

**EAGLE ACADEMY PUBLIC CHARTER SCHOOL  
NOTICE OF REQUEST FOR QUALIFICATIONS**

**School Construction Project  
Owner's Representative**

Eagle Academy Public Charter School is seeking qualified Owner's Representative for a school construction project.

The competitive Request for Proposal (RFP) should be sent to [jsmith@eagleacademypcs.org](mailto:jsmith@eagleacademypcs.org). The deadline for replying to the RFP is July 27th, 2009, at 4:00 pm E.S.T.

No proposals will be accepted after the deadline.

**DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF THE ENVIRONMENT**

**NOTICE OF FUNDING AVAILABILITY**

The District of Columbia Department of Environment (DDOE) is soliciting applications from educational institutions, federal agencies, District of Columbia government agencies, and nonprofit organizations to assist DDOE with controlling nonpoint source pollution to District waters, protecting the District's watersheds and habitats, and meeting the District's commitment to assist with the protection and restoration of the Chesapeake Bay. Approximately \$847,000 in Federal and District funds may be available on a competitive basis, pending the availability of funding and approval by the appropriate federal agency. Funding that may become available through the American Recovery and Reinvestment Act of 2009 (ARRA), Environmental Protection Agency Green Reserve Funds will have specific ARRA conditions and reporting requirements that must be met. In addition, projects funded under the ARRA will be required to have construction contracts in place or construction must begin no later than February 17<sup>th</sup>, 2010.

The following projects will be available for application:

Green Toilets for Schools  
Schoolyard Conservation Site Education Program, "*RiverSmart Schools*"  
Meaningful Watershed Education Experiences for Fourth Grade Students in the District of Columbia  
Chesapeake Bay State Implementation Plan Development  
District of Columbia's Storm Water Management Guidebook Expansion Phase II  
Watershed Art Demonstration Project  
Non-Engineering Solutions for Trash Reduction in the Anacostia Watershed

The Request for Applications will be available online at <http://www.opgd.dc.gov> under "District Grants Clearinghouse," and will also be available to be picked up beginning July 27, 2009. Applications can be obtained from:

Sheila Besse  
District Department of the Environment  
51 N Street, N.E., Fifth Floor  
Washington, D.C. 20002

You may also request an email version of the application by writing to John Wasiutynski at: [john.wasiutynski@dc.gov](mailto:john.wasiutynski@dc.gov).

The deadline for application submission is September 4, 2009 at 5:00 p.m. Five hard copies and one electronic copy of the application must be submitted to the address above. For additional information, please contact Sheila Besse, (202) 535-2244.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2009

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate an existing paint spray booth to Dove Cab Company, located at 1810 Adams Street, NE. Washington, D.C. 20018.

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

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

Comments should be addressed to:

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

**No written comments postmarked after August 24, 2009 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2009

**PUBLIC NOTICE**

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The application for the existing one (1) diesel-fired emergency generator and the draft permits 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.

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Comments should be addressed to:

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51 N Street, NE  
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The application for the existing one (1) diesel-fired emergency generators and one (1) diesel fire pum and the draft permits 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.

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The application for the existing paint spray booth 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.

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Comments should be addressed to:

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

**No written comments postmarked after August 24, 2009 will be accepted.**

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

**FRIENDSHIP PUBLIC CHARTER SCHOOL**  
**NOTICE OF REQUEST FOR PROPOSAL FOR**

Friendship Public Charter School (FPCS) is soliciting proposals for the following services:

**CATERING SERVICES**

Friendship Public Charter School is seeking bids from prospective candidates to provide Event Catering Services at our 7<sup>TH</sup> Annual Community Convocation in accordance with requirements and specifications detailed in the Request for Proposal. Catering requirements:

**ASSESSMENT PROGRAM CONSULTANT/SPEAKER**

Friendship Public Charter School is seeking bids from prospective consultants to provide support for assessment system at our 7<sup>TH</sup> Annual Community Convocation in accordance with requirements and specifications detailed in the Request for Proposal.

**AUDIOVISUAL SERVICES**

Friendship Public Charter School is seeking bids from prospective candidates to provide Audiovisual Equipment & Services at our 7<sup>TH</sup> Annual Community Convocation in accordance with requirements and specifications detailed in the Request for Proposal.

**ROPES COURSE/TEAM BUILDING ACTIVITIES CONSULTANT**

Friend Public Charter School is seeking bids from prospective candidates to conduct a ropes course/series of team building activities at our 7<sup>TH</sup> Annual Community Convocation. Candidate must be able to accommodate a group of 500 to 700 people.

**TRANSPORTATION SERVICES**

Friendship Public Charter School is seeking bids from prospective candidates to provide Transportation Services in accordance with requirements and specifications detailed in the Request for Proposal. This bid will include services from various school sites for our 7<sup>TH</sup> Annual Community Convocation. Candidate must be able to accommodate a group of 500 to 700 people

**SPEECH AND LANGUAGE THERAPIST**

Friendship Public Charter School is seeking bids from prospective candidates to provide Speech and Language Therapy in accordance with requirements and specifications detailed in the Request for Proposal.

**OCCUPATIONAL AND PHYSICAL THERAPIST**

Friendship Public Charter School is seeking bids from prospective candidates to provide Occupational and Physical Therapy in accordance with requirements and specifications detailed in the Request for Proposal.

**SPECIAL EDUCATIONS LEGAL SERVICES**

Friendship Public Charter School is seeking bids from prospective candidates to provide Special Education Legal Services in accordance with requirements and specifications detailed in the Request for Proposal

**TEMPORARY EMPLOYMENT SERVICES**

Friendship Public Charter School is seeking bids from prospective candidates to provide Temporary Employment Services in accordance with requirements and specifications detailed in the Request for Proposal

For full Request for Proposal (RFP), please contact:

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

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

**Notice of Public Meeting**

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held Thursday, September 3, 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:

H.Pylori Combinations	Antifungals
Intranasal Antihistamines	Herpes Antivirals
Skeletal Muscle Relaxants	Hepatitis C Agents
Calcitonins	Hepatitis B, Oral Agents
Long-Acting Insulins	Low-Sedating Antihistamines & Combinations
Thiazolidinediones & Combinations	Leukotriene Modifiers & Formation Inhibitors
Bisphosphonates	Short Acting Beta Adrenergic Agents & Nebs
Proton Pump Inhibitors	Long Acting Beta Adrenergic Agents & Nebs
Topical Immunomodulators	Beta Adrenergic/Corticosteroid Combinations
Topical Retinoids	Inhaled Corticosteroids
Topical Agents for Psoriasis	Nasal Steroids
Topical Antibiotics	COPD Anticholinergics
Systemic Quinolones	

Any person or organizations who wish to make a presentation to the DHCF P&T 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 Thursday, August 27, 2009. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto: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 **Thursday, August 27, 2009**. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back). The ready-to-disseminate, written information can also be mailed before the meeting to:

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

**HOWARD UNIVERSITY MIDDLE SCHOOL OF  
MATHEMATICS & SCIENCE**

**NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS**

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Middle School of Mathematics & Science hereby posts notices that it will be will be accepting bids for the following five services:

1. **School Food Service:**  
Complete preparation of breakfast and lunch for approximately 300 students for the 2009-2010 School year.
2. **Building Security Systems Maintenance:**  
The maintenance of building surveillance and security access systems for the entire school facility.
3. **Facility Cleaning Service:**  
Complete daily janitorial service for the entire middle school building, which consists of four floors and approximately 30 classrooms/offices.
4. **Technology Support Service:**  
Tier I & II support for the School's extensive information systems platform
5. **Interactive Displays:**  
Procurement of twelve Smart Board Interactive Monitor overlays
6. **Data Assessment:**  
Stage II and III comprehensive student performance data assessment and mapping
7. **School Uniforms:**  
Procurement of monogrammed polo shirts, tee shirts and sweaters.
8. **High Speed Internet Service:**  
Provision of commercial high speed internet service for the school building.

Interested parties should contact Yohance Maqubela at (202) 806-7845, or via email at [ycm@ms-2.org](mailto:ycm@ms-2.org), to receive a copy of the bid package. The deadline for responses for item #1 is August 7th at 5 pm, while the deadline for responses for items #2-8 is July 31st at 5 pm.

**DISTRICT OF COLUMBIA  
COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

**Judicial Tenure Commission Begins Review Of  
Judge Susan H. Winfield**

This is to notify members of the bar and the general public that Judge Susan H. Winfield of the Superior Court of the District of Columbia has requested a recommendation for reappointment as a Senior Judge.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendation and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations and members of the public to submit any information bearing on the qualifications of Judge Winfield which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed, or faxed, by **September 4, 2009**, and addressed to:

District of Columbia Commission on Judicial Disabilities and Tenure  
Building A, Room 246  
515 Fifth Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 727-1363  
FAX: (202) 727-9718

The members of the Commission are:

William P. Lightfoot, Esq., Chairperson  
Hon. Gladys Kessler, Vice Chairperson  
Gary C. Dennis, M.D.  
Noel J. Francisco, Esq.  
Shirley A. Higuchi, Esq.  
Ronald Richardson  
Claudia A. Withers, Esq.

BY: /s/ William P. Lightfoot  
Chairperson

**MERIDIAN PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSAL****General Construction and Repairs**

Meridian Public Charter School invites proposals for procurement of General Construction and repair services for 2009-10 school year. Proposals are to be received by Meridian Public Charter School by July 30, 2009 no later than **2:00 pm**.

Bid specifications may be obtained at the school, or by contacting Dr. Robinette Breedlove at 202- 387-9830, Ext. 202 or via the email address listed below.

Any questions regarding this bid must be submitted in writing to [rbreedlove@meridian-dc.org](mailto:rbreedlove@meridian-dc.org) before the RFP deadline.

**NATIONAL COLLEGIATE PREPARATORY PUBLIC CHARTER HIGH SCHOOL  
AND ACHIEVEMENT PREPARATORY ACADEMY**

**NOTICE OF REQUEST FOR PROPOSALS**

**Food Vendor Services Project**

National Collegiate Preparatory Public Charter High School and Achievement Preparatory Academy, two separate schools located within one building, are jointly advertising the opportunity to bid on the delivery of breakfast, lunch, and/or snack meals to children enrolled at the school for the 2009-2010 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, and Snack meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as: student data, days of service, meal quality etc. may be obtained from the addresses listed below.

NOTE: National Collegiate Prep and Achievement Prep are not required to use the same vendors and they may select different food service providers if desired.

The deadline for submission is **Monday, August, 2009 at 12:00 noon** E.S.T. No proposal modifications will be accepted after the deadline.

Copies must be delivered to both schools via mail or electronically to both schools at that the following addresses:

National Collegiate Preparatory PCHS  
Main Office, 2701 12<sup>th</sup> Street, N.E. Suite #1,  
Washington, DC 20018  
Attn: L Crowder, Staff Associate  
(202) 832-7737  
[lcrowder@nationalprep-pchs.org](mailto:lcrowder@nationalprep-pchs.org)

Achievement Prep  
908 Wahler Place, SE, 2<sup>nd</sup> Floor  
Washington, DC 20032  
Attn: Carol Wilson, Business Manager  
(202) 562-1214 x 115  
[cwilson@aprepacademy.org](mailto:cwilson@aprepacademy.org)

**THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON DC****Request for Proposal****Cleaning Services**

The SEED Public Charter School of Washington DC is advertising the opportunity to bid on the cleaning services of a four acre campus. Additional specifications outlined in the Request for Proposal (RFP) such as; days of service, sq. ft., etc. may be obtained from

Calvin A. Boozer  
Director of Campus Operations  
THE SEED PUBLIC CHARTER SCHOOL  
of Washington DC  
4300 C Street SE  
Washington DC 20019  
202-248-3006

The deadline for submitting bids is August 7th at 12 noon.

**All bids not addressing all areas as outlined in the RFP will not be considered.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**

**Application No. 17556-A of the Murillo/Malnati Group**, pursuant to § 3100.5, for a waiver of § 3130.1 and an extension of the two-year period of time of effectiveness of Board of Zoning Adjustment Order No. 17556, issued May 22, 2007.

**HEARING DATE:** January 16, 2007

**DECISION DATE:** January 16, 2007

**DECISION DATE ON**

**REQUEST FOR EXTENSION:** June 2, 2009

**DECISION AND ORDER**

On April 22, 2009, the Murillo/Malnati Group (“Applicant”) filed with the Board of Zoning Adjustment (“BZA” or “Board”) a request for an extension of the expiration date of BZA Order No. 17556, which had granted the Applicant zoning relief.

At its public meeting on June 2, 2009, the Board considered the Applicant’s request and the opposition of parties Deborah J. and James H. Freis, Jr., and Rikke Davis, and the party they represented, the “Concerned Neighbors” (collectively, “Concerned Neighbors”). At the public meeting, the Board decided, by a vote of 3-0-2, to grant the request for extension.

**FINDINGS OF FACT**

Procedural Background

1. Board Order No. 17556 granted the Applicant area variance relief pursuant to § 3103 of the Zoning Regulations.
2. Order No. 17556 was issued on May 22, 2007, and was effective 10 days later, on June 1, 2007. 11 DCMR § 3125.9.
3. All Board orders that authorize construction, including Order No. 17556, are no longer effective two years after their effective date, unless, within that two-year period, the holder of the order files plans with the Department of Consumer and Regulatory Affairs (“DCRA”) in order to secure a building permit. 11 DCMR § 3130.1.
4. Order No. 17556 became ineffective, i.e., expired, on June 1, 2009, because the Applicant, as of that date, had not yet filed plans to secure a building permit.
5. On April 22, 2009, however, the Applicant filed this application requesting that the Board waive the two-year time limit of § 3130.1, pursuant to § 3100.5, and grant an extension of the time period of effectiveness of Order No. 17556 to June 1, 2011.

**BZA APPLICATION NO. 17556-A**  
**PAGE NO. 2**

6. The Applicant also requested that the Board toll the expiration date of Order No. 17556 until the completion of Zoning Commission Case No. 09-01.
7. On May 22, 2009, the Concerned Neighbors filed an opposition to the Applicant's request for an extension of time.
8. A second filing in opposition from the Concerned Neighbors asked that the Board hold a hearing on the request for an extension of time if it decided not to deny the request.
9. The opposition filings addressed claimed impacts of the Applicant's proposed project and alleged that the plans originally submitted by the Applicant to the Board depict the Connecticut Park building as at least one-half floor higher than it actually is.
10. Most importantly, the opposition claimed that the request for extension failed to meet at least the first two of the three requirements of § 3100.5: good cause, no prejudice to any party, and not prohibited by law.

Substantive Facts

11. The request for extension of Order No. 17556 was filed more than a month before the order was to expire and was properly served on all parties to the original application. The filing of the request tolled the expiration of the Order.
12. No changes in plans are being proposed by the Applicant.
13. No new development has occurred in the area surrounding the property that is the subject of the original application, located at 2816-2822 Connecticut Avenue ("subject property").
14. The Applicant's proposed development on the subject property did, as of the original order, and continues to, satisfy all the requirements of the Zoning Regulations, except the rear yard, for which the variance was granted, including the parking requirements.
15. The conduct of construction, including the use of, or impeding of others' use of, public space or public alleys, is not within the Board's jurisdiction.
16. The District of Columbia is currently experiencing, along with the rest of the nation, a serious and unprecedented economic downturn.
17. In October 2008, the Applicant had construction financing in place, but this financing disappeared with the recent crippling of the national and international credit markets.
18. The Applicant has filed with DCRA for various site work and underpinning permits, and intends to file for building permits once it again obtains construction financing.

**BZA APPLICATION NO. 17556-A**  
**PAGE NO. 3**

**CONCLUSIONS OF LAW**

Section 3100.5 of the Zoning Regulations states, in pertinent part:

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**. (Emphasis added.)

11 DCMR § 3100.5.

The Applicant requests that, pursuant to § 3100.5, the Board waive the two-year period of effectiveness of its orders as set forth in § 3130.1, and extend the effectiveness of Order No. 17556 for another two years, *i.e.*, until June 1, 2011. As a preliminary matter, the Board finds that this relief is not prohibited by law.

The Board takes administrative notice of the severe economic downturn being experienced by the District of Columbia and the whole of the United States. The poor economic climate has caused the Applicant to lose the construction financing it had arranged and has forced it to seek new financing arrangements. An inability to obtain construction financing is an impediment which must be overcome before Applicant's construction can begin. Since such financing is crucial to this, or any, project, the Board finds good cause to allow an extension of time within which to permit the Applicant to attempt to obtain it.

The Board finds no prejudice to any party in granting a two-year extension of the effectiveness of Order No. 17556. In this regard, the Board has seriously considered the filings of the opposition parties, but finds their claims meritless and more appropriate to a request for reconsideration of Order No. 17556. Such a request, however, would have had to have been filed within 10 days of the Order's May 22, 2007 issuance. Because the Board finds no prejudice, it concludes that a hearing is not necessary on the Applicant's extension request.

The Applicant also requested that the expiration of Order No. 17556 be tolled from the date of its extension request – April 22, 2009 – until the Zoning Commission completes its rulemaking process in Case No. 09-01, which will set forth new standards for modifications and extensions of BZA orders. The Board finds such tolling to be both too temporally uncertain and unnecessary. There is no date certain when the completion of the Zoning Commission's rulemaking process will occur. Further, the request to extend the two-year period of the Order's effectiveness was made prior to its expiration, effectively tolling its expiration until a decision was made on that request.

**BZA APPLICATION NO. 17556-A**  
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For all the reasons set forth above, the Board concludes that the Applicant has met the requirements of § 3100.5.<sup>1</sup> Accordingly, its request to waive the two-year period mandated by § 3130.1 and to extend the effectiveness of BZA Order No. 17556 until June 1, 2011, is hereby **GRANTED**.

**VOTE:**       **3-0-2** (Marc D. Loud, Shane L. Dettman, and Michael G. Turnbull, to Approve.  
Two Mayoral appointees (vacant) not participating, not voting.)

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

A majority of Board members has approved the issuance of this order.

**FINAL DATE OF ORDER: JULY 16, 2009**

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

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

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

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<sup>1</sup>Both the Applicant and the opposition addressed the provisions of then soon-to-be-effective new § 3130.6 of the Zoning Regulations. This new regulation became effective on June 5, 2009, but was not in effect on June 1, 2009, when this decision was made; therefore, it was not applicable to this proceeding and the Board declines to address it.

**BZA APPLICATION NO. 17556-A  
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PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

LM

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

**Application No. 17930 of Future Studios, LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements of subsection 2101.1, and a variance from the alley width requirements under subsection 2507.3, to allow the renovation and alteration of an existing building on an alley lot for use as a one-family dwelling and artist studio, in the R-5-B District at premises rear 1469 Harvard Street, N.W. (Square 2670, Lot 819).

**HEARING DATES:** June 2 and July 14, 2009  
**DECISION DATE:** July 14, 2009

**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) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A filed a report in support of the application, indicating that the ANC had voted unanimously to recommend approval of the application at a regularly scheduled meeting on June 10, 2009, at which a quorum was present.<sup>1</sup> (Exhibit 26).

The Office of Planning (OP) submitted a report indicating that it did not support variance relief to allow conversion of the second floor of the existing alley lot carriage house to a single-family dwelling.<sup>2</sup> OP also stated that it did not object to area variance relief from the off-street parking requirements should the Board approve a use variance. OP's report also indicated that the Applicant met with OP and the District's Department of Transportation (DDOT) in May 2009 at which meeting DDOT did not indicate any concerns with the application. (Exhibit 27).

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<sup>1</sup> The ANC's report in Exhibit 26 corrected a previously filed report that was to be disregarded. (Exhibit 24)

<sup>2</sup> While the application was for an area variance for the conversion to a single-family dwelling and artist studio, OP stated that it believed that a use variance was the appropriate form of zoning relief to allow the requested use and that the Applicant had not met the burden, in OP's opinion, for a use variance. At the hearing the Applicant addressed the use variance test. The Board agreed with OP that the appropriate form of relief was a use variance and found that the Applicant had met that burden.

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The District of Columbia Fire and Emergency Medical Service (FEMS) submitted a report, dated May 11, 2009, indicating that FEMS had evaluated the application and recommended that the building meet applicable fire code requirements, including being equipped with an automatic sprinkler system. FEMS also recommended that the address be unique and visible from the street and/or public alley and that both public alleys should have posted visible and marked "Fire Lane" parking signs. (Exhibit 27, attachment 3).

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 § 3103.2, for a use variance from § 2507.3 and for an area variance from § 2101.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2507.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.<sup>3</sup>

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board also concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

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<sup>3</sup> As heretofore mentioned, the Board agreed with OP that the Applicant was required to meet the use variance standard with respect to the variance from § 2507.3, while the variance from § 2101.1 was an area variance.

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**VOTE:** 3-0-2 (Shane L. Dettman, Marc D. Loud, Michael G. Turnbull, to APPROVE. Two mayoral appointees (vacant), not participating, not voting.)

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

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** JULY 20, 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.

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, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, 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

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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. 17943 of Charles and Susan Parsons**, pursuant to 11 DCMR § 3103.2, for a variance from the alley width requirements under subsection 2507.2, to convert the second floor of an existing alley structure into an apartment unit, in the CAP/R-4 District at premises rear 124 D Street, S.E. (Square 733, Lot 806).

**HEARING DATE:** July 14, 2009

**DECISION DATE:** July 14, 2009

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 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 submitted a report in support of the application. The Office of Planning report indicated that it did not support the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 2507.2. 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.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from § 2507.2, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit No. 10 (Plans) be **GRANTED**.

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**VOTE:**       **3-0-2** (Marc D. Loud, Konrad W. Schlater and Shane L. Dettman to Approve.  
                  Two Mayoral appointees (vacant) not participating, not voting.)

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

A Majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER: JULY 16, 2009**

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

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

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

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

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING  
Z.C. Case No. 09-12  
(Map Amendment @ Square 180, Lot 30)  
July 20, 2009**

**THIS CASE IS OF INTEREST TO ANC 2B**

On July 15, 2009, the Office of Zoning received an application from George and Dimitri Mallios (the "Applicant") for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Square 180, Lot 30 in Northwest Washington, D.C. (Ward 2) at 1622 Q Street, N.W. The property is currently zoned DC/R-5-B. The Applicant proposes a map amendment to zone the property to DC/C-2-B.

The Applicant proposes the map amendment to permit the expansion of the adjacent restaurant use into the property.

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

**COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004**

**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on the following bills in order to consider the measures at the legislative meeting on July 31, 2009.

Bill 18-412, the "Fiscal Year 2010 Budget Request Act of 2009"

Bill 18-413, the "Second Fiscal Year 2009 Balanced Request Amendment Act of 2009"

**DISTRICT OF COLUMBIA  
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

**Office of the Commissioner**

**NOTICE OF PUBLIC HEARING**

**Surplus Review and Determination Regarding Group Hospital Medical Services, Inc.**

September 10, 2009  
10:00 a.m.  
One Judiciary Square  
441 4<sup>th</sup> Street, NW, Old Council Chambers  
Washington, DC 20001

Pursuant to section 7 of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3506) (“Act”), and Chapter 46, Title 26 of the District of Columbia Municipal Regulations, Procedures for the Determination of Excess Surplus, effective July 10, 2009, the Commissioner of the Department of Insurance, Securities and Banking (“DISB”) hereby gives notice that he will convene a Public Hearing to determine whether the portion of the surplus of Group Hospital Medical Services, Inc. (“GHMSI”) attributable to the District is unreasonably large and inconsistent with GHMSI’s community health reinvestment obligations set forth in the Act.

The hearing will be held on Thursday, September 10, 2009, at 10:00 AM at the address listed above. The hearing may be extended to include a second day on September 11, 2009.

Information concerning the GHMSI surplus review, briefing schedule, applicable rules, and further instructions to the public will be posted on the Department’s website at [www.disb.gov](http://www.disb.gov).

All inquiries, correspondence, and pleadings should be sent to the attention of Mrs. Leslie Johnson, Hearing Officer, District of Columbia Department of Insurance, Securities and Banking, 810 First Street, NE, Suite 701, Washington, DC 20002. Persons who wish to testify at the Public Hearing should contact the Hearing Officer at the address listed above. The record of the Public Hearing will remain open until September 18, 2009, for the submission of written comments.

If a party or witness is deaf, or because of hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply for the appointment of a qualified interpreter with the Hearing Officer at least ten (10) business days in advance of the Public Hearing. If any person requires special accommodations due to disability, the person should notify the Hearing Officer at least ten (10) business days in advance of the Public Hearing.

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