georgetown. The Association opposed approval of the requested special exception on the grounds that the proposed conversion to a flat would generate negative environmental impacts, including increased traffic, parking demand, and noise, and would double the intensity of use of the Property, thereby undermining the Zoning Regulations.

Applicant’s Case. The Applicant described the proposed two-family use of the Property and explained that no new construction is contemplated with the application. The Applicant also asserted that a flat will not cause objectionable conditions or adversely affect neighboring or nearby property, noting that the current use of the Property as a one-family dwelling on the first floor and lower level and rooming house on the second floor, is a use comparable to the proposed use as a two-family flat.

Government Reports. OP filed a report with the Board dated July 8, 2008 in which it thoroughly addressed each of the elements which had to be met by the application and determined that they were all met. Therefore, OP recommended approval of the Application. Exhibit No. 25.

ANC Report. ANC 2E filed a report with the Board dated July 3, 2008, stating that at a regularly scheduled and properly noticed meeting, with a quorum of five members present, the ANC had voted unanimously to oppose the application. The ANC opined that conversion to a two-family dwelling is contrary to the intent of this R-3 zone to retain one-family dwellings in the Georgetown Historic District, and would adversely affect the community by potentially doubling the number of occupants of the Property and increasing trash generation, parking demand, noise, and rodents.

Persons in Support or Opposition. The Board received four letters in opposition and a letter from the Ward 2 Council Member requesting that the Board consider the concerns of the neighborhood. Exhibit No. 33. The Applicant filed a petition in support of approval of the application signed by six nearby property owners.

BZA APPLICATION NO. 17793-A**PAGE NO. 3****FINDINGS OF FACT**

1. The Property is located at 1693 35th Street, N.W., on Square 1294, Lot 218, in an R-3 zone district and within the Georgetown Historic District.
2. The neighborhood surrounding the Property is a mix of educational and residential uses, including multiple dwellings, flats, and one-family dwellings.
3. Immediately to the west of the Property, across 35th Street, is The Duke Ellington School for the Arts. The primary school for the Washington International School is located one block west of the Property. The Property is located approximately three blocks east of Georgetown University and two blocks west of Wisconsin Avenue, N.W. To the south and east of the Property are 2- and 3-story row dwellings. To the north of the Property are multi-family buildings located across R Street, N.W.
4. The Property has an area of 1,665 square feet and is improved with a 2-story row dwelling with English basement, constructed in 1900.
5. Approximately 10 row dwellings located, with the Property, along the east side of the 1600 block of 35th Street, N.W., or immediately around the corner, along the south side of R Street, N.W., are used as two-family flats. See, Exhibit No. 8.
6. Of the nine row dwellings in the line to which the Property belongs, one is used as a three-unit multiple dwelling and six are used as flats, including those located immediately on either side of the Property. See, Exhibit No. 37, Attachment 6.
7. Some time prior to May 12, 1958, the second floor of the row dwelling began operating as a rooming house, while the first floor and basement continued to be used as a one-family dwelling. A Certificate of Occupancy dated August 12, 1957 (“the 1957 C of O”) authorizes the use of the Property for “Rooming House (Less than 5 Roomers)” on the second floor. Exhibit No. 37, Attachment 3.
8. The individual to whom the 1957 C of O was issued owned the Property until her death in late 2005.
9. When the Applicant purchased the Property in September, 2006, the rooming house was occupied and configured with five rooming units.
10. In September 2007, the Applicant applied for and received from the Department of Consumer and Regulatory Affairs (“DCRA”) a change of ownership Certificate of

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Occupancy, No. CO 151251, dated September 13, 2007, for “Rooming House (5) Rooms” on the second floor (the “2007 C of O”). Exhibit No. 34, Attachment D.¹

11. There was no time when the Property was converted to a use conforming to the R-3 district or when the nonconforming use was otherwise discontinued within the meaning of 11 DCMR § 2005.
12. As authorized by the 2007 C of O, the Applicant currently rents out the rooming units to five individuals.
13. The Applicant and four other individuals, *i.e.*, six individuals, currently occupy the one-family dwelling on the first floor.
14. Currently, a total of eleven (11) individuals occupy the Property.
15. A maximum of six unrelated persons, or any number of persons “related by blood, marriage, or adoption ... living together in a single housekeeping unit” would constitute a “family” per the Zoning Regulations, and would be permitted in each one-family dwelling unit of a flat. *See*, 11 DCMR § 199.1, definition of “Family.”
16. The Applicant intends to convert the second floor of the Property to a one-family dwelling and to rent it in the immediate future to unrelated tenants living together as a single housekeeping unit.
17. The Applicant intends to continue to use the first floor as a dwelling unit.
18. As a result of the proposed conversion of second floor space to a second dwelling unit, the Property will become a two-family dwelling, and the maximum number of “unrelated” persons who could occupy the Property will increase from eleven (11) to twelve (12).
19. The potential increase of one additional resident is *de minimis* and will not create any objectionable conditions.
20. Parking is permitted on both sides of 35th Street, as well as on R Street and Reservoir Road in the vicinity of the Property. On-street parking is readily available in the immediate vicinity of the Property.

¹Although the Applicant has apparently received no official communication from DCRA, the Zoning Administrator believes the 2007 C of O was issued in error by DCRA and that a new Certificate of Occupancy should be issued unilaterally for a maximum of four (4) roomers. At the time of the hearing and Board decision, the 2007 C of O was the only certificate of occupancy issued and operative for the Property.

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21. Most of the current residents of the Property, many of whom are university students, do not own vehicles. Undergraduate university students living within the boundaries of ANC 2E, who are not residents of the District of Columbia, are precluded by statute from obtaining reciprocity stickers, effectively preventing them from parking on the street. D.C. Code § 50-1401.02 (e) (4).
22. The trash containers at the Property are adequate and are properly maintained. The rear yard of the Property is paved to reduce its attraction to, and harboring of, rodents.
23. There have been no problems with noise emanating from the Property and there are no known police reports with regard to noise complaints at the Property in the past three years.
24. No activities resulting from the conversion to a flat will result in noise, illumination, vibration, and/or odor effects.
25. No exterior changes to the Property are proposed and the Applicant will maintain the residential character and appearance of the dwelling and the lot.

CONCLUSIONS OF LAW

The Applicant seeks a special exception to convert a structure located in an R-3 zone district from a nonconforming rooming house use, to a flat, which is also not permitted in the R-3 district. Subsection 2003.1 provides in part that “[i]f approved by the Board of Zoning Adjustment ... a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right.” Since both the existing rooming house use and the proposed flat use are first permitted as a matter-of-right in the R-4 zone district, (*see*, 11 DCMR § 330.5 (d)), the application meets this prerequisite. In addition, a flat is among the uses to which a nonconforming use in a residence zone may be changed. 11 DCMR 2003.5.

In addition to meeting these objective requirements, the Board finds that the proposed use will not adversely affect the present character or future development of the surrounding area, (§ 2003.2), or create any deleterious external effects, including, but not limited to, noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects (§ 2003.3).

As to the first requirement, the Board finds that the proposed use of the Property as a two-family flat will not cause objectionable conditions or adversely affect the present character or future development of the surrounding area. First, the current use of the Property as a one-family dwelling and rooming house does not substantially differ from the proposed use as a two-family

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flat. The only differences are that a one-family dwelling is comprised of a single dwelling unit, all the rooms of which are occupied and controlled by the family who rents or owns it, while a rooming house consists of separate rooming units, each of which is under the control of its particular occupant, who pays for the “accommodations” on a short-term basis. The difference therefore is in the nature of the occupancy, not in the number or type of occupants. Since the uses are essentially the same, so is the intensity of use and its potential impacts.

Second, as to the total number of occupants, under the current 2007 C of O, up to 11 “unrelated” individuals would be authorized to reside at the Property. With the approval of the use of the Property as a two-family flat, up to 12 “unrelated” individuals would be authorized to reside at the Property. The Board finds that the difference in the potential impact caused by 10 or 11 individuals and 12 individuals would be negligible.

Third, several row dwellings in the immediate vicinity of the Property (along both 35th and R Streets, N.W.) are also used as two-family flats, and at least four multi-family buildings are located just a block north of the Property within the 1700 block of 35th Street, N.W. In addition, a rooming house use is a commercial one that provides transient housing and is inappropriate for an R-3 zone. Use as a flat does no more than allow two dwelling units in the same structure. As such, the Board finds that the proposed use is not incompatible with the character of the neighborhood and is appropriate and compatible with the nature of the immediate area. Use as a flat will in fact terminate a less favored nonconforming use.

As to the second showing, required by § 2003.3, the Board concludes that the proposed use will not cause any new deleterious external effects. As noted, the current use and the proposed use are essentially the same in that they both provide living space and differ only with respect to the structural and legal arrangement under which the occupancies exist. Therefore, the change will not cause an increase in noise, illumination, or other such external effects. Furthermore, although there are currently students residing at the Property, there was no evidence of complaints or police reports regarding noise or other disturbances at the Property in the last three years. Testimony and photographic evidence showed that on-street parking is readily available and effectively serves the parking demands for the Property and the neighborhood. The street frontage of the Duke Ellington School, immediately across 35th Street, is available for parking, especially in evenings and on weekends. Moreover, non-resident students are unable to obtain reciprocity stickers, which means that their out-of-state vehicles are subject to towing if parked on the street. Finally, the trash containers for the residents, located in the rear of the Property, are sufficient to contain the trash generated by Property and the Property’s rear yard area was paved over to reduce the potential for rodent infestation.

The foregoing analysis of the specific requirements for granting this special exception also satisfies the Board that the Applicant has met the general standard for granting special exception relief, namely that doing so will be “in harmony with the general purpose and intent of the

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Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.” 11 DCMR § 3104.1.

The Board is required to give “great weight” to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive. In its report, OP carefully laid out all the provisions that needed to be met by the application, and determined that they were all satisfied. OP recommended approval of the application and did not recommend any conditions. OP noted its previous concern that the connection from the first floor to the lower level appeared to be blocked off, resulting in a “three unit” dwelling, but testified at the hearing that it was satisfied that the two levels were indeed connected and that the building was only divided into two separate uses.

ANC 2E opposed the application. The ANC’s letter states that, in the opinion of the ANC, a conversion to a two-family flat is incompatible with the one-family dwelling residential neighborhood.²

As to the ANC’s opinion respecting incompatibility, the Board disagrees. The evidence shows that two-family flats, as well as more dense residential uses, are a fixture in the neighborhood. The conversion to a one-family dwelling is actually a more conforming, stable, and compatible R-3 use than a rooming house and is therefore in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, as per § 3104. A flat would generally be considered less of a transient use than a rooming house, thereby fostering the objective of ANC 2E and the Citizen’s Association of Georgetown to preserve and protect the lower-scale residential character of the neighborhood. The Applicant has met all the applicable requirements of the Zoning Regulations set forth in §§ 2003 and 3104 and therefore, the application must be granted. *See, First Baptist Church of Washington v. D.C. Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981). (“If the applicant meets its burden, the Board ordinarily must grant the application.”)

For all the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application for a special exception pursuant to §§ 3104 and 2003 of the Zoning Regulations. Accordingly, it is therefore **ORDERED** that the application, pursuant to Exhibit No. 10, Plans, is **GRANTED**.

²The ANC’s representative also expressed considerable concern regarding the renting of the second floor to students, as did the representative of the Citizen’s Association of Georgetown. The Board notes, however, that there is no restriction in the law regarding renting to students, the first floor is already partially occupied by students, and, most importantly, even without the change to a flat herein requested, the second floor could continue to be rented to students, as it is now. Therefore, the Board finds irrelevant to its special exception analysis whether the second floor may be rented to students.

BZA APPLICATION NO. 17793-A**PAGE NO. 8**

VOTE: 3-0-2 (Ruthanne G. Miller, Mary Oates Walker and Shane L. Dettman to approve; fourth member and Zoning Commission member not present, not voting)

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

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: FEBRUARY 4, 2009

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

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

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

LM

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

Application No. 17835 of Louis P. Fiore, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to construct an accessory garage serving an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403) requirements, and variance from the alley set-back requirements under subsection 2300.4, in the R-4 District at premises 225 9th Street, N.E. (Square 939, Lot 95).

HEARING DATE: October 28, 2008

DECISION DATE: December 16, 2008, February 3, 2009

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) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A which is automatically a party to this application. ANC 6A submitted a letter (Exhibit 40) in support of the application. The Office of Planning (OP) submitted a report in support of the special exception and opposition to the variance part 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 exceptions under section 223, and a variance pursuant to § 3103.2 from the requirements of section 2300.4. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, 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. 17835
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Based upon the record before the Board, the Board further concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2300.4, 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 § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 39 – Plat and Plans) be **GRANTED**.

VOTE on Special Exception Relief:

5-0-0 (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, and Shane L. Dettman to Approve. Anthony J. Hood (by absentee ballot) to Approve)

VOTE on Variance Relief:

4-1-0 (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, and Anthony J. Hood (by absentee ballot) to Approve. Shane L. Dettman opposed to the motion)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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

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PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-02
Z.C. Case No. 08-02
(Hay Adams Holding, LLC – Map Amendment at Square 186, Lot 809)
October 20, 2008

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved Jun 20, 1938 (52 Stat. 787, *et seq.*; D.C. Official Code § 6-641.01), and § 102 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”), having held a public hearing to consider the application from Hay Adams Holding, LLC (the “Applicant”), and referred the proposed amendments to the National Capital Planning Commission (“NCPC”) for a 30-day review pursuant to § 492 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 6-641.02) (“District Charter”), hereby gives notice of its adoption of an amendment to the Zoning Map of the District of Columbia that rezones Lot 809 in Square 186 (“Property”) from the SP-2 to the C-4 Zone District.

FINDINGS OF FACT

1. On January 29, 2008, the Office of Zoning received an application from the Applicant requesting the Commission to rezone the Property from the SP-2 to C-4 Zone District (“Application”). The Commission set down the Application for a public hearing as a contested case at its April 14, 2008 public meeting. In doing so, the Commission expressed some concern that the requested map amendment might constitute illegal spot-zoning.
2. The Property is located on the northwest corner of 16th and H Streets, N.W. and is approximately 12,879 square feet in area. The Property is improved with the Hay Adams Hotel, an individual landmark listed in the D.C. Register of Historic Places. The Property also falls within the White House Precinct and the design review jurisdiction of the U.S. Commission of Fine Arts under the Shipstead-Luce Act. The roof of the hotel is presently used for social functions and a tent provides patrons temporary shelter from inclement weather. The hotel proposes to construct a permanent rooftop addition at 16 feet in height. The U.S. Commission of Fine Arts, the White House Secret Service, and the D.C. Historic Preservation Review Board have reviewed the proposal and have no objections.
3. Square 186 is split-zoned, with the northwest corner of the block located in the C-4 District and the remainder of the square, including the Property, zoned SP-2. The SP-2 Zone District runs along both sides of Sixteenth Street, N.W. between Lafayette Park to the south and Scott Circle to the north. Properties to the east and west of the SP-2 zoned corridor along 16th Street are zoned C-4.

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4. Notice of the public hearing was given in accordance with the provisions of 11 DCMR §§ 3014 and 3015.
5. Advisory Neighborhood Commission ("ANC") 2B, the ANC in which the Property is located, was automatically accorded party status. There were no other parties to the case other than the Applicant and ANC 2B.
6. On September 11, 2008, the Commission held a public hearing on the Application. Mr. Page Lansdale and Mr. Steven E. Sher, an expert in land use and zoning, testified on behalf of the Applicant. Mr. Lansdale described the proposed one-story addition to the Hay Adams Hotel, which is located on the Property, that would be constructed if the Application were approved, as contemplated under the District Elements of the Comprehensive Plan for the National Capital: ("Comprehensive Plan"), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300). Mr. Sher stated that the Future Land Use Map of the Comprehensive Plan designates the Property in the high-density commercial category and that the proposed rezoning to the C-4 Zone District is consistent with this designation. Mr. Sher further testified that the Central Washington Area Element of the Comprehensive Plan provides that existing hotel uses should be retained by allowing and encouraging the expansion of those uses, and, specifically, including the addition of one floor, approximately 16 feet in height, subject to coordination with Federal security needs, to the Hay Adams Hotel.
7. By letter dated August 24, 2008, ANC 2B indicated that, at a duly noticed monthly meeting with a quorum present, the ANC voted unanimously to support the Application.
8. The Office of Planning ("OP") reviewed the Applicant's proposal to rezone the Property to the C-4 Zone District and, in its April 4, 2004 report, recommended that the Application be set down for public hearing. OP opined that the requested map amendment would not be inconsistent with the Comprehensive Plan. OP also recommended approval of the Application through a written report dated August 21, 2008 and through testimony at the Commission's September 11, 2008 public hearing.
9. At the conclusion of the public hearing on September 11, 2008, the Commission took proposed action to approve the map amendment. Pursuant to § 492 of the District Charter, the Commission referred its proposed decision of approval to NCPC for review and comment.
10. By delegated action dated September 25, 2008, NCPC found that the proposed map amendment would not be inconsistent with the Comprehensive Plan for the

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National Capitol, nor would it have an adverse impact on any other federal interest.

11. The Commission took final action to approve the map amendment at its regularly scheduled meeting held on October 20, 2008.

CONCLUSIONS OF LAW

1. The Commission's authority to amend the Zoning Map derives from the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01) ("Zoning Act"). Section 1 of the Zoning Act authorizes the Commission to regulate the uses of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital." D.C. Official Code § 6-641.01. Section 2 of the Zoning Act provides that the "zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein." D.C. Official Code § 6-641.02. Section 3 of the Zoning Act, among other things, authorizes the Commission to amend the zoning regulations and maps. D.C. Official Code § 6-641.03.
2. The Commission concludes the map amendment is consistent with the purposes of the Zoning Act. The amendment will facilitate the expansion of the Hay Adams Hotel and allows development consistent with the present character of the area.
3. In amending the Zoning Map, the Commission is constrained by the limitation in the District Charter that the Zoning Map be "not inconsistent" with the Comprehensive Plan. (§ 492(b)(1) of the District Charter.)
4. The Commission concludes that approval of the requested map amendment from the SP-2 to the C-4 Zone District is not inconsistent with the Comprehensive Plan and is fully consistent with the policy set forth in § 1608.11 of the Central

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Washington Area Element of the Comprehensive Plan. That section calls for the retention and expansion of existing hotel uses, and specifically calls for a one-story addition to the Hay Adams Hotel. This addition is not possible as a matter-of-right under the existing SP-2 zoning. The requested map amendment will permit the retention of the existing Hay Adams Hotel and the construction of a one-story addition that has a maximum height of 16 feet, as articulated in the Comprehensive Plan. (10 DCMR § 1608.11.)

5. The map amendment is not spot-zoning because it is not inconsistent with the Comprehensive Plan. To constitute illegal spot-zoning, the Commission's action must (1) pertain to a single parcel or a limited area – ordinarily for the benefit of a particular property owner or specially interested party; and (2) must be inconsistent with the Comprehensive Plan, or if there is none, with the character and zoning of the surrounding area, or the purposes of the zoning regulation, *i.e.* the public health, safety and general welfare. *Daro Realty, Inc. v. District of Columbia Zoning Comm'n* 581 A.2d 295, 299 (D.C. 1990); *Citizens Association of Georgetown, Inc. v. District of Columbia Zoning Comm'n*, 402 A.2d 36, 39-40 (D.C. 1979). The proposed amendment to the Zoning Map fails this test. The C-4 zoning on the subject property is not inconsistent with the Comprehensive Plan, as noted above.
6. The Commission also concludes that the requested map amendment is in the best interests of the District of Columbia and will benefit the community in which the Property is located.
7. The Commission is required under D.C. Official Code § 1-309.10(d) to give great weight to issues and concerns expressed in the affected ANC's written recommendation. The Commission concurs with the ANC's recommendation for approval, and has given it the great weight to which it is entitled.
8. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission concurs with the OP's recommendation for approval, and has given its recommendation the great weight to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the Application for an amendment of the Zoning Map to change the zoning of Lot 809 in Square 186 from the SP-2 to the C-4 Zone District.

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The Owner is required to comply fully with the provisions of the D.C. Human Rights Act of 1977, D.C. Law 2038, as amended, D.C. Official Code § 2-1401.01 *et seq.* ("Act"). This Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color religion, national, origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Owner to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

At the conclusion of the public hearing on September 11, 2008, the Zoning Commission voted to **APPROVE** the Application by a vote of **4-0-1** (Peter G. May, Anthony J. Hood, Gregory N. Jeffries, and Michael G. Turnbull to approve; Curtis L. Etherly, Jr. not present, not voting).

At the public meeting on October 20, 2008, the Commission voted to **ADOPT** the application by a vote of **4-0-1** (Anthony J. Hood, Peter G. May, Gregory N. Jeffries, and Michael G. Turnbull to approve; Curtis L. Etherly, Jr. not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on February 13, 2009.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., October 18, 2007

Plat for Building Permit of: SQUARE 186 LOT 809

Scale: 1 inch = 30 feet Recorded on Microfilm

Receipt No. 00742

Furnished to: HOLLAND & KNIGHT

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

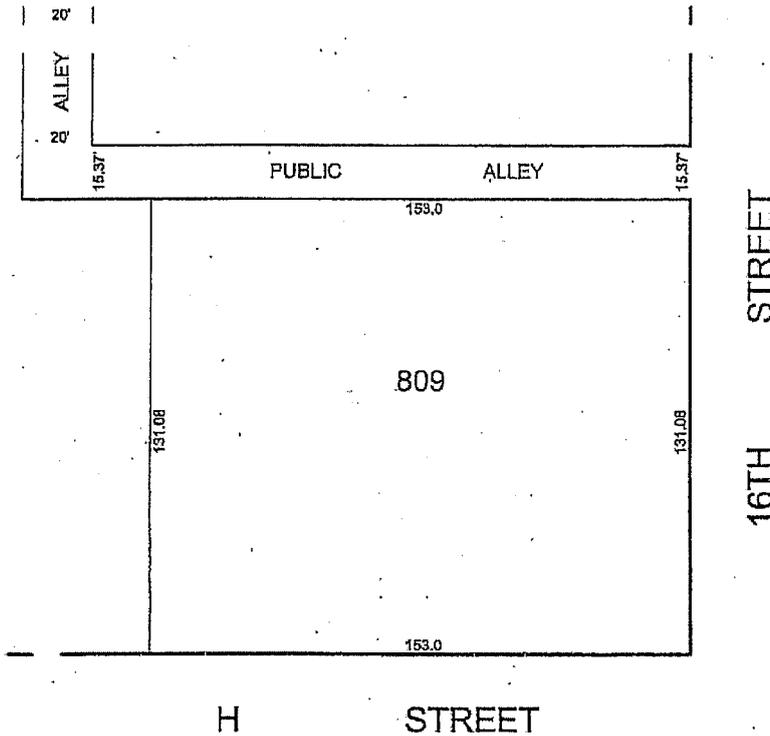
[Signature]
Surveyor, D.C.

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

Date: _____

(Signature of owner or his authorized agent)

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



**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST**

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001)	\$16.00
3	DCMR ELECTIONS & ETHICS (MARCH 2007)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995)	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002)	\$26.00
6A	DCMR POLICE PERSONNEL (JUNE 2007).....	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986)	\$8.00
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9	DCMR TAXATION & ASSESSMENTS (APRIL 1998)	\$20.00
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	+ \$10.00 for postage	
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (FEBRUARY 2003).....	\$35.00
12	DCMR 2008 CONSTRUCTION CODES SUPPLEMENT (pub. JANUARY 2009)	\$25.00
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17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997).....	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997).....	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998).....	\$20.00
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24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996).....	\$20.00
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30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997).....	\$20.00
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OVER THE COUNTER SALES: Come to Rm. 520, One Judiciary Square., Bring check or money order.

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