

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

April 2009

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
John McFarland	Board of Accountancy	No Meeting	8:30 am-12:00pm
Leon Lewis	Board of Appraisers	15	10:00 am-12:00 pm
Leon Lewis	Board Architects and Interior Designers	24	9:00 am-1:00 pm
Sheldon Brown	Board of Barber and Cosmetology	6	10:00 am-4:00 pm
Sheldon Brown	Boxing and Wrestling Commission	14	7:00-pm-9:00 pm
Sheldon Brown	Board of Funeral Directors	2	1:30 pm-5:00 pm
John McFarland	Board of Professional Engineers	No Meeting	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	14	10:30 am-12:30 pm
Pamela Peters	Board of Industrial Trades	21	5:30 pm-7:00 pm
	Asbestos Electrical Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 941 North Capitol Street, NE., Suite 7616, Washington, DC 20001. For further information on this schedule, please contact the front desk at 202-442-4320.

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 permits to construct and operate a hot mix asphalt plant including a Genco Ultra II-135 95.63 MMBTU/hr rated heat input oil and gas fired burner and a Gencor Ultraflo baghouse at Fort Myer, Plant #2 located at 1511 W Street NE, Washington DC 20018.

The application to construct 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 May 3, 2009 will be accepted.

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

DISTRICT OF COLUMBIA OFFICE OF PLANNING**NOTICE OF AVAILABILITY OF THE BELLEVUE NEIGHBORHOOD
INVESTMENT FUND (NIF) DRAFT PLAN
FOR PUBLIC COMMENT**

ACTION: Notice of Availability of the Bellevue Neighborhood Investment Fund (NIF) Draft Plan for Public Comment.

SUMMARY: The Neighborhood Investment Fund (NIF) is an annual non-lapsing, revolving fund to finance economic development and neighborhood revitalization in 12 target neighborhoods. Created by the District of Columbia Council in 2004, the Fund was designed to provide a pool of resources to support investment and revitalization in emerging and distressed neighborhoods. Moreover, the Council envisioned NIF as contributing to a broader economic development tool kit to achieve a critical mass of investment needed to make a significant and visible impact in its target neighborhoods.

To that end, the District of Columbia Office of Planning in partnership with the NIF Program's implementing agency, the Office of the Deputy Mayor for Planning and Economic Development, worked with community stakeholders in each target area to develop an investment plan. The target area investment plan is designed to identify community priorities for NIF investments and to set an investment agenda for NIF resources over a five year period.

The Neighborhood Investment Act of 2004 (NIA), which established the NIF program, was created out of several pieces of similar legislation proposed in 2003 to provide resources for targeted neighborhood investment.

The NIA legislation created a non-lapsing, revolving fund outside of the General Fund, called the Neighborhood Investment Fund (NIF). The NIF is funded through an annual appropriation of 15% of a personal property tax, not to exceed \$10 million. The NIA mandates that the Mayor prepare and submit to the Council an annual spending plan for how the NIF will be utilized in the 12 neighborhood target areas designated in the NIA. The District of Columbia's Office of the Deputy Mayor for Planning and Economic Development is charged with implementing the Neighborhood Investment Fund program and the requirements of the NIA.

The target areas defined in the NIA legislation were selected by the Council because of their status as emerging or distressed neighborhoods where targeted investment would have maximum impact. There are NIF target areas in every Ward, except Ward 3. They include: Anacostia, Bellevue, Congress Heights, and Washington Highlands in Ward 8, Deanwood/Deanwood Heights in Ward 7, H Street in Ward 6, Brookland/Edgewood and Bloomingdale/Eckington in Ward 5, Brightwood/Upper Georgia Avenue in Ward 4, Logan Circle and Shaw in Ward 2, and Columbia Heights in Ward 1. Subsequent

amendments to the NIA in 2007 have expanded the Columbia Heights and Deanwood Heights target areas.

One of the requirements of the NIA legislation is for the Mayor to develop NIF Investment Plans for each of the target area using input from community stakeholders including the Advisory Neighborhood Commissioners, residents, business owners, faith community, not for profit organizations, among other groups. The purpose of the Investment Plan is to set community priorities for how the NIF funds should be utilized in the target area over a five year period. The Investment Plan, which is the subject of this report, fulfills the legislative requirement for the Bellevue target area.

FOR FURTHER INFORMATION CONTACT: Evelyn Kasongo, Neighborhood Planning Coordinator-Ward 8, DC Office of Planning, by mail at 2000 14th Street NW, 4th Floor (Reeves Center), Washington, DC 20009; by telephone at (202) 442-7600; fax at (202) 442-7638; or Evelyn.Kasongo@dc.gov

SUPPLEMENTARY INFORMATION:

Public Availability

The DC Office of Planning has distributed the Draft Plan to several public entities and asked that the entire Draft Plan be made available for the public to review. The Draft Plan is available for public reviews beginning April 3, 2009 at:

ANC 8D: 4601 Martin Luther King, Jr. Avenue SW, Washington, 20032
Washington Highlands Library: 115 Atlantic St SW, Washington, DC 20032
P.R. Harris Educational Center: 4600 Livingston Rd, Washington, DC 20032
Bald Eagle Recreation Center: 100 Joliet St., SW Washington, DC 20032
Fort Grebble Recreation Center: MLK Jr. Ave & Elmira St., Washington, DC 20032
Office of Planning: 2000 14th St. NW (4th Floor), Washington, DC 20009

The draft plan is also available online at the DC Office Planning Web site:
www.planning.dc.gov

Public Comment

Written comments on the Draft Plan must be submitted by Tuesday, May 5, 2009. Comments must include the name, address and any organization for which the comments represent. Please send all comments to:

Evelyn Kasongo,
Neighborhood Planning Coordinator-Ward 8,
DC Office of Planning
2000 14th Street NW, Washington, DC 20009
Phone: (202) 442-7600

Facsimile: (202) 442-7638

Email: Evelyn.Kasongo@dc.gov

Submitted by: Evelyn Kasongo, Neighborhood Planning Coordinator-Ward 8, DC Office of Planning; by mail at 2000 14th Street NW, Washington DC 20009; or by, telephone at (202) 442-7600; fax at (202) 442-7638; or email at Evelyn.Kasongo@dc.gov

D.C. OFFICE OF PLANNING**NOTICE OF PUBLIC COMMENT****Boathouse Row Planning Study (Draft)**

The Office of the Deputy Mayor for Planning and Economic Development (“DMPED”) and the Office of Planning (“OP”) are launching the public comment process for the Boathouse Row Planning Study. The posted plans are in draft form as the comments received are key to producing a finalized version of the plan. Through the Planning Study, the District seeks to provide upgraded public facilities, improve environmental conditions, preserve existing functions and utilize remaining land to enhance and expand boathouse, marina, dock and water recreation uses.

Nestled in between Water Street, SE, M Street, SE, the railroad tracks and the river, motorized boat clubs and community boathouses have long dotted the shore, offering maritime connections in the District to the Anacostia River. This land which was currently owned by the National Park Service has been transferred to the District of Columbia. .

The draft plan is available for public review at the following locations:

Martin Luther King, Jr. Memorial Library

(Central Library) (MLKML)

901 G Street, NW

(202) 727-0321

(TTY) 202-727-2145

Southeast Library

Neighborhood Library

403 7th Street SE (at D Street SE)

(202) 698-3377

Southwest Library

The draft plan is also available online at the DC Office Planning Web site: www.planning.dc.gov and the Office of the Deputy Mayor for Planning and Economic Development: www.dcbiz.dc.gov

Each individual or representative of an organization who wishes to submit their public comments are requested to provide his or her name, address, telephone number and name of organization represented (if any) to Melissa Bird Neighborhood Planning Coordinator-Ward 6, DC Office of Planning and Michael Durso, project manager in the Office of the Deputy Mayor for Planning and Economic Development, by 5:00 p.m. Monday, May 4, 2009.

Written statements may be submitted for the record until 5:00 p.m., May 4, 2009. Written statements should be addressed to:

Melissa Bird Neighborhood Planning Coordinator-Ward 6, DC Office of Planning, by mail at 2000 14th Street, N.W., 4th Floor, Washington, DC 20009; by telephone at (202) 442-7600; fax at (202) 442-7638; or email at Melissa.Bird@dc.gov and Michael Durso, project manager in the Office of the Deputy Mayor for Planning and Economic Development, by mail at 1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004; by telephone at (202) 727-6365; fax at (202) 727- 6703; or email at Michael.Durso@dc.gov.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been reappointed as Notaries Public in and for the District of Columbia, effective on or after April 15, 2009.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Administrator, Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on April 6, 2009. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: April 15, 2008
Page 2**

Gaskins	Gloria A.	Kleinfeld, Kaplan & Becker LLP 1140 19th Street, NW, Suite 900	20036
Justin	Brenda J.	Williams & Connolly, LLP 725 12th Street, NW	20005
Pacuska	Alison	Fish & Richardson 1425 K Street, NW, Suite 1100	20005
Phillips	Michael L.	Phillips Enterprises, Inc. DBA The UPS Store 611 Pennsylvania Avenue, SE	20003
Walker	William H.	Wesley Theological Seminary 4500 Massachusetts Avenue, NW	20016

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.

Should anyone wish to testify before the DC State Board of Education on any educational concerns, they should notify the State Board of Education office by close of business April 13, 2009. They should also bring fifteen (15) copies of their testimony to the meeting.

Wednesday, April 15, 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. 17900 of Tracy Roman, pursuant to 11 DCMR § 3104.1, for a special exception to construct a two-story rear addition to an existing one-family semi-detached dwelling under section 223, not meeting the lot occupancy (403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 660 E Street, S.E. (Square 876, Lot 44).

HEARING DATE: March 24, 2009
DECISION DATE: March 24, 2009 (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) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B filed a report dated February 11, 2009, indicating that it had voted to support the application (Exhibit 20). The Office of Planning (OP) submitted a report in support of the requested special exception (Exhibit 24). Ten letters of support from neighbors, including the adjacent property owner on the west, were submitted for the record (Exhibit 21).¹

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223 (403, 405, and 2001.3). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of

¹ The subject property is in the Capitol Hill Historic District. The Historic Preservation Review Board recommended concept approval for the request on February 26, 2009. (Exhibit 21, Attachment 1)

BZA APPLICATION NO. 17900**PAGE NO. 2**

proof, pursuant to 11 DCMR §§ 3104.1 and 223 (403, 405, and 2001.3), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 8 – Plans with flexibility for minor changes to the horizontal placement of windows on the east and north elevations) be **GRANTED**.

VOTE: **4-0-1** (Marc D. Loud, Ruthanne G. Miller, Shane L. Dettman, Gregory N. Jeffries, to APPROVE. Mary Oates Walker, not participating, not voting.)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MARCH 27, 2009

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.

BZA APPLICATION NO. 17900**PAGE NO. 3**

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 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.

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

Application No. 17905 of James Iker and Hayes Nuss, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to an existing single family dwelling under section 223, not meeting the lot occupancy requirements (section 403), the court requirements (section 406), and the nonconforming structure requirements (subsection 2001.3(b)(2)) and a special exception from the roof structure requirements under 411, in the R-4 District at premises 1329 R Street, N.W. (Square 239, Lot 802).

HEARING DATE: March 24, 2009
DECISION DATE: March 24, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission (ANC) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F did not file a report on the application, but the Office of Planning's report dated March 17, 2009, indicated that, as of that date, the Zoning Committee of ANC 2F had voted unanimously to approve the addition and that it had been forwarded to the full ANC for consideration. The Office of Planning (OP) submitted a report in support of the relief pursuant to section 223 and expressed its opinion that relief under subsection 411.11 was not required (Exhibit 25).¹ Four letters of support from neighbors were submitted for the record (Exhibits 22, 26, 27, and 28).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223 (403, 406, and 2001.3(b)(3)) and for a special exception under section 411. No parties appeared

¹ The subject property is in a Historic District. According to the OP report, the Historic Preservation staff reviewed the concept application and concluded there were no issues with the proposal. (Exhibit 24)

BZA APPLICATION NO. 17905**PAGE NO. 2**

at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223 (403, 406, and 2001.3(b)(3)), and 411, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 10 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Marc D. Loud, Gregory N. Jeffries, Shane L. Dettman, Ruthanne G. Miller, to APPROVE. Mary Oates Walker, not participating, not voting.)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MARCH 27, 1009

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.

BZA APPLICATION NO. 17905**PAGE NO. 3**

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 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
NOTICE OF FILING
Z.C. Case No. 08-31
(Zoning Map Amendment @ Square 1417, Lot 44)
March 23, 2009

THIS CASE IS OF INTEREST TO ANC 3D

On March 18, 2009, the Office of Zoning received an application from Bao-An Ngyuen C. (the "Applicant") for approval of an amendment to the Zoning Map for the above-referenced property.

The property that is the subject of this application consists of Square 1417, Lot 44 in Northwest Washington, D.C. (Ward 3) at 5428 MacArthur Boulevard, N.W. The property is currently zoned R-1-B. The Applicant proposes a map amendment to rezone the property to C-1, in order to make commercial use of the property.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 02-51B
Z.C. Case No. 02-51B

**(Center for Strategic and International Studies, Inc. –
Time Extension -- First-Stage Approval of a Planned Unit Development Located at
1616 Rhode Island Avenue, N.W. (Square 182, Lot 82))
September 8, 2008**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on September 8, 2008. At the meeting, the Commission approved the request of the Center for Strategic and International Studies, Inc. ("Applicant") for a time extension of the First-Stage approval of a planned unit development ("PUD") for Lot 82 in Square 182, located at 1616 Rhode Island Avenue, NW ("Property"). The request was made pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The Commission determined that this request was properly before it under the provisions of § 2408.10 of the Zoning Regulations.

FINDINGS OF FACT

1. By Z.C. Order No. 02-51A, effective June 29, 2007, the Commission approved the First-Stage of a Two-Stage PUD for the Property. The approved First-Stage PUD is for an office building comprised of approximately 130,000 square feet and a floor area ratio ("FAR") of 8.4. The Commission approved a maximum building height of 104 feet and approximately 90 parking spaces.
2. On June 26, 2008, prior to the expiration of the First-Stage PUD, the Applicant filed a request to extend the validity of the First-Stage PUD approval for a period of one year, such that an application for the Second-Stage PUD must be filed no later than June 29, 2009. The request stated, in relevant part, that the extension was necessary because of new ownership of the Property. The Applicant in Z.C. Case No. 02-51A secured First-Stage PUD approval for a building that was designed as a speculative office building. The Applicant subsequently purchased the Property for use as its headquarters. Shortly after purchasing the Property, the Applicant held a design competition to ensure it could produce a building design that meets its needs as well as the District's goals for the site. After the initial design process concluded, the Applicant retained an architecture firm to further refine the building design to accommodate the Applicant's needs. Given the timing of its purchase of the property, the amount of time it took to choose and hire an architect, to refine its program and evaluate design decisions, the Applicant was not able to meet the deadline for filing an application for the Second-Stage of the PUD before the expiration of the First-Stage order.
3. Advisory Neighborhood Commission ("ANC") 2B, the ANC within which the Property is located, was automatically a party in the instant case, as well as the original PUD case, Z.C. Case No. 02-51A. The University of California was also granted party status in Z.C. Case No. 02-51A. Accordingly, the Applicant served

Z.C. ORDER NO. 02-51B
Z.C. CASE NO. 02-51B
PAGE 2

both the ANC and the University of California a copy of the extension request and provided at least 30 days for them to respond. No responses were received.

4. By report dated August 20, 2008, the Office of Planning (“OP”) recommended approval of the one-year extension request. The OP report stated that it could not identify any changes of material fact that would undermine the Commission’s earlier justification for the First-Stage approval of the PUD. It found that there was good cause for the extension and that all parties to the First-Stage PUD case had been served.
5. At its regularly scheduled public meeting on September 8, 2008, the Commission reviewed and approved the one-year time extension.

CONCLUSIONS OF LAW

The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties and all parties are allowed 30 days to respond; (b) there is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD; and (c) substantial evidence that there is good cause for the extension based on the criteria established in Section 2408.11. (11 DCMR § 2408.10.) The three criteria are: (a) an inability to obtain sufficient project financing for the PUD, following an applicant’s good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the Applicant’s control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD Order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control; or (c) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control that renders the applicant unable to comply with the time limits of the PUD order. (11 DCMR § 2408.11.)

The Commission concludes the Applicant complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.

The Commission concludes there has been no substantial change in any material facts that would undermine the Commission’s justification for approving the original PUD.

The Commission concludes the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(a), including the fact that the Applicant recently purchased the property and is refining the design of the building to suit its needs.

Z.C. ORDER NO. 02-51B
Z.C. CASE NO. 02-51B
PAGE 3

The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

The approval of the time extension is not inconsistent with the Comprehensive Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the Application for a one-year time extension of the First-Stage PUD approval in Z.C. Case No. 02-51A.

The final PUD approved by the Commission shall be valid until June 29, 2009, within which time an application shall be filed with the Zoning Commission for review and approval of the Second-Stage of the PUD. If no second stage application is filed, the first stage approval will expire on that date.

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 Section 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, genetic information, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

For the reasons stated above, the Commission concludes that the Applicant has met its burden; it is hereby **ORDERED** that the application be **GRANTED**.

On September 8, 2008, upon the motion of Chairman Hood, as seconded by Vice Chairman Jeffries, Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Peter G. May, and Michael G. Turnbull to adopt; Curtis L. Etherley, Jr. having recused himself, not voting).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register* on _____.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 05-25A
Z.C. Case No. 05-25A
H Street Community Development Corporation
(Two-Year PUD Time Extension @ 4th Street & Rhode Island Avenue, N.E.)
October 20, 2008

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on October 20, 2008. At the meeting, the Commission approved a request from the H Street Community Development Corporation (the "Applicant") for a time extension for an approved planned unit development ("PUD") for property consisting of Lot 808 in Square 3629 (the "Subject Property") pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. For the reasons stated below, the Commission granted the request, finding that an extension of time of the validity of the PUD is in the best interests of the District of Columbia and is consistent with the intent and purposes of the Zone Plan.

FINDINGS OF FACT

1. By Z.C. Order No. 05-25, the Commission approved the construction of a nine story apartment house containing approximately 170 units and approximately 3,000 square feet of retail space on the ground floor. The project will also include approximately 173,355 square feet devoted to residential use. The proposed density is 4.5 floor area ratio ("FAR"). A minimum of 20% of the residential floor area, or 34,671 square feet, will be devoted to affordable housing. The height of the new building will be 90 feet. The building will contain approximately 128 parking spaces.
2. By letter dated and received by the Commission on August 25, 2008, the Applicant filed a request to extend the validity of the PUD approval for a period of two years, such that an application must be filed for a building permit no later than October 23, 2010, with construction to start no later than October 23, 2011. The letter indicates that the project has experienced delay beyond the Applicant's control, specifically, since the PUD was initially approved, the unanticipated swift change in the residential sales and rental environment has impeded the Applicant's ability to secure financing for this project. As indicated in the letter, the need for workforce housing in the District of Columbia has increased, while the financial community's ability to commit funds for projects has come under high scrutiny primarily due to the inability to accurately project construction costs, carrying costs, and sales/rental income. Indeed, the Commission has recently found in a number of cases that the recent changes in the economy and residential housing market conditions, combined with predictions that housing values will continue to decline, has resulted in a lack of willingness on the part of lenders to finance projects.
3. The Applicant identified the following specific impediments in attempting to obtain financing for the project since approval of the PUD: (1) construction costs for the project have increased exponentially; (2) the Applicant was tentatively selected by the D.C. Department of Housing and Community Development ("DHCD") to receive a supportive grant to assist in paying for the construction costs; however, due to the continuous escalation in construction costs, the DHCD grant is no longer sufficient to cover the gap in financing;

Z.C. ORDER NO. 05-25A
Z.C. CASE NO. 05-25A
PAGE 2

- (3) despite preparing a number of extensive feasibility studies concerning the economic viability of the project, these efforts have yet to yield project financing; (4) the Applicant's initial lender withdrew its interest in financing the project; and (5) the Applicant has been unable to secure project financing from additional sources, including a reputable lending institution and a local housing development corporation.
4. The only other party to this application was Advisory Neighborhood Commission ("ANC") 5C. The Applicant served a copy of this request on ANC 5C. By resolution dated September 16, 2008, and marked as Exhibit 3 in the record of this case, ANC 5C reaffirmed its continued support for the project and voted unanimously to support the extension request.

CONCLUSIONS OF LAW

The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties and all parties are allowed 30 days to respond; (b) there is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) substantial evidence there is good cause for the extension based on the criteria established in § 2408.11. (11 DCMR § 2408.10.) The three criteria are: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the Applicant's reasonable control; or (c) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order. (11 DCMR § 2408.11.)

The Commission concludes the application complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.

The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.

The Commission concludes the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(a), the Applicant's inability to obtain sufficient project financing for the PUD, following its diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond its control.

Z.C. ORDER NO. 05-25A
Z.C. CASE NO. 05-25A
PAGE 3

The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

The approval of the time extension is not inconsistent with the Comprehensive Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a two-year time extension of the approved PUD in Z.C. Order No. 05-25.

The final PUD approved by the Commission shall be valid until October 23, 2010, within which time an application shall be filed for a building permit, as specified in § 2409.1. Construction shall start no later than October 23, 2011. If either of these two events does not occur when required, and no further request for an extension is made and granted, the PUD approval shall expire.

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, 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 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.

For the reasons stated above, the Commission concludes that the Applicant has met its burden; it is hereby **ORDERED** that the application be **GRANTED**.

On October 20, 2008, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Peter G. May, and Michael G. Turnbull to adopt; Curtis L. Etherly, Jr., not present, not voting).

In accordance with the provisions of 11 DCMR §3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on _____.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-21A
Z.C. Case No. 06-21A
(Douglas Development Corporation –
Modification to a Consolidated Planned Unit Development)
September 8, 2008

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on September 8, 2008. At the meeting, the Commission approved an application from Douglas Development Corporation (the "Applicant") requesting a modification to an approved planned unit development ("PUD") at the northwest intersection of 6th and L Streets, N.W., pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. Because the modification was deemed minor, a public hearing was not conducted.

The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 06-21, dated January 8, 2007 (the "Order"), the Commission approved a PUD and related Zoning Map amendment for that certain real property located at the northwest corner of the intersection of 6th and L Streets, N.W. (the "Site"). The Site, which consists of approximately 8,612 square feet in Lots 800, 859, 50, and 51 in Square 449, was approved for a residential development with approximately 20 dwelling units, a maximum density of 2.56 FAR, and a maximum height of 46 feet. Condition No. 4 of the Order requires the PUD to have a minimum of 10 parking spaces.
2. Under Z.C. Case No. 06-21A, the Applicant requested that Condition No. 4 of the Order be modified to reduce the minimum number of parking spaces for the project from 10 parking spaces to nine parking spaces, in order to permit an additional means of ingress and egress for the project as required by the Building Code.
3. The Applicant delivered copies of the Request for Minor Modification to Advisory Neighborhood Commission 2C the only other party to Z.C. Case 06-21. No response was submitted to the Commission by the ANC.
4. On September 8, 2008, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the minor modification to the approved PUD.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and is consistent with the intent of the previously approved Z. C. Order No. 06-21.

Z.C. ORDER NO. 06-21A
Z.C. CASE NO. 06-21A
PAGE 2

Further, the Commission concludes that its decision is in the best interests of the District of Columbia and is consistent with the intent, purpose, and integrity of the Zoning Regulations and Zoning Map.

The approval of the modification is not inconsistent with the Comprehensive Plan.

The number of parking spaces, the proposed modification does not impact the essential elements of the approved PUD, including use, height, gross floor area, lot occupancy, or setbacks. The modification is minor such that consideration as a Consent Calendar item without public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law provided herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of an approved PUD on Lots 800, 859, 50, and 51 in Square 449, at the northwest corner of the intersection of 6th and L Streets, N.W. As such, notwithstanding the previous site plan approvals for the PUD, the project shall provide a minimum of nine parking spaces, as depicted on Sheet A1.00, prepared by GTM Architects, dated April 12, 2006, and submitted as Exhibit B of the Applicant's Request for Modification.

Condition 4 of Z.C. Order No. 06-21 is modified to read:

4. The PUD shall include a minimum of nine (9) parking spaces.

Pursuant to the intent of 11 DCMR 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor modification until the Applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 06-21 with the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 06-21 and this order (Zoning Commission Order No. 06-21A), which the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind the Applicant and any successors in title to construct on and use the Site in accordance with this Order and any amendments thereof.

After recordation of the Notice of Modification, the Applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Commission.

On September 8, 2008, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of 5-0-0, (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Peter G. May, and Michael G. Turnbull to approve).

Z.C. ORDER NO. 06-21A
Z.C. CASE NO. 06-21A
PAGE 3

In accordance with the provisions of 11 DCMR 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is on _____.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

Z. C. ORDER No. 08-03/8-03-1

(Map Amendment – 11 DCMR)

(Portions of Squares 5228, 5253, 5254, 5262, 5263, 5264, and 5265)

December 22, 2008

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

**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
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988).....	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998)	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, OCTOBER 2007)	\$70.00
	+ \$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
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984)	\$7.00
14	DCMR HOUSING (DECEMBER 2004).....	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998)	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998).....	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997).....	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997).....	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998).....	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986)	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995).....	\$13.00
23	DCMR ALCOHOLIC BEVERAGES (JANUARY 2009)	\$10.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996).....	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003)	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985)	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988).....	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004)	\$10.00
29	DCMR PUBLIC WELFARE (MAY 1987)	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997).....	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004)	\$16.00

Publications Price List (Continued)

OTHER PUBLICATIONS

2000 – 2005 Indices	\$40.00 + \$10.00 postage
1994 - 1996 Indices.....	\$52.00 + \$10.00 postage
1997 - 1998 Indices.....	\$52.00 + \$10.00 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$665.00
D.C. Register (Single Copy)	\$16.00
Rulemaking Handbook & Publications Style Manual (1983).....	\$5.00
D.C. Comprehensive Plan Maps	\$5.00
D.C. Comprehensive Plan CDs	\$10.00
*Supplements to D.C. Municipal Regulations.....	\$5.00

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

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

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