

THE CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY
SOLICITATION FOR PROPOSALS

Phone & Data Network Wiring Services

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for Phone & Data Network Wiring Services for our school renovation project.

All necessary forms and a full RFP may be obtained by calling 202-547-3975 ext. 11.

The Cesar Chavez Public Charter Schools will receive bids from May 1, 2009 to COB May 8, 2009. Send Proposals to:

Attn: Roc Blakeney
709 12th Street, SE
Washington, D.C. 20003.

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

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

May 2009

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
John McFarland	Board of Accountancy	5	8:30 am-12:00pm
Leon Lewis	Board of Appraisers	20	10:00 am-12:00 pm
Leon Lewis	Board Architects and Interior Designers	No meeting	9:00 am-1:00 pm
Sheldon Brown	Board of Barber and Cosmetology	4	10:00 am-4:00 pm
Sheldon Brown	Boxing and Wrestling Commission	12	7:00-pm-9:00 pm
Sheldon Brown	Board of Funeral Directors	7	1:30 pm-5:00 pm
John McFarland	Board of Professional Engineers	28	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	12	10:30 am-12:30 pm
Pamela Peters	Board of Industrial Trades	19	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.

BOARD OF ELECTIONS AND ETHICS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3D07

Petition Circulation Period: **Monday, May 4, 2009 thru Tuesday, May 26, 2009**

Petition Challenge Period: **Friday, May 29, 2009 thru Thursday, June 04, 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**.

EXCEL ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Operations Management Services**

The Excel Academy Public Charter School (“Excel”) is soliciting proposals from vendors to provide Operations Management Services during the 2009-2010 school year.

To obtain an electronic copy of the full Request for Proposal (RFP), please send e-mail to Kaye Savage, Executive Director at the following e-mail address: ksavage@excelpcs.org. Be sure to include “Operations Services RFP,” in the subject line.

No phone calls regarding this RFP will be accepted. No proposals submitted by facsimile or e-mail will be accepted. **All questions** should be in writing by e-mail to ksavage@excelpcs.org; please put “Operations Services RFP” in the subject heading.

Prospective vendors must submit one (1) original proposal signed in ink and three (3) copies delivered to the school at the following address:

Excel Academy Public Charter School
3845 South Capitol Street, SW
Washington, DC 20032

All proposals must be received no later than 5 p.m. on Friday, May 15, 2009. Any proposal or modification received after this time shall not be considered.

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

NOTICE OF PUBLIC MEETING

Preferred Drug List (PDL) for the District of Columbia

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, June 4, 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:

Influenza Agents	Dihydropyridine Calcium Channel Blockers
Self-Injectable Epinephrine	Beta Blockers and Combination Products
Topical NSAIDs	ARBs and Combination Products
DPP-IV Inhibitors	ACE Inhibitors and Combination Products
GLP-1 Receptor Agonists	Direct Renin Inhibitors
Amylin Analogs	Alpha Blockers for BPH
Ranexa	Androgen Hormone Inhibitors
Bile Acid Sequestrants	Urinary Tract Antispasmodics
Niacin Derivatives	Electrolyte Depleters
Triglyceride Lowering Agents	Low Molecular Weight Heparins
Cholesterol Absorption Inhibitors	Platelet Inhibitors
High Potency Statins and Statins	SSRIs
Combination Statin/Calcium Channel Blocker	SNRIs

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, May 29, 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, May 29, 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

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE CONCERNING THE REPLACEMENT OF THE
PAPER-DISTRICT PERSONNEL MANUAL (DPM) WITH THE ELECTRONIC-
DISTRICT PERSONNEL MANUAL (E-DPM)**

The purpose of this notice is to inform the general public that as part of its paperless initiatives, the D.C. Department of Human Resources (DCHR) has officially replaced the four-volume (4-volume) “District Personnel Manual” or “DPM” with the “Electronic District Personnel Manual” or “E-DPM.”

BACKGROUND – DISTRICT PERSONNEL MANUAL

A Notice was published in the *D.C. Register* on February 14, 1986 (33 DCR 1008) announcing the implementation of the DPM effective January 31, 1986. The DPM contained procedures implementing the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (“CMPA”), effective March 3, 1979 (D.C. Official § 1-601.01 *et seq.*); and the D.C. personnel regulations (Title 6 of the District of Columbia Municipal Regulations (DCMR)). It also provided (in Part I of each chapter) the rules.

CONTENT OF THE E-DISTRICT PERSONNEL MANUAL

The E-DPM also contains the rules implementing the provisions of the CMPA and Title 6 of the DCMR. In addition to the rules, the E-DPM contains operating guidance and procedures applicable to agencies under the personnel authority of the Mayor (“subordinate agencies”).

ACCESS TO THE E-DISTRICT PERSONNEL MANUAL

The E-DPM may be accessed electronically at www.dchr.dc.gov, by clicking on the “*District Personnel Manual*” link. Rules may be accessed by clicking on the “*Title*” link for the particular chapter. Procedural material may be accessed by clicking on the “*Title*” link (Identified as *Part II*) for the particular chapter; and by clicking on the “*Issuances*” link for the particular chapter.

Questions concerning this Notice should be addressed to Denise L. LaRue, Human Resources Specialist, Policy and Planning Administration, DCHR, at (202) 442-9667.

**DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION
COMMUNITY SERVICES BLOCK GRANT PROGRAM**

**NOTICE OF AVAILABILITY OF PUBLIC DOCUMENT FOR INSPECTION,
REVIEW AND COMMENT**

**Community Services Block Grant Plan and Application for
Fiscal Years 2009 and 2010 use of American Recovery and Reinvestment Act Funds**

The Director, Department of Human Services, pursuant to the requirements of Section 676 (e) of the Community Services Block Grant (CSBG) Act of 1998, as amended (Pub.L.No. 105-285, effective October 27, 1998, 42 USC 9917) announces for public inspection, review and comment, the availability of the CSBG Plan and Application for Fiscal Years 2009 and 2010 for the use of American Recovery and Reinvestment Act (ARRA) Funds. This document presents a plan to support a wide range of employment-related services and activities that create sustainable economic resources in communities within the District of Columbia.

Copies of the Fiscal Years 2009 and 2010 American Recovery and Reinvestment Act/CSBG Plan and Application are available for inspection, review and comment from May 1, 2009 to May 15, 2009, at the following locations:

Department of Human Services
Family Services Administration
Community Services Block Grant Program
64 New York Avenue, N.E. 6th Floor
Washington, D.C. 20002

Martin Luther King, Jr. Memorial Library
Public Comments Section, 3rd Floor
901 G Street, N.W.
Washington, D.C. 20001

UPO/Ralph Waldo "Petey" Greene
Community Service Center
2907 Martin Luther King, Jr. Avenue, S.E.
Washington, D.C. 20032

United Planning Organization
301 Rhode Island Avenue, N.W.
Washington, D.C. 20001

Written comments for the record must be received by close of business Friday, May 15, 2009, and should be mailed to: Mr. Tunde Eboda, State Administrator, Department of Human Services, Community Services Block Grant Program, 64 New York Avenue, N.E. 6th Floor, Washington, D.C. 20002.

If you have questions or require additional information, please contact the CSBG office at (202) 671-4720.

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

Notice is hereby given that the following named persons have been newly appointed as Notaries Public in and for the District of Columbia, effective on or after May 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 May 8, 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 PublicEffective: May 15, 2009
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Anderson	Carleen E.	American Association of Colleges for Teacher Education 1307 New York Avenue, NW	20005
Barbour	Katrina H.	Hausfeld LLP 1700 K Street, NW, Suite 650	20006
Barrett	Melissa L.	Buckley Sandler LLP 1250 24th Street, NW	20037
Barton	Nicholas Thomas	Management Systems International, Inc 600 Water Street, SW, NB4-7-7	20024
Barton	Melvina LaG'una	Burrville Elementary School 801 Division Avenue, NE	20019
Bartscherer	Michael	Redbrick Partners 1616 H Street, NW	20006
Belcher	Jeffrey R.	Lee & McShane, PC 1211 Connecticut Avenue, NW, Suite 425	20036
Benyamin	Edik	ABC Imaging of Washington, Inc. 1155 21st Street, NW, M400	20036
Beynum	Tifani M.	Center for the Study of Social Policy 1575 I Street, NW, Suite 500	20005
Bocskor	Catherine E.	ABC Imaging of Washington, Inc. 1155 21st Street, NW, M400	20036
Brooks	Clara J.	Willkie, Farr & Gallagher LLP 1875 K Street, NW	20006
Brown	Ida L.	By Grace Through Faith Ministries, Inc. 30 Kennedy Street, NW, #107	20011
Brown	Bonnie R.	U.S. Department of Justice 20 Massachusetts Avenue, NW, Room 7219	20530

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Burke	Julia Y.	FRB Federal Credit Union 20 & C Street, NW	20551
Byrd	Nache' Kenyette	Bracewell & Giuliani, LLP 2000 K Street, NW	20006
Canales	Jaime	JSP Companies Inc. 1522 Upshur Street, NW	20011
Carpenter	Gregory	Self 1961 3rd Street, NW	20001
Carrales	Erica A.	Lawyer, Metzger, Milkman & Keeney, LLC 2001 K Street, NW, Suite 802	20006
Carter	Yvette P.	Self 213 Walnut Street, NW	20012
Castellucci	Anna Marie	Self 912 Perry Place, NE	20017
Cobbs	Joan T.	Wachovia Bank 215 Pennsylvania Avenue, SE	20003
Coffman	Kylee	Optical Society of America 2010 Massachusetts Avenue, NW	20036
Daniels	Peggy	DC Court Reporters, LLC 1922 Newton Street, NE	20018
Day	Cali	LAD Reporting 1325 G Street, NW	20005
Dwyer	Donna L.	Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue, NW	20006
Eastlick	Kristen	Berman and Company 1090 Vermont Avenue, Suite 800	20005
Fiala	Eric	Wachovia Bank 740 15th Street, NW	20005

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Fields	Faye	District of Columbia National Guard 2001 East Capitol Street, SE	20003
Figura	Linda M.	DHR LLC 1620 L Street, NW, Suite 620	20036
Fisher	Christopher K.	Cuneo Gilbert & LaDuca, LLP 507 C Street, NE	20002
Fleming	Joyce A.	PNC Bank 1348 4th Street, NW	20002
Fowler-Robinson	Myrie M.	Mt. Zion Baptist Church 5102 14th Street, NW	20011
Francis	Sonia	ING Clarion 601 13th Street, NW, 700N	20005
Galloway	Ann M.	Hausfeld, LLP 1700 K Street, NW, Suite 650	20006
Gonzalez	Angela M.	Native American Rights Fund 1712 N Street, NW	20036
Graves	Donniele	Africare 440 R Street, NW	20001
Grayson	Delethia A.	Comerce Bank 1753 Connecticut Avenue, NW	20009
Grey	Tara C.	Children's National Medical Center 111 Michigan Avenue, NW	20010
Gulick	Janelle	The General Federation of Women's Clubs 1734 N Street, NW	20036
Hallivis	Albert E.	DC Mobile Notary Services 5505 Connecticut Avenue, NW	20015
Hamilton	Terri L.	Capital Reporting Company 1821 Jefferson Place, NW	20036

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Hardeman-Jones	Shenetta M.	Bates White 1300 Eye Street, NW, Suite 600	20005
Hayden	Heather	Brothers Concrete Construction, Inc. 1110 Vermont Avenue, NW, Suite 210	20005
Jackson	Samiyyah T.	Self 767 Morton Street, NW	20010
Jackson, II	Frank E.	District of Columbia National Guard 2001 East Capitol Street, SE	20003
Jacobs	Dorothy I.	Law Offices Jay S. Weiss, PC 1828 L Street, NW, #902	20036
Jaeger	Michelle M.	The Park at 14th 920 14th Street, NW	20005
Jenkins	Patricia D.	Self 1351 Harvard Street, NW	20009
Jones, III	Manford B.	Saing Martin's Catholic Church 1908 North Capitol Street, NW	20002
Koehler	Nancy J.	Family Research Council 801 G Street, NW	20001
Lyles	Angel R.	The Links, Incorporated 1200 Massachusetts Avenue, NW	20005
Lynch	Mary	Holy Trinity Catholic Church 3513 N Street, NW	20007
Man	Joan M	Self 2700 Virginia Avenue, NW, APT 1006	20037
Marshall	Latisha L.	KPMG LLP 2001 M Street, NW	20036
Martinez	Nellie	Drinker, Biddie & Reath LLP 1500 K Street, NW, Suite 1100	20005

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Martinez	Evelyn	Holy Trinity Catholic Church 3513 N Street, NW	20007
Mata	Iris N.	LAYC Youthbuild Public Charter School 3014 14th Street, NW	20009
Mauer	Daniel	Akerman Senterfitt 801 Pennsylvania Avenue, NW, Suite 600	20004
Max, IV	Craig Andrew	Craig Andrew Max IV 1666 K Street, NW, Suite 400	20006
McDonald	Susan L.	Fried Frank Harris Shriver & Jacobson LLP 1001 Pennsylvania Avenue, NW, Suite 800	20004
Mitchell	Debbie K.	National Association of County & City Health Officials (NACCHO) 1100 17th Street, NW, 2nd Floor	20036
Mitchell	Maureen L.	Jenner & Block LLO 1099 New York Avenue, NW, Suite 900	20001
Moore	Sheila K.	Art Miller & Associates 1050 Connecticut Avenue, NW, 10th Floor	20036
Munro	Sharon M.	Arnolds & Porter, LLP 555 12th Street, NW	20004
Murphy	Allison	Safe Kids Worldwide 1301 Pennsylvania Avenue, NW, Suite 1000	20004
Neal	Rhonda R.	TAC Transport 80 R Street, SW	20024
Newman	Alease V.	A Ray of Hope Interdenominational Ministries 811 Sheridan Street, NW	20011
O'Brien	Margaret E.	King & Spaulding 1700 Pennsylvania Avenue, NW	20006
O'Brien	Scot P.	Akerman Senterfitt 801 Pennsylvania Avenue, NW, Suite 600	20004

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Odom	William L.	US House of Representatives The Capitol, HT60	20515
Paylor	Nicole G.	Micon Constructions 1818 New York Avenue, NE	20002
Paz- Soldan	Maria Jose	OAS Retirement & Pension Fund 1889 F Street, NW, TL-48	20006
Peters	Sharon T.	The Adams National Bank 1130 Connecticut Avenue, NW, Suite 200	20036
Ponce	Luis A.	Alston & Bird LLP 950 F Street, NW	20004
Pope	Phyllis P.	Baker Botts LLP The Warner, 1229 Pennsylvania Avenue, NW	20004
Price	Denise Gravely	Children's National Medical Center 111 Michigan Avenue, NW	20010
Queen	Renee B.	Economics Consulting Services, LLC 2001 L Street, NW, Suite 1000	20036
Raugitinane	Alicia	OAS Retirement & Pension Fund 1889 F Street, NW, TL-48	20006
Redman	Yaribeth Y.	Chevy Chase Bank 3519 Connecticut Avenue, NW	20008
Renckens	Elizabeth	The General Federation of Women's Clubs 1734 N Street, NW	20036
Rhinehart	Charlyne J.	Fried, Frank, Harris, Shriver & Jacobson, LLP 1001 Pennsylvania Avenue, NW	20004
Richey	Patricia A.	Office of Tax & Revenue 941 North Capitol Street, NE	20002

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Rollyson	Deborah M.	Craighill, Mayfield, Fenwick, Cromelin & Cobb, LLP 4910 Massachusetts Ave., NW, Suite 215	20016
Rosenau	L. Sandra	CPS Human Resource Services 444 North Capitol Street, NW, Suite 544	20001
Rumingan	Ma. Linda P.	Venable LLP 575 7th Street, NW	20004
Sanders	Todd	Wilson-Epes Printing Company 775 H Street, NE	20002
Scott	William J.	Baker Botts, LLP 1299 Pennsylvania Avenue, NW	20004
Shrestha	Prabin	Lafayette Federal Credit Union 1300 Pennsylvania Avenue, NW, Room C- 180	20523
Smith	Tracey P.	Edmondson & Gallagher Eagle's Crossing Apartments 116 Irvington Street, SW, Suite B	20032
Smith	Susie N.	Self 1622 16th Street, SE	20020
Smith-Jackson	Saundra	DC Court Reporters, LLC 1922 Newton Street, NE	20018
Sobhi	Lorena	Pan American Development Foundation 1889 F Street, NW	20006
Srathsavong	Lany	State Department Federal Credit Union 301 4th Street, SW	20547
Stokes	Michael A.	Optical Society of America 2010 Massachusetts Avenue, NW	20036
Sullivan	Lori J.	Fried Frank Harris Shriver & Jacobson LLP 1001 Pennsylvania Avenue, NW, Suite 800	20004

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Swann	Chonda	Enlightened, Inc. 666 11th Street, NW, Suite 520	20001
Taylor	Tommie L.	Self 2701 11th Street, NW	20001
Tellis	Lynnette D.	Weiner Brodsky Sidman Kider PC 1300 19th Street, NW, Fifth Floor	20036
Thompson	Melika T.	Strayer University, Inc. 1133 15th Street, NW, Suite 300	20005
Vollrath	Ellen R.	American Bar Association 740 15th Street, NW	20005
Walker	Benjamin	OJT Architects 1412 Eye Street, NW	20005
Wang	Myung H.	Crowell & Moring LLP 1001 Pennsylvania Avenue, NW	20004
Watts	Jacqueline Y.	US Postal Service 475 L'Enfant Plaza, SW, Room 6147	20260
Williams	Marlaine D.	Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue, NW	20036
Zapata	Raenelle Humbles	Self 1253 Girard Street, NE	20017

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
WELLNESS AND NUTRITION SERVICES DIVISION**

REQUEST FOR APPLICATIONS RFA #GD0-09

FY 2009 Equipment Assistance Grants for School Food Authorities

Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA), was signed into law by President Obama on February 17, 2009. Through the ARRA, the District of Columbia has been awarded a one-time appropriation of \$215,765 for equipment assistance grants for School Food Authorities (SFAs) participating in the National School Lunch Program (NSLP).

Due to this opportunity, the Office of the State Superintendent of Education, Wellness and Nutrition Services Division, announces an opportunity for all schools participating in NSLP, to apply for grant funds through a competitive process.

For more specific information, applicants should review the eligibility requirements in the Request for Applications (RFA). The Request for Application (RFA) will be made available for review and application the week of April 27, 2009 on our website, www.osse.dc.gov.

The primary effect of the funds is to improve the infrastructure of NSLP, however it is important to note that authority and funds for the grants was provided in the overall context of stimulating the economy. With this in mind, the application period and subsequent notification of awards will be completed by June 1, 2009 in order to facilitate schools obligating and/or spending the funds before the end of the fiscal year.

The Deadline for applications is 5:00 p.m. on Friday, May 15, 2009.

For more information and/or to request an application please contact by telephone or email:

Sandra Schlicker
Director
Office of the State Superintendent of Education
Wellness and Nutrition Services
51 N St., NE – 3rd Floor
Washington, DC 20002
Sandra.schlicker@dc.gov
202-741-5252

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

Application No. 17890 of Benning Station, LLC, pursuant to 11 DCMR § 3104.1, for a special exception for a reduction in the number of required off-street parking spaces under section 2108, and a special exception to allow multiple roof structures of unequal height under subsection 411.11, in the C-3-A District at premises 4400-4430 Benning Road, N.E. (Square 5139, Lots 24, 25, 803, and 807).

HEARING DATE: April 21, 2009
DECISION DATE: April 21, 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) 7D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D did not submit a written report on the application. The Office of Planning (OP) submitted a report in support of the application (Exhibit 26). The Department of Transportation (DDOT) also submitted a report in support of the application (Exhibit 27).

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 11 DCMR § 3104.1, for special exceptions under sections 411.11 and 2108. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 411.11, and 2108, 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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and

BZA APPLICATION NO. 17890

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conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 25 - Plans) be **GRANTED**.

VOTE: **3-0-2** (Shane L. Dettman, Michael G. Turnbull and Marc D. Loud to Approve; Mary Oates Walker not present not voting and the third mayoral appointee (vacant) not present 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 24, 2009

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

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

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

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, 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., (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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION,

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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. 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. 17901 of East Capitol Minnesota, LLC, pursuant to 11 DCMR §§ 3104.1 and 3104.2, for a special exception to allow a food delivery /carry out service (Papa John's Pizza) under section 734, and variances from the requirement for a brick wall along the alley lot line and enclosed refuse dumpster under subsections 734.3 and 734.4, respectively, in the C-2-A District at premises 3548 East Capitol Street, N.E. (Square 5047, Lot 801).

HEARING DATE: April 7, 2009
DECISION DATES: April 14 and 21, 2009

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6)

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) 7A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7A, which is automatically a party to this application. ANC 7A did not file a report on the application¹. The Office of Planning (OP) submitted a report in support of the relief pursuant to section 734 and subsections 734.3 and 734.4 (Exhibit 35). One letter of opposition was received. (Exhibit 33) Three petitions in support of the application were submitted, signed by approximately 465, of which 400 are estimated to be District of Columbia residents and approximately 50 of whom are estimated to be located within the boundaries of ANC 7A. (Exhibits 36, 32, and 34)

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 734 and for variances under subsections 734.3 and 734.4. 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.

¹ The Office of Planning's report dated March 31, 2009, indicated that OP was informed by the applicant's attorney that ANC 7A had voted against the application at its regularly scheduled meeting of March 17, 2009. However, no one from the ANC appeared at the hearing, nor was a written report filed. A written report of the ANC is required in order to give the ANC great weight. 11 DCMR § 3115.2.

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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 proving under 11 DCMR §§ 3103, 734.3, and 734.4 that there exists an exceptional or extraordinary condition or situation 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 Zoning Map.

Based upon the record before the Board and having given great weight to the OP report, the Board also concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 734, 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 Exhibits 15 and 39 – Plans) be **GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) Maintain, as required, the new CMU (concrete masonry unit) screen wall and gates that comprise the new dumpster storage area (8'-0" x 20'-0") in the parking area in Lot 801. Gates to be maintained in working order and securable, such that waste containers remain inside the enclosure. The walls and gate metal shall be painted to match the color of the existing, adjacent building wall.
- 2) Maintain, as required, the new Trash Compactor PVC screen fence and gates at the existing loading dock in the parking area of Lot 801 to provide a safe and attractive privacy screen for adjacent residential neighbors. The PVC fence and gates shall match the color of the adjacent painted brick wall.

VOTE: **3-0-2** (Michael G. Turnbull, Shane L. Dettman, Marc D. Loud, to APPROVE. Mary Oates Walker and the third Mayoral appointee (vacant), 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 27, 2009

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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.

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.

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.

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

Application No. 17912 of Gerard Alexander, pursuant to 11 DCMR § 3104.1, for a special exception to construct a one story side porch addition to an existing one-family semi-detached dwelling under section 223, not meeting the lot occupancy (section 403), side yard (section 405), and the nonconforming structure (subsection 2001.3) requirements in the R-3 District at premises 3103 P Street, N.W. (Square 1270, Lot 824).

HEARING DATE: April 21, 2009
DECISION DATE: April 21, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4)

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. On March 30, 2009, by unanimous consent, ANC 2E voted to recommend approval of the application. The ANC submitted a timely report. (Exhibit 21) The Office of Planning (OP) submitted a report in support of the relief pursuant to section 223. (Exhibit 22) The U.S. Commission on Fine Arts filed a report indicating that the Commission has no objection to the project. (Exhibit 20)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).² 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.

¹ The property is located in the Georgetown Historic District.

² As a preliminary matter, the Board waived the requirement pursuant to 11 DCMR § 3113.14 that the property be posted for 15 days. Pursuant to subsection 3113.14, the property should have been posted on April 6, 2009; instead, the Affidavit of Posting indicated that the property was posted on April 15, 2009. (Exhibit 23) Thus, the property was posted for six (6) days prior to the hearing.

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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, 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 7 – Plans) be **GRANTED**.

VOTE: **3-0-2** (Marc D. Loud, Shane L. Dettman, Michael G. Turnbull to APPROVE. Mary Oates Walker and the third Mayoral appointee (vacant) 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 23, 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.

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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.

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