

**CENTER CITY PUBLIC CHARTER SCHOOLS, INC.****NOTICE OF REQUEST FOR PROPOSALS**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following products and services:

- (1) Grant compliance monitoring & support
- (2) Speech & language instruction and one-on-one intervention for PreK and Kinder aged students
- (3) Professional development and coaching around literacy instruction & curriculum for PreK and Kinder classroom teachers and instructional personnel
- (4) Manufacture & installation of exterior signage to be mounted in and around our seven campus sites.

To obtain copies of full RFP's, please visit our web-site: [www.centercitypcs.org](http://www.centercitypcs.org). The full RFP's contain guidelines for submission, applicable qualifications and deadlines. Contact person:

Lauran Greene

(202) 589-0202

**D.C. CHILDREN AND YOUTH INVESTMENT TRUST CORPORATION****NOTICE OF FUNDING AVAILABILITY****Fiscal Year 2010 Out of School Time Programs**

**Notice: ATTENDANCE AT A GRANT TECHNICAL ASSISTANCE SESSION AND SUBMISSION OF A NOTICE OF INTENT TO APPLY IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT.**

**Summary:** The DC Children and Youth Investment Trust Corporation (The Trust) is a public-private partnership chartered by the District to help a wide variety of organizations improve the quality, quantity and accessibility of services and opportunities for every child in the city. The Trust works to increase resources and invest in the people, programs, and systems that serve children, youth, and their families in the District of Columbia.

The Trust announces the availability of a funding opportunity and invites qualified applicants to submit proposals to provide high quality out-of-school time programs to children and youth ages 5 – 24 in the District of Columbia during Fiscal Year 2010. Specifically, the Trust seeks to support the delivery of a variety of high quality out-of-school time programs during the school year that will provide purposeful and developmentally appropriate programs to help the District's children and youth meet developmental outcomes. Applicant organizations must employ the youth development philosophy in its approach and program design. **Proposals will be funded in two categories: Out of School Time in DCPS Facilities and OST in Community-Based Facilities.** Applicants are allowed to submit no more than two (2) proposals in response to this RFP. The total amount available for granting is \$4.0 million.

**Criteria for eligible applicants:** Eligible applicants must have 501(c) (3) tax-exempt status, been incorporated to operate in the District of Columbia, and providing direct services since no later than October 1, 2007; must be organized under the District of Columbia Non-profit Corporation Act (DC Code, sec.29-501 et seq.); must be a community-based organization, defined as: non-profit agency with a board of directors that is reflective of the community of population served; organization's primary vision and program focus must be on serving children, youth, and/or families within the District of Columbia; and, organization must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service as well as follow all appropriate charitable financial reporting standards. For collaborative applications, one organization must act as the lead agency. That organization must meet all criteria listed and accept fiduciary, reporting and programming oversight responsibility for the application and grant. For programming in a DC Public School, organizations must be approved by DCPS through the vetting process described on the DCPS website.

An organization described in Section 501(c) (4) of the Internal Revenue Code, 26 U.S.C. 501(c) (4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the proposal guidelines and instructions. The Request for Proposal (RFP) will be released on April 21, 2009 at 9:00am. The RFP will be available for download on the Trust's website at [www.cyitc.org](http://www.cyitc.org). **The deadline for submission to the Trust is May 29, 2009 at 4:00pm.**

The Trust will hold three Grant Technical Assistance (GTA) Sessions (formerly known as Bidder's Conferences). **In order to be eligible for this grant, attendance at one of the GTA sessions is mandatory for all applicants.** The sessions will convene on the following dates at these locations:

**Monday, April 27, 2009 from 10:00 a.m. – 12:00 noon**

Community Preservation Development Corporation – Crawford Hall  
635 Edgewood Street, NE, 9<sup>th</sup> Floor

**Monday, May 4, 2009 from 10:00 a.m. – 12:00 noon**

THEARC – Community Room  
1901 Mississippi Avenue, SE

**Monday, May 18, 2009 from 6:00 p.m. – 8:00 pm**

Columbia Heights Youth Club  
1480 Girard Street, NW

To RSVP for a training session, contact Amy Dziekonski, Program Officer, at (202) 478-3886 or via email at [rfp@cyitc.org](mailto:rfp@cyitc.org).

Prospective applicants must submit a Notice of Intent to Apply to the Trust. **The Notice of Intent to Apply form should be returned to the Trust by Monday, May 4, 2009.** Submittal of the Notice of Intent to Apply does not commit an agency to apply. However, failure to submit a Notice of Intent to Apply in a timely manner will disqualify an applicant. Any supplemental written information related to this RFP will be provided only to those organizations that have filed a Notice of Intent to Apply. Notice of Intent to Apply should be submitted via mail or e-mail to:

D.C. Children & Youth Investment Trust Corp.  
1400 16<sup>th</sup> Street, NW, Suite 500  
Washington, DC 20036  
Attn: RFP - OST  
E-mail: [rfp@cyitc.org](mailto:rfp@cyitc.org)

**Questions must be submitted in person at the Grant Technical Assistance Session or via e-mail at [rfp@cyitc.org](mailto:rfp@cyitc.org) on or before Tuesday, May 19, 2009 at 4:00 p.m.** All written questions concerning this RFP will be posted on the Trust's website at [www.cyitc.org](http://www.cyitc.org). If you have any additional inquiries, please contact Amy Dziekonski, Program Officer, at (202) 478-3886 or via email at [rfp@cyitc.org](mailto:rfp@cyitc.org).

**D.C. CHILDREN AND YOUTH INVESTMENT TRUST CORPORATION****NOTICE OF FUNDING AVAILABILITY****Fiscal Year 2010 Parent Center Programs**

**Notice:** ATTENDANCE AT A GRANT TECHNICAL ASSISTANCE SESSION AND SUBMISSION OF A NOTICE OF INTENT TO APPLY IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT.

**Summary:** The DC Children and Youth Investment Trust Corporation (The Trust) is a public-private partnership chartered by the District to help a wide variety of organizations improve the quality, quantity and accessibility of services and opportunities for every child in the city. The Trust works to increase resources and invest in the people, programs, and systems that serve children, youth, and their families in the District of Columbia.

The Trust announces the availability of a funding opportunity and invites qualified applicants to submit proposals to provide high quality programs to parents of young children and adolescents in the District of Columbia during Fiscal Year 2010. Specifically, the Trust seeks to support the delivery of a variety of high quality parent center programs throughout the fiscal year that will strengthen and empower families and communities and foster the optimal development of children, youth and adult family members. Applicant organizations must employ youth development based parenting practices. **Proposals will be funded in three categories: Family Wellness, Parenting, and School and Community Involvement.** Applicants may only apply in two categories. The total amount available for granting is \$750,000.

**Criteria for eligible applicants:** Eligible applicants must have 501(c) (3) tax-exempt status, been incorporated to operate in the District of Columbia, and providing direct services since no later than October 1, 2007; must be organized under the District of Columbia Non-profit Corporation Act (DC Code, sec.29-501 et seq.); must be a community-based organization, defined as: non-profit agency with a board of directors that is reflective of the community of population served; organization's primary vision and program focus must be on serving children, youth, and/or families within the District of Columbia; and, organization must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service as well as follow all appropriate charitable financial reporting standards. For collaborative applications, one organization must act as the lead agency. That organization must meet all criteria listed and accept fiduciary, reporting and programming oversight responsibility for the application and grant. For programming in a DC Public School, organizations must be approved by DCPS through the vetting process described on the DCPS website.

An organization described in Section 501 (c) (4) of the Internal Revenue Code, 26 U.S.C. 501 (c) (4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the proposal guidelines and instructions. The Request for Proposal (RFP) will be released on April 21, 2009 at 9:00am. The RFP will be available for download on the Trust's website at [www.cyitc.org](http://www.cyitc.org). **The deadline for submission to the Trust is June 29, 2009 at 4:00pm.**

The Trust will hold two Grant Technical Assistance (GTA) Sessions (formerly known as Bidder's Conferences). **In order to be eligible for this grant, attendance at one of the GTA sessions is mandatory for all applicants.** The sessions will convene on the following dates at these locations:

**Thursday, June 4, 2009 from 10:00 a.m. – 12:00 noon**

Charles Sumner School - Gallery G-3  
1201 17<sup>th</sup> Street, NW

**Tuesday, June 16, 2009 from 6:00 p.m. – 8:00 p.m.**

Pennsylvania Avenue Baptist Church – Chapel  
3000 Pennsylvania Avenue, SE

To RSVP for a training session, contact Jeffrey Richardson, Program Officer, at (202) 478-3873 or via email at [rfp@cyitc.org](mailto:rfp@cyitc.org).

Prospective applicants must submit a Notice of Intent to Apply to the Trust. **The Notice of Intent to Apply form should be returned to the Trust by Thursday, June 4, 2009.** Submittal of the Notice of Intent to Apply does not commit an agency to apply. However, failure to submit a Notice of Intent to Apply in a timely manner will disqualify an applicant. Any supplemental written information related to this RFP will be provided only to those organizations that have filed a Notice of Intent to Apply. Notice of Intent to Apply should be submitted via mail or e-mail to:

D.C. Children & Youth Investment Trust Corp.  
1400 16<sup>th</sup> Street, NW, Suite 500  
Washington, DC 20036  
Attn: RFP – Parent Center  
E-mail: [rfp@cyitc.org](mailto:rfp@cyitc.org)

**Questions must be submitted in person at the Grant Technical Assistance Session or via e-mail at [rfp@cyitc.org](mailto:rfp@cyitc.org) on or before Wednesday, June 17<sup>th</sup> at 4:00 p.m.** All written questions concerning this RFP will be posted on the Trust's website at [www.cyitc.org](http://www.cyitc.org). If you have any additional inquiries, please contact Jeffrey Richardson, Program Officer, at (202) 478-3873 or via email at [rfp@cyitc.org](mailto:rfp@cyitc.org).

**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC  
DEVELOPMENT**

**NEIGHBORHOOD INVESTMENT FUND (NIF)**

**NIF Predevelopment Grant and Project Grant Fund**

The District's Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the NIF Predevelopment Grant and Project Grant Fund authorized under Resolution 17-824 "NEIGHBORHOOD INVESTMENT ACT SPENDING PLAN FOR FISCAL YEAR 2009 EMERGENCY APPROVAL RESOLUTION OF 2008". There is \$5 million dollars available for this round of funding. The application process will be managed by a fund manager; The Local Initiatives Support Corporation.

The purpose of the NIF Predevelopment Grant and Project Grant (PDG) is to provide grants to support predevelopment and project financing activity for the construction and rehabilitation of affordable housing, mixed use and community-based facility projects in one or more of the 12 NIF target neighborhoods.

Eligible applicants include non-profit developers that are a 501(c) (3) non-profit corporation and joint ventures, partnerships, and limited liability arrangements with for-profit developers where the non-profit developer has at least 51% management control of the project. The non-profit developer must materially participate in the development project by being involved in the operations of the development and the development process on a basis that is regular, continuous and substantial.

Eligible projects are: (1) Affordable Housing: (Rental and for-sale projects with a minimum of 10 units per project). This includes: (a) Rental units for the general population; (2) Rental units for those with special needs; (b) Cooperatives; (c) Condominiums; (d) Single family homes. (2) Community-based Facility Projects: Defined as projects that will provide a public service or benefit to a diverse constituency with a strong commitment to one or more of the 12 NIF target neighborhoods. (3) Mixed Use Projects: Defined as projects that combine two or more of the following types of development: residential (minimum of 3 units), commercial, office or community facility.

Funds can be used to pay for third party professional services for determining project feasibility or pursuing a property acquisition. The use of funds includes, but is not limited to: Development analysis; Due diligence services; Accounting fees; Environmental assessment; Finance consultants; Market studies; Soil testing; Tax credit Consultants and Legal fees and Surveys.

Additional applicant and project eligibility requirements and evaluation criteria are detailed in the Request for Applications (RFA).

The Request for Applications will be released on Monday, April 20, 2009. Applications may be submitted at any time following release of the RFA and will be evaluated on a rolling basis until the NIF-PDG grant funds are expended or until July 31, 2009 at 4pm – whichever comes first. ODMPED reserves the right to suspend or terminate the application process at anytime.

The RFA will be available for pick up or by mail if requested at Local Initiatives Support Corporation, 1825 K St., NW, Suite 1100, Washington, DC 20006 and at ODMPED, 1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004 or 2025 M St., NW, Suite 600, Washington, DC 20036. Applications are also available on- line at the ODMPED website: [www.dcbiz.gov](http://www.dcbiz.gov) or from DC LISC website: [www.lisc.org/washingtondc](http://www.lisc.org/washingtondc). Inquiries should be directed to (202) 785-2908 or emailed to [mmellet@lisc.org](mailto:mmellet@lisc.org).

**NIF Target Areas:** Anacostia, Bellevue, Bloomingdale/ Eckington, Brightwood/Upper Georgia Ave., Brookland/Edgewood, Columbia Heights, Congress Heights, Deanwood Heights, H Street, Logan Circle, Shaw, Washington Highlands.

**EAGLE ACADEMY PUBLIC CHARTER SCHOOL****FINAL NOTICE****ENROLLMENT FOR 2009-2010**

Grades:

Pre-School, Pre-Kindergarten, and Kindergarten

The final date for enrollment of your child in Eagle Academy Public Charter School is 4:30 PM, Friday April 10.

If enrollment exceeds capacity, a lottery will be held on Thursday, April 16 at Eagle Academy PCS.

If there are openings after Friday, April 10, a lottery will not be held but applicants will be admitted on a first completed enrollment package basis.

To enroll your child, come to Eagle Academy at 770 M Street, SE (across from the Navy Yard at 7<sup>th</sup> and M Streets) between the hours of 8:00 AM and 4:30 PM or go to our website [www.eagleacademypcs.org](http://www.eagleacademypcs.org) to obtain complete information on how to enroll your child.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT****NOTICE OF FILING OF VOLUNTARY CLEANUP CLOSURE SUMMARY**

Pursuant to § 601 (b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001(D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005)), the Voluntary Cleanup Program (VCP) in the District Department of the Environment (DDOE), is informing the public that it has received a Closure Summary Report in the Voluntary Cleanup Program for a property located at 4510-4528 Benning Road, S.E.. The applicant is Benco Shopping Center, LLC, 3050 K Street, N.W., Suite 205 Washington, D.C. 20007, Attn. Mr. Christopher LoPiano, Director of Development. The environmental contaminants of concern at the subject property are low levels of chlorinated solvent compounds in the groundwater. Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission for the area in which the property is located.

The DDOE is required to consider all public comments it receives before issuing a certificate of completion. Interested persons may submit written comments on the issuance of a Letter of No Further Action (NFA) to the Voluntary Cleanup Program at the address listed below. The Closure Summary Report will be available for public review at the following location:

Voluntary Cleanup Program  
District Department of the Environment (DDOE)  
51 N Street, N.E., 6th Floor, Room 6011  
Washington, DC 20002

Interested parties may also request a copy of the report for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-1337.

Written comments on the proposed issuance of a Letter of No Further Action must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DDOE is required to consider all public comments it receives before acting on the application, the cleanup action plan, or a Letter of No Further Action.

**FRIENDSHIP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective candidates to provide the following services:

- 1.) **Design and Printing Services** in accordance with requirements and specifications detailed in the Request for Proposal.
- 2.) **Evaluator for Math/Science Partnership Grant** in accordance with requirements and specifications detailed in the Request for Proposal.
- 3.) **Friendship Public Charter Schools – Friendship Technology Preparatory - Phase 1 Announcement for Request for Bids – 620 Milwaukee Place SE, Washington DC**

Friendship Public Charter Schools intends to issue a RFP for Construction Bids for pick-no later than MAY 15, 2009 with bids to be due on MAY 30, 2009. The building is approximately 25, 000 gsf and renovations will involve selective interior demolition, new partitions, flooring and ceilings where required, repairs and re-conditioning of building systems to include exterior windows, glazing and mechanical systems, new doors and hardware, painting, etc with all work to be completed for school to open August 27, 2009. A Ph1 and Hazmat survey will be included with the RFP

Prospective candidates can obtain an electronic copy of the full Request for Proposal (RFP) for all services by contacting:

Valerie Holmes  
[vholmes@friendshipschools.org](mailto:vholmes@friendshipschools.org)  
202-281.1722

**LIGHTHOUSE FACILITIES MANAGEMENT, LLC  
REQUEST FOR PROPOSALS**

Lighthouse Facilities Management, LLC, on behalf of Lighthouse Academies, Inc., Lighthouse Academies of Indiana, Inc., Lighthouse Academies of Arkansas, Inc. and their public charter schools, located in Cleveland, OH; East Chicago, IN; Gary, IN; Indianapolis, IN; Washington, DC, and Jacksonville, AR, is seeking competitive proposals by May 15, 2009 at 1:00 p.m. EST for the delivery of breakfast, lunch and snack for the 2009-2010 school year with a possible extension of (4) one-year renewals. All meals are for children enrolled at the schools for the 2009-2010 school year. All meals must meet the minimum National School Breakfast, Lunch, and Snack meal pattern requirements. Meal pattern requirements, production records/delivery tickets, IFB packet, and available commodities, sample menu and all necessary forms may be obtained from Lighthouse Facilities Management, LLC.

Prospective vendors shall note that the Washington, DC location is advertising the opportunity to bid on the delivery of breakfast, lunch, and/or snack meals utilizing United States Department of Agriculture (USDA) commodities. Bids must include a reduction in the overall contract price for utilizing USDA commodities towards lunch meals. Instructions are given in the Request for Proposal packet.

All sealed proposals shall be forwarded to the address listed below:

Attn: Tom Stewart  
Lighthouse Facilities Management, LLC  
1661 Worcester Road, Suite 207  
Framingham, MA 01701  
Phone: 508-626-0904ext 102  
Fax: 508-626-0905  
tstewart@lighthouse-facilities.org

Sealed proposals shall be received no later than May 15, 2009, by 1:00 PM EST

Sealed proposals shall be submitted according to the Request for Proposal specifications. In addition all sealed proposals shall be submitted in a sealed envelope marked as: "School Meal Proposal 2009-2010." Indicate the firm name on the envelope. Included with the hard-copy proposals shall be an electronic copy of the proposal.

Late and/or faxed proposals will not be accepted.

Lighthouse reserves the right to reject any and all proposals. Lighthouse reserves the right to award a contract as it determines to be in the best interest of Lighthouse and the schools in the Lighthouse network. To acquire a copy of the proposal specification, please contact Tom Stewart at the above phone number or e-mail address.

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

**Application No. 17540-A of Capitol Hill Day School**, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements of § 404, a variance from the rear yard requirements of § 403, and a variance from the floor area ratio requirements of § 1203.3 of the Capitol Interest Overlay District, and pursuant to 11 DCMR §3104.1, for a special exception pursuant to § 1202.1, to allow the construction of an addition to a private school, and pursuant to § 206, to reconfigure the layout of an existing parking lot, at premise 210 South Carolina Avenue, S.E., in the CAP/R-4 District (Square 765, Lot 803).

**Application No. 17541-A of Capitol Hill Day School**, pursuant to 11 DCMR § 3104.1, for a special exception pursuant to §§ 206 and 1202.1 to allow the continued operation of a private school for thirty (30) students in pre-kindergarten through eighth grade and five (5) faculty and staff members in the basement through second floor at premise 214 South Carolina Avenue, S.E., in the CAP/R-4 District (Square 765, Lot 802).

**Hearing Dates for Both Applications:** November 28, 2006, January 16, 2007

**Decision Date for Both Applications:** February 6, 2007

**Final Date of Order:** June 11, 2007

**Decision on Motion to Extend Orders:** April 7, 2009

**ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 17540 and 17541**

The Underlying BZA Order

On February 6, 2007, the Board of Zoning Adjustment (the Board or BZA) approved the Applicant's request for variance and special exception relief for two properties that were the subject(s) of what were originally filed by the Applicant as two applications but were addressed by the Board in a single order addressing both properties.<sup>1</sup> Thus, the Board, with conditions, approved a variance from the lot occupancy requirements of § 404, a variance from the rear yard requirements of § 403, and a variance from the floor area ratio requirements of § 1203.3 of the

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<sup>1</sup> The BZA determined that it would be appropriate to hear and decide the two applications (17540 and 17541) together, as the two adjacent properties involved in these cases were both part of a single use: a private school. The Board issued one Order for both of these applications. Moreover, in that Order, the Board subsumed the separate special exception that had previously existed for 214 South Carolina Avenue, S.E. (the property that was the subject of 17541), into the untermed special exception granted to the Applicant in 1979 by Order No. 12860, for the property that was the subject of Application 17540 (210 South Carolina Avenue), treating them both as part of the private school use of the Applicant.

BZA APPLICATION NO. 17540-A and 17541-A

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Capitol Interest Overlay District, and pursuant to 11 DCMR §3104.1, for a special exception pursuant to § 1202.1, to allow the construction of an addition to a private school, and pursuant to § 206, to reconfigure the layout of an existing parking lot, at premise 210 South Carolina Avenue, S.E., in the CAP/R-4 District (Square 765, Lot 803). Also, in the same order, the Board approved the Applicant's request for a special exception pursuant to §§ 206 and 1202.1 to allow the continued operation of a private school for thirty (30) students in pre-kindergarten through eighth grade and five (5) faculty and staff members in the basement through second floor at premise 214 South Carolina Avenue, S.E., in the CAP/R-4 District (Square 765, Lot 802). The Board authorized a single order for both of these applications, with conditions, which was issued on June 11, 2007 (BZA Order 17540 and 17541).

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until June 11, 2009.

Section 3130.1 states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility(EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit.

(11 DCMR § 3130.1)

#### Motion to Extend

On March 20, 2009, the Board received a letter from the Applicant, which requested a two year extension in the authority granted in the underlying BZA Order for two reasons: the Applicant's (1) inability to obtain financing due to economic and market conditions beyond the Applicant's control and (2) inability to secure all required government agency approvals by the expiration of the BZA Order because of delays beyond the Applicant's control. The letter noted that:

"...The municipal bond market, including the market for tax-exempt revenue bonds, has been severely and adversely impaired by the current credit crisis and overall economic downturn...Adding to the credit crisis has been the collapse of the swap market and the failure of major banks that provide letters of credit to private schools to improve their credit ratings to investment grade, an essential product for the financing package of Capitol Hill Day School...Specifically, many banks have pulled back from the market or are charging much higher rates for letters of credit...The

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investment advisors to the Capitol Hill Day School expect it may be a year or so before the credit market begins to properly function again and produce rates in the 5% range. Such rates are needed to finance the construction of the new addition to the School's Property."

With respect to the second reason for request, the Applicant stated:

"In July, 2008, the School contracted with Northern Virginia Drilling and Bowman Geothermal to drill a test well to determine if the aquifer could supply an adequate amount of water to heat and cool the addition. The results were positive. The District of Columbia Department of the Environment (DOE), however, refused to issue a drilling permit for the well because its intended purpose was to operate an open loop geothermal system...Unfortunately, DOE has not issued regulations for open loop geothermal systems and the agency does not have guidelines to evaluate the School's request...As a consequence of the above, the Environmental Impact Screening Form (EISF), submitted for review to the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), has not been approved because DOE has not determined whether the School's open loop geothermal system will be permitted and the School cannot file for a building permit until the EISF is approved...The DOE gave the School and its consultants some hope that a permit could be approved but requested that the School complete a complex set of thermal models to demonstrate that the heat plume from the proposed system would dissipate...This [evaluation] process may be completed by the end of September 2009 but unfortunately the control of the timing of these reviews and approvals is beyond the Schools' control..."

Accordingly, the Applicant requested that, pursuant to § 3100.5 of the Regulations, the Board waive the provisions of § 3130.1, which limits the validity of the underlying Order to two years from the date of its issuance, and extend the validity of its prior Order, as conditioned, for an additional two years, thereby allowing the Applicant additional time to apply for a building permit.

#### Criteria for Evaluating Motion to Extend

Section 3100.5 of the Regulations states in full:

Except for §§ 3100 through 3105, 3121.5 and 3125.4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

BZA APPLICATION NO. 17540-A and 17541-A  
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(11 DCMR § 3100.5)

The Board finds that the Applicant has met the criteria set forth in this provision. The filing of the motion on March 20, 2009, prior to the expiration date, tolled the effect of the order. (Exhibit No. 121). The Applicant's inability to secure financing and the poor economic conditions in the District together with the Applicant's inability to secure all required government agency approvals by the expiration of the BZA Order because of delays beyond the Applicant's control constitutes the "good cause" required under § 3100.5. The Board also finds that a waiver in this case would not prejudice the rights of any party and is not otherwise prohibited by law.

In requesting this extension of the Order, the applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated June 11, 2007 (Exhibit No. 9 in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, the Board hereby waives the limitation in § 3130.1 of the Regulations and extends the validity of the underlying Order, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of June 11, 2011.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this request for extension of time be **GRANTED** until June 11, 2011.

**VOTE: 3-0-2** (Marc D. Loud, Shane L. Dettman, and Michael G. Turnbull to approve; Mary Oates Walker and the third (vacant) mayoral appointee 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:** April 10, 2009

BZA APPLICATION NO. 17540-A and 17541-A

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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 § 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.

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

**Application No. 17600-A of Dakota Square LLC**, pursuant to 11 DCMR §3103.2, for a variance from the loading berth requirements under subsection 2201.1, to allow the construction of a mix-use (commercial/residential) building in the C-2-A District at premises 300-320 Riggs Road, N.E. (Square 3748, Lot 52).

<b>Hearing Date:</b>	March 20, 2007
<b>Decision Date:</b>	March 20, 2007
<b>Final Date of Order:</b>	March 21, 2007
<b>Decision on Motion to Extend Order:</b>	March 24, 2009

**ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER 17600**

**The Underlying BZA Order**

On March 20, 2007, the Board approved the Applicant's request for a variance from the loading berth requirements under subsection 2201.1 of the Zoning Regulations. Given that there were no opposing parties, the Board authorized a bench decision and summary order, which was issued on March 21, 2007 (BZA Order 17600).

Under the Summary Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until March 21, 2009.

Section 3130.1 states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility(EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit.

(11 DCMR § 3130.1)

**Motion to Extend**

On March 6, 2009, the Board received a letter from the Applicant indicating that it had not yet applied for a building permit, and that it would not be able to do so prior to March 21, 2009 when the Order was set to expire. According to the Applicant, despite strong efforts, “the Property Owners ha[d] not been able to a[cquire] financing which would allow the preparation of construction plans and the filing of their building permit applications.” The Applicant asserted that this was due to the unprecedented negative economic circumstances impacting development in the District of Columbia in general.

**BZA APPLICATION NO. 17600-A**  
**PAGE NO. 2**

Accordingly, the Applicant requested that:

- A. Pursuant to § 3100.5 of the Regulations, the Board waive the provisions of § 3130.1, which limits the validity of the underlying Order to two years from the date of its issuance, thereby allowing the Applicant additional time to apply for a building permit; **or**,
- B. The Board extend the underlying Order for a period of two years from March 21, 2009.
- C. The Board toll the expiration date for the underlying Order from the date the motion to extend was filed.

**Criteria for Evaluating Motion to Extend**

Section 3100.5 of the Regulations states in full:

Except for §§ 3100 through 3105, 3121.5 and 3125.4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

(11 DCMR § 3100.5)

The Board finds that the Applicant has met the criteria set forth in this provision. The Applicant's inability to secure financing and the poor economic conditions in the District constitutes the "good cause" required under § 3100.5. The Board also finds that a waiver in this case would not prejudice the rights of any party and is not otherwise prohibited by law. Neither the ANC nor any nearby property owners objected to an extension of the Order; and as noted above, there were no opposing parties at the time the underlying Order was decided. Since granting the initial request for relief did not prejudice the rights of any party, the Board concludes that the extension of that relief, likewise, will not be prejudicial.

Regarding the Applicant's request to toll the expiration of the underlying Order, the Board finds that the expiration was tolled at the time the Applicant's motion was filed.

Accordingly, the Board hereby waives the limitation in § 3130.1 of the Regulations and extends the validity of the underlying Order for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of March 21, 2011.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this request for extension of time be **GRANTED** until March 21, 2011.

**BZA APPLICATION NO. 17600-A**  
**PAGE NO. 3**

**VOTE:**       **4-0-1** (Ruthanne G. Miller, Marc D. Loud, and Shane L. Dettman to approve; Michael G. Turnbull to approve by absentee ballot; 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: APRIL 7, 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 § 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.

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SG/TWR

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