

**DISTRICT OF COLUMBIA  
OFFICE ON AGING**

**PUBLIC NOTICE**

**NOTICE OF FUNDING AVAILABILITY**

**[Fiscal Year 2010 Senior Wellness Center Operations Grants](#)**

The Government of the District of Columbia, Office on Aging is soliciting applications from qualified applicants to operate four District of Columbia Government-owned senior wellness centers. Senior wellness centers promote healthy lifestyles, good nutrition, exercise, and general wellness among the District's elderly population, aged 60 and above.

A total of \$1,270,401.00 is available for funding one to four applicants to operate one or more senior wellness centers in the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

Specifically, this Request for Application (RFA) will seek organizations to operate senior wellness centers in the following Ward locations.

**Ward 4** – Hattie Holmes Senior Wellness Center  
324 Kennedy Street N.W.  
Washington D.C. 20011

**Ward 5** – Model Cities Senior Wellness Center  
1901 Evarts Street, NE  
Washington, D.C. 20018

**Ward 7** – Washington Seniors Wellness Center  
3001 Alabama Avenue, SE  
Washington, DC 20020

**Ward 8** – Congress Heights Senior Wellness Center  
3500 Martin Luther King Jr. Avenue  
Washington, D.C. 20032

The successful organization(s) will be responsible for providing services and activities designed to enhance physical, social and emotional well-being through activities which are designed to promote good health habits among the target population such as physical exercise, nutrition counseling, health education and smoking cessation.

Services for this population should include:

- Wellness/Health Promotion;
- Disease Prevention;
- Medication Management; and

other services and information which promote healthy lifestyles for seniors.

In addition, the operator of the senior wellness center has the following responsibilities:

1. Develop and implement a needs assessment to identify the needs in the target community;
2. Work in cooperation with the Office on Aging Ward-based Lead Agency and the Aging and Disability Resource Center (ADRC);
3. Develop and implement a structured community outreach program; and
4. Establish a Members Advisory Council to serve as advisors to help develop a coordinated service delivery system and community outreach.

Applicants who apply to this RFA must design services to meet the complex and ever-changing needs of the city's diverse elderly population, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly. In addition, an applicant may apply for multiple grants in separate applications under this RFA.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Monday, August 10, 2009, and the deadline for submission is Wednesday, September 1, 2009 at 5:00 p.m. A Pre-Application Conference will be held on Thursday, August 13, 2009, 10:00 a.m. until 12:00 noon at the D.C. Office on Aging, Conference Room 950 South. Applications can be obtained from the D.C. Office on Aging, 441 4<sup>th</sup> Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, [www.dcoa.dc.gov](http://www.dcoa.dc.gov) and on the Office of Partnerships and Grants Development's website, [www.opgd.dc.gov](http://www.opgd.dc.gov) no later than August 10.

**CAPITAL CITY PUBLIC CHARTER SCHOOL****NOTICE OF A REQUEST FOR PROPOSALS****School Lunch Program**

Capital City Public Charter School, a public elementary and upper school for approximately 428 children in grades pre-K through tenth, seeks requests for proposals, in accordance with D.C. Code section 38-1802.04(c)(1)(A), from catering service companies for the 2009-10 school lunch program for both campuses. All meals must meet, but are not restricted to, minimum National School Breakfast and Lunch Program meal requirements and be served in recyclable individual-serving-sized containers. Additionally, we are seeking a caterer who can ensure that each meal is freshly prepared and served with hormone-free and antibiotic-free milk and meats, fresh fruit and vegetables, whole grains, and organic and locally produced ingredients whenever possible. Served foods should include NO high fructose corn syrup, trans fats, artificial preservatives, colors, flavors, sweeteners, and hydrogenated fats.

Interested companies may obtain copies of the RFP and more information about meal pattern requirements and our school lunch program by contacting Jeff Brechbuhl at (202) 387-0309, ext. 238; fax: (202) 387-7074; email: [jbrechbuhl@ccpcs.org](mailto:jbrechbuhl@ccpcs.org). Final bids will be due by noon on August 21, 2009.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF SCHEDULED MEETING**

The Construction Codes Coordinating Board will be holding a scheduled meeting on Wednesday, August 12, 2009 at 10:00 am. The meeting will be held at 941 North Capitol Street, NE, Suite 9500, Washington, D.C. 20002.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at [dcra.dc.gov](http://dcra.dc.gov), by clicking on the "Construction Codes Coordinating Board (CCCB)" tab on the main page.

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

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in five (5) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 3D07, 6B11, 8C05, 8C06, 8E01**

Petition Circulation Period: **Monday, August 10, 2009, 2009 thru Monday, August 31, 2009**

Petition Challenge Period: **Thursday, September 3, 2009 thru Thursday, September 10, 2009**

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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 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2009

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate one (1) 400 kW emergency generator at the Population Services International property located at 1120 19<sup>th</sup> Street NW, Washington DC 20036.

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

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

Comments should be addressed to:

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

**No written comments postmarked after September 8, 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**

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 a portable self-contained crusher to Wrecking Corporation of America, St. Louis, Inc. at 100 1<sup>st</sup> Street, NW Washington, D.C. 20001.

The application for the portable self-contained crusher 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 September 7, 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**

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 a portable self-contained crusher to Wrecking Corporation of America, St. Louis, Inc. at 5902 East Capitol Street, SE Washington, D.C. 200019.

The application for the portable self-contained crusher 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 September 7, 2009 will be accepted.**

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

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****REQUEST FOR APPLICATIONS****Tax Credit Assistance Program Funds**

The District of Columbia Department of Housing and Community Development is the recipient of Tax Credit Assistance Program (TCAP) pursuant to Sections 1512, 1515, 1553, and 1606 of the American Recovery and Reinvestment Act of 2009, (ARRA), Public Law 111-5, 123 Stat. 115 (February 17, 2009).

Owners/Developers of qualified projects may submit applications beginning August 4, 2009 and ending October 15, 2009. Applications are available online at [www.dhcd.dc.gov](http://www.dhcd.dc.gov) or at DHCD Headquarters, located at 1800 Martin Luther King Jr. Avenue, SE, Washington, DC 20019. Forward completed applications to:

The District of Columbia  
DC Department of Housing and Community Development  
Low Income Housing Tax Credit Program  
1800 Martin Luther King, Jr. Ave., S.E.  
Suite 2000  
Washington, DC 20020  
Attention: Georgette Benson

**TCAP Requirements and Selection Criteria**

In order to compete for TCAP funds, projects must have received an award of Low Income Housing Tax Credits from January 2007 through September 30, 2009 by satisfying the eligibility requirement of the applicable Qualified Allocation Plan (QAP).

Projects awarded Low Income Housing Tax Credits before October 1, 2006 or after September 30, 2009 are not eligible for TCAP funding.

An award of Low Income Housing Tax Credits will be defined as (1) the earlier of the date of public announcements of funding decisions for a project or carryover allocation for the 9% LIHTC projects and (2) the issuance of the DC Housing Finance Agency (DCHFA) eligibility resolution for 4% tax exempt bond projects.

The competitive selection of the projects for TCAP awards will be based on the following:

- Readiness to proceed, including consideration of the project's ability to complete construction no later than February 16, 2012.
- Evidence of other funding interest.
- Efficient allocation of all resources to projects likely to succeed.
- Ability to produce immediate stimulus.

TCAP fund awards will be prioritized as follows:

1. Projects awarded Low Income Housing Tax Credits in 2007 and 2008.
2. Eligible 2007 and 2008 projects that do not receive TCAP funding will be placed on a waiting list in rank order.
3. In the event of recapture, projects on the waiting list will receive priority for funding.
4. Projects awarded Low Income Housing Tax Credits in 2009 will be the next order of priority.

Grantees must comply with the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, affirmatively furthering fair housing requirements, Section 504 of the Rehabilitation Act of 1973, the National Environmental Policy Act, the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act of 1992, Davis-Bacon prevailing wages, anti-lobbying restrictions, the Drug-Free Workplace Act of 1988, and various OMB regulations and circulars.

**NIA COMMUNITY PUBLIC CHARTER SCHOOL****NOTICE OF REQUESTS FOR PROPOSALS****Auditing and Tax Services**

The Nia Community Public Charter School, hereby solicits bids for auditing and tax services for fiscal years ending June 30, 2008 and June 30, 2009. Proposals will be received until **August 31, 2009** and all bidding requirements and necessary information may be obtained from:

Nia Community Public Charter School  
Attn: Wuhan Dansby, Executive Director  
100 41<sup>st</sup> Street NE  
Washington, DC 20019

**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 August 15, 2009.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Administrator, Office of Notary Commissions and Authentications, 441 4<sup>th</sup> 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 August 14, 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](http://www.os.dc.gov).

D.C. Office of the Secretary  
Appointments of Notaries PublicEffective: August 15, 2009  
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Alaparon	Rana C.	Voxiva, inc. 1990 K Street, NW, Suite 400	20006
Baldwin	Sue	WUSA 9 News Now 4100 Wisconsin Avenue, NW	20016
Batres	Douglas	Self 1820 14th Street, NE	20009
Bovell	Kristin C.	The UPS Store 3220 N Street, NW	20007
Brannock	Lisa M.	Pepco Holdings, Incorporated 701 9th Street, NW, Suite 1100	20068
Brantley	Kim M.	DC Court Reporters, LLC 1922 Newton Street, NE	20018
Brew	Deondola	Business Software Alliance 1150 18th Street, NW, Suite 700	20036
Bryant	Janice M.	Self 766 Columbia Road, NW	20001
Bustamante	Elvira S.	International Center for Research on Women 1120 20th Street, NW, Suite 500N	20036
Butcher	Linda S.	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Carlsson	Florence	BGR Government Affairs, LLC 601 13th Street, NW, 11th Floor South	20005
Clipper	Arlene M.	J. Walker & Associates 420 8th Street, SE	20003
Conner	Nina L.	Self 5156 South Dakota Avenue, NE	20017
Cotton	Phillip L.	Wachovia Bank, NA 1301 Pennsylvania Avenue, NW	20004

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Appointments of Notaries Public

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Davis	Monsita T.	Wachovia Bank, NA 1301 Pennsylvania Avenue, NW	20004
de Groot	Annelies J.	O'Connell & Glock, PC 1100 Connecticut Avenue, NW, 9th Floor	20036
Dickerson	Anika K.	WCS Construction, LLC 3303 Stanton Road, SE	20020
Do	Helen H.	Federal Title & Escrow Company 5335 Wisconsin Avenue, NW, Suite 700	20015
Drake	David Alan	United States Coast Guard (Department of Homeland Security) 2100 Second Street, SW	20593
Engel	Mia G.	Baach Robinson & Lewis, PLLC 1201 F Street, NW, Suite 500	20004
Fletcher	Robin M.	Department of Homeland Security Office of the General Counsel 3801 Nebraska Avenue, NW	20528
Fortunato	Ruth	TIAA-CREF 1101 Pennsylvania Avenue, NW, Suite 800	20004
Freeman	Karen N.	Howard University Hospital 2041 Georgia Avenue, NW	20060
Garner-Sampson	Montrese	Associated Press 1100 13th Street, NW, Suite 700	20005
Gladden	Apryl S.	Interior Federal Credit Union 1849 C Street, NW, Room B038	20240
Goldenberg	Frank J.	Rock Creek Title, LLC 926 North Carolina Avenue, SE	20003
Goodrich	Steven	City Construction, LLC 1312 Decatur Street, NW	20011
Hall	Tamara L.	TD Bank 901 7th Street, NW	20001

D.C. Office of the Secretary  
Appointments of Notaries Public

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Harper	James C.	Anderson Court Reporting LLC 1776 K Street, NW	20006
Harris	Demetria R.	Executive Office of the Mayor Mayor's Office of Community Relations & Services 1350 Pennsylvania Ave., NW, Suite 211	20004
Hatton	Tawanna	Self 1906 Trenton Place, SE	20020
Haynes	Richard	Bank of America 2100 Martin Luther King Jr. Ave, SE	20020
Hennessy	Pamela J.	Finnegan Henderson Farabow Garrett & Dunner, LLP 901 New York Avenue, NW	20001
Horton	Keisha M.	TIAA-CREF 1101 Pennsylvania Avenue, NW, Suite 800	20004
Ismail	Amirza	CitiBank, NA 600 Pennsylvania Avenue, SE	20003
Jimenez	Judelca	Self 3436 N Street, SE	20019
Johnson	Katrina L.	Engraving & Printing FCU 13th & C Street, SW, RM 215-A	20228
Johnston	Aleksander S.	Self 4215 Alton Place, NW	20016
Jones	Ricky L.	DVA Federal Credit Union 810 Vermont Avenue, NW, RM 831	20420
Kaba	Fatou	PNC Bank 2600 Virginia Avenue, NW	20037
Kastelic	Betty A.	Trust For Architectural Easements 1906 R Street, NW, Suite 100	20009
Keishian	Patricia L.	American University 3201 New Mexico Avenue, NW, Suite 280	20016

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Appointments of Notaries Public

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Kellner	Margaret A.	Kellner-Casey Incorporated 550 C Street, SW	20024
Kiawu	Mariama	REIT Management & Research, LLC 1145 19th Street, NW, Suite 301	20036
Kirk	John R.	US Air Force- Headquarters 400 Luke Avenue, Suite 400, Boiling AFB	20032
Kirley	Kathleen A.	Rockefeller & Co., Inc. 900 17th Street, NW, Suite 603	20006
Knox	Helene	Bank Fund Staff Federal Credit Union 1818 H Street, NW	20433
Leach	Michael A.	Bracewell & Giuliani, LLP 2000 K Street, NW, Suite 500	20006
Lewis	Deana C.	Holland & Hart LLP 975 F Street, NW, Suite 900	20004
Lewis	Grace J.	Self 4945 Sargent Road, NE	20017
McCarthy	Eileen M.	Hagerty Consulting 1730 Rhode Island Avenue, NW, Suite 715	20036
McKutchin	Janice M.	Department of Homeland Security, USCIS 20 Massachusetts Avenue, NW, Suite 4210	20529
McSwain	Jessica P.	Paralyzed Veterans Of America (PVA) 801 18th Street, NW	20006
Medford	Adrienne D.	Morgan, Stanley, Smith, Barney, LLC 1747 Pennsylvania Avenue, NW, Suite 500	20006
Merritt	Debra H.	Haynes & Boone, LLP 1615 L Street, NW, Suite 800	20036
Millett	Shannon M.	WUSA 9 News Now 4100 Wisconsin Avenue, NW	20016

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Appointments of Notaries Public

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Minnick	Mildred L.	Self 662 Brandywine Street, SE	20032
O'Brien	Michael	City Construction, LLC 1312 Decatur Street, NW	20011
O'Connor	Mahrya H.	Federal Title & Escrow Company 5335 Wisconsin Avenue, NW, Suite 700	20015
Oxendine	Kiyana	DVA Federal Credit Union 810 Vermont Avenue, NW, RM C27	20420
Pierce	Dianne	Trust For Architectural Easements 1906 R Street, NW, Suite 100	20009
Pierce	Vickie M.	National Child Research Center 3209 Highland Place, NW	20009
Powell	Angela	TIAA-CREF 1101 Pennsylvania Avenue, NW, Suite 800	20004
Presbury	Pamela B.	Self 1331 Ridge Place, SE	20020
Ramsay	Angela Marie	I.A.M. National Pension Fund 1300 Connecticut Avenue, NW, Suite 300	20036
Rogers	Barbara K.	Self 339 Oneida Street, NE	20011
Santucci	Gina	BGR Government Affairs, LLC 601 13th Street, NW, 11th Floor South	20005
Schutz	Jessica L.	Hausfeld LLP 700 K Street, NW, Suite 650	20006
Seeling	Matthew J.	Vinson & Elkins 1455 Pennsylvania Avenue, NW, Suite 600	20004
Singh	Aditya	Bank Branching & Trust (BB&T) 5200 Wisconsin Avenue, NW	20015

**D.C. Office of the Secretary  
Appointments of Notaries Public****Effective: August 15, 2009****Page 7**

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Slater	Roxanne	McKee & Nelson, LLP 1919 M Street, NW, Suite 200	20036
Steinkampf	Lisa	Frontier Strategy Group 1150 18th Street, NW, Suite 350	20036
Sullivan	Kevette	District of Columbia Fire & Emergency Medical Services Department 1923 Vermont Avenue, NW	20009
Svec	Marta	American Councils for International Education 1776 Massachusetts Avenue, NW, #700	20036
Terry	Sue A.	Merrill Lad Reporting 1325 G Street, NW, Suite 200	20005
Thomas	Tammy	Executive Office of the Mayor Mayor's Office of Community Relations & Services 1350 Pennsylvania Ave., NW, Suite 211	20004
Tsegaye	Negash	Addis Document & Courier Services 1937 14th Street, NW, Suite 301	20009
Washington	Andrew	Self 2810 Naylor Road, SE, Apt. B139	20020
Westray	Lynwood C.	Dolphin & Evans Title Insurance Agency, Inc. 4308 Georgia Avenue, NW	20011
Williams	Theresa L.	Hercules Real Estate Services 1111 Massachusetts Avenue, NW	20005
Wojack	Samuel J.	Neal R. Gross & Company, Incorporated 1323 Rhode Island Avenue, NW	20005
Wunder	Matthew J.	Morgan, Stanley, Smith, Barney, LLC 1747 Pennsylvania Avenue, NW, Suite 500	20006

SERVE DC  
EXECUTIVE OFFICE OF THE MAYOR

NOTICE OF FUNDING AVAILABILITY  
UPDATED

DISTRICT OF COLUMBIA  
COMMISSION ON NATIONAL AND COMMUNITY SERVICE

**2009 Make A Difference Day Grant Competition**

**Notice:** *Attendance at an information session is required in order to be eligible to apply for this grant. Sessions are scheduled for Wednesday, August 12, 2009 from 5:30pm to 7:00pm, Monday, August 17, 2009 from 5:30pm to 7:00pm, and Thursday, August 27, 2009 from 5:30 to 7:00pm at One Judiciary Square 441 4th ST, NW, Suite 1140N.*

**Summary:** Serve DC – The Mayor’s Office on Volunteerism is offering grants to support community service projects organized for 2009 Make A Difference Day, October 24, 2009, the most encompassing national day of helping others. **Three grants worth up to \$3700 each** will be awarded.

Known as the "national day to help others," Make A Difference Day is a national effort designed to mobilize citizens in communities across the country in volunteer service. Make A Difference Day is sponsored by *USA WEEKEND Magazine* and held in partnership with HandsON Network and is supported by Newman's Own, in collaboration with celebrities, government, nonprofits and businesses. This year, Serve DC will focus its attention on this day to engage persons of all backgrounds regardless of disability, race, national origin, or religion. On this day, DC residents will “do good” and engage hundreds of volunteers.

Awards will be made to nonprofits, public schools, universities, community groups, faith-based organizations, government agencies, or public organizations to support service projects based on community needs and a culminating celebration to rejoice in the contribution to the community. These activities will enable communities to meet critical needs that include environmental, educational, public safety, homeland security, and other community needs. Additionally, applicants must propose to institute a reflection and celebration activity to promote long term service commitment.

**Criteria for eligible applicants:** Eligible applicants are local nonprofit organizations, public schools, universities, community groups, faith-based organizations, state and local units of government, and public organizations to support service projects based on community needs and a culminating celebration to rejoice in the contribution to the community. Programs applying to Serve DC for funding must conduct the project only within the District of Columbia. 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 the project, 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 application guidelines and instructions. The Make A Difference Day Grant Application will be released on Friday, August 7, 2009 at 9:00am. **The deadline is Tuesday, September 8, 2009 at 12:00 p.m.** The schedule for information sessions is as follows: One Judiciary Square, 441 4<sup>th</sup> St, NW, Suite 1140N, Wednesday, August 12, 2009, Monday, August 17, 2009, and Thursday, August 27, 2009 from 5:30 p.m. to 7 p.m.

**All interested applicants must register and attend one technical assistance session in order to apply for funds.** To RSVP for a training session, please contact Isabel I. Spake, AmeriCorps VISTA, Disability Inclusion Initiative at (202) 727-7928 or [isabel.spake@dc.gov](mailto:isabel.spake@dc.gov).

Serve DC anticipates awarding grants of up to \$3700 for Make A Difference Day grants. The actual number and dollar amount of the awards will depend upon the number of approved applications received and requested dollar amount.

Applications can be obtained from 441 4<sup>th</sup> Street NW, Suite 1140N, Washington, DC 20001 or downloaded and printed from the Serve DC Web site at [www.serve.dc.gov](http://www.serve.dc.gov) on or after August 7, 2009. For additional information, please call Isabel I. Spake at (202) 727-7928.

**EXECUTIVE OFFICE OF THE MAYOR**

**SERVE DC- THE MAYOR'S OFFICE ON VOLUNTEERISM  
DC COMMISSION ON NATIONAL AND  
COMMUNITY SERVICE**

**PUBLIC MEETING**

The mission of Serve DC- The Mayor's Office on Volunteerism is to promote the District of Columbia's spirit of service through national service, partnerships and volunteerism.

The DC Commission on National and Community Service (Serve DC) is pleased to announce its next Commission meeting on:

Wednesday, August 26, 2009, 5 P.M. – 7 P.M.  
One Judiciary Square  
441 4th Street, NW – Room 1117  
Washington, D.C.

All meetings are open to the public. Meeting minutes can be obtained from 441 4<sup>th</sup> Street NW, Suite 1140N, Washington, DC 20001.

For additional information or to request a copy of the minutes, please call 202-727-7925.

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

**Application No. 17582-A of 656, 666 Pennsylvania Avenue Associates and 327 7<sup>th</sup> ST SE LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the building height requirements under section 770, a variance from the floor area ratio requirements under subsection 1572.3 and a variance from the off-street parking requirements under subsection 2101.1, to construct an office addition to several contiguous buildings in the CHC/C-2-A District at premises 656 Pennsylvania Avenue, S.E., 660 Pennsylvania Avenue, S.E., 325 7<sup>th</sup> Street, S.E., and 327 7<sup>th</sup> Street, S.E. (Square 873, Lots 115, 116 and 117).

**HEARING DATE (Orig. Application):** March 20, 2007 and July 24, 2007  
**DECISION DATE (Orig. Application):** July 24, 2007 (Bench Decision)  
**FINAL ORDER ISSUANCE DATE (Orig. Application):** July 26, 2007  
**DECISION ON MOTION TO EXTEND ORDER:** July 14 and July 28, 2009

**ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 17582**

The Underlying BZA Order

On July 24, 2007, the Board of Zoning Adjustment (the Board or BZA) approved the Applicant's request for variance relief from the requirements for building height, floor area ratio, and off-street parking, to construct an office addition to several contiguous buildings in the CHC/C-2-A District. Thus, pursuant to 11 DCMR § 3103.2, the Board approved a variance from the building height requirements under section 770, from the floor area ratio requirements under subsection 1572.3, and from the off-street parking requirements under subsection 2101.1, to construct an office addition to several contiguous buildings, in the CHC/C-2-A District, at premises 656 Pennsylvania Avenue, S.E., 660 Pennsylvania Avenue, S.E., 325 7<sup>th</sup> Street, S.E., and 327 7<sup>th</sup> Street, S.E. (Square 873, Lots 115, 116 and 117). The Order was issued July 26, 2007. (BZA Order 17582)

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 July 26, 2009.

Section 3130.1<sup>1</sup> states:

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<sup>1</sup> Section 3130.1 was amended by the addition of the phrase “except as permitted in § 3130.6” by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

BZA APPLICATION NO. 17582-A

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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, except as permitted in § 3130.6.

(11 DCMR § 3130.1)

### Motion to Extend

On June 19, 2009, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR §3130.6,<sup>2</sup> a two-year extension in the authority granted in the underlying BZA Order, which was due to expire July 26, 2009. (Exhibit 42). A copy of the request for an extension was served on the parties to the application, Advisory Neighborhood Commission 6B (ANC 6B) and the Office of Planning (OP).

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because of the Applicant's inability to obtain financing due to economic and market conditions beyond the Applicant's control. The Applicant has, over the past two years, sought financing from a number of different sources and has been unable to obtain commitments to allow the project to proceed. The extension would allow the Applicant the additional time in which to secure financing.

Additionally, the Applicant cites as a reason for the request for an extension in the authority granted in the underlying BZA Order, the Applicant's inability to secure all the required government agency approvals by the expiration of the BZA Order because of delays beyond the Applicant's control. Due to the complexity of the project, which entails an addition to three existing buildings in an historic district and a re-use of existing core facilities of an existing building at 660 Pennsylvania Avenue, S.E., the Applicant has had difficulties in obtaining utility and government review and approval for the addition that are beyond the Applicant's control.

Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order, as conditioned, for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

### Criteria for Evaluating Motion to Extend

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<sup>2</sup> Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

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The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Section became effective on June 5, 2009.

Section 3130.6 of the Zoning Regulations states in full:

3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
  - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
  - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
  - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6)

The Board finds that the Applicant has met the criteria set forth in this provision. The filing of the motion on June 19, 2009, prior to the expiration date, tolled the effect of the order. The request was served on all the parties to the application and

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those parties were given 30 days in which to respond. The Applicant's inability to secure financing and the poor economic conditions in the District, as well as the difficulties that the Applicant has had in securing required governmental agency approvals, constitute the "good cause" required under § 3130.6(c)(1) and (2).

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 July 24, 2007 (Exhibit No. 40 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, pursuant to § 3130.6 of the Regulations, the Board hereby 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 July 26, 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 July 26, 2011.

**VOTE: 3-0-2** (Marc D. Loud, Shane L. Dettman, and Michael G. Turnbull to approve; two mayoral appointees not participating, nor 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: AUGUST 3, 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

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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. 17867 of Baby Land Development Center**, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (15 children and 5 staff) under section 205, in the R-2 District at premises 4628 H Street, S.E. (Square 5359, Lot 328).<sup>1</sup>

**HEARING DATE:** January 13, 2009

**DECISION DATES:** March 3, May 5, June 2, 23, and 30, 2009

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The Application was accompanied by a letter, dated August 26, 2008, from the Zoning Administrator stating that the Applicant's Certificate of Occupancy application to use the subject premises as a child development center for 15 children and 4 staff was denied due to the need for Board of Zoning Adjustment approval. (Exhibit 5)

The application was amended over the course of the proceedings as to the maximum number of children at the child development center. The Applicant was operating a child development home for up to 5 children and, in her application to the Zoning Administrator, was seeking to expand the number of children who would be enrolled in what would become a child development center, to 15.

The request as to the number of children to be enrolled was ambiguous and fluctuated during the course of the proceedings. In the end, the Board granted the number first asked of the Zoning Administrator, that is, 15 children and 5 staff. The Applicant mentioned several times in her testimony and in her presentation before the Advisory Neighborhood Commission (ANC) that she expected to enroll up to 15 children. The Board cited to that evidence in its deliberations. (See, Transcript (Tr.) June 30, 2009, at 9 – 11).

However, in the burden of proof statement accompanying the application, the Applicant described this application as one for a maximum of 50 children and 6 staff. But even that statement was not definitive. What the Applicant said in the burden of proof statement that accompanied the application was that she anticipated that the child development center would commence operations with up

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<sup>1</sup> The Board ended up granting relief for 15 children and 5 staff, as the application changed from the advertised relief of 40 children and 6 staff.

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to two classes of fewer than 16 children, two teachers and two teacher's aides, but she modified that statement by adding that "Applicant may be able to establish a child development center but it would be limited to no more than sixteen (16) individuals." Later in the same submission, she said that she anticipated future expansion, to a maximum of "24" or "fifty" children. (Exhibit 4) Also, at one point in the proceedings the Applicant spoke to there being up to 38 children. (Tr. January 13, 2009, at 130)

The application was advertised for a maximum of 40 children and 6 staff. Despite stating that she expected to start with no more than 15 children, the Applicant requested approval for the maximum she estimated ever would be allowed under the licensing requirements to avoid coming back to the BZA if the number of children enrolled went over 15. That request for a larger enrollment figure as a cushion – which was expressed as 24, 38, 40, or 50 -- was derived from an estimate of the number of children who could be permissibly enrolled based on the computations of required square footage per child under applicable licensing requirements. Nevertheless, the Applicant acknowledged that she would not be able to enroll children based on that estimate until she had received approval from the Board. (Tr. January 13, 2009 at 129 - 132) Finally, the Applicant had her traffic engineers analyze the impacts of a child development center for 25 children and they found that at that level, the proposed use would not be likely to cause adverse conditions with respect to drop-off or pick-up activities. (Exhibit 29). So, the Board had requests for relief before it of 15, 25, 38, and 40 as well as 24 and 50, at different times. Due to the ambiguity and confusion caused by the varying numbers of children requested, the Board opted to grant approval for 15 children. Based on the record, the Board concluded that at 15 children, there would not be significant adverse impacts, whereas at a greater number, there may be such impacts.

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) 7E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application.

At a meeting on December 9, 2008, ANC 7E, with a quorum present, voted to oppose the application. The vote was 4 against, 1 in favor, and 1 abstaining. Nevertheless, the ANC in its report of December 22, 2008 also noted that a poll of nearby neighbors was taken and of 35 neighbors polled, 20 were in support, 10 were opposed, and 5 took no position. (Exhibit 23)<sup>2</sup> A letter of support for the

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<sup>2</sup> Another ANC report, dated December 12, 2008, outlining the same ANC vote in opposition was submitted by the ANC Commissioner for the Single Member District that borders the SMD in which the

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application for a child development center was submitted by the D.C. Office of the State Superintendent of Education (OSSE). (Exhibit 20)

The Office of Planning (OP) submitted its report, dated January 13, 2009, indicating that several issues needed to be addressed before it could make a recommendation. During the hearing, however, OP testified that all its concerns except one had been adequately addressed by the Applicant. The only area left open for additional study was traffic management, specifically drop-off and pick-up at peak hours. OP noted that the Applicant had provided letters of support from her immediate neighbors who had stated that they did not object to the current drop-off and pick-up arrangement. Nevertheless, this, together with traffic concerns, was the one area that OP suggested needed further study, leading the Board to request a DDOT analysis and report. (Tr. January 13, 2009, 158-168). At the hearing, OP also suggested consideration of a “trial period” to test the impacts of the size of the client population and the traffic management system. (Tr. January 13, 2009 at 169-173).

At the conclusion of the hearing, the Board left the record open for a report from DDOT about the impact of traffic, and for responses from OP, the ANC, or the Applicant. The Applicant submitted a professionally prepared assessment of the potential traffic impact associated with the proposed child development center. The Applicant’s traffic consultant concluded that “the proposed increase in activity is not likely to cause adverse or objectionable traffic and parking conditions.”<sup>3</sup> (Exhibit 29) After reviewing the consultant’s analysis and conclusions, DDOT submitted its report, dated June 26, 2009, in support of the Applicant’s request, concluding that “[i]f the BZA prohibits daycare employees from parking in front of or adjacent to the Applicant’s property, DDOT sees no indication that the level of drop-off or pick-up activity would have a significant adverse impact on the community.”<sup>4</sup> (Exhibit 31)

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 relief under section 205. Other than the ANC, no parties appeared at the public hearing in opposition to this application.

The Board is required to give “great weight” to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C.

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Applicant’s property is sited. That report also contained a petition from 19 residents in opposition. (Exhibit 25)

<sup>3</sup> As mentioned, the traffic consultant’s report and finding of no adverse impact were based on an application for 25 children.

<sup>4</sup> DDOT’s analysis contained several other recommendations, many of which the Board has incorporated into the conditions in this order.

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Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive. The Office of Planning indicated that it needed more information about traffic impacts, particularly the impact of children being picked up and dropped off at peak hours. To address these concerns, the Board requested a report from DDOT. DDOT reviewed the Applicant's professional traffic consultant's analysis, indicating that there would not be adverse impact, and upon review of that traffic analysis, DDOT indicated its support of an application for a child development center for 15 children and 4 staff. Although OP never made a definitive recommendation, the Board was persuaded by DDOT's support and the traffic consultant's analysis that the Applicant met the burden of proof.

In its deliberations, the Board gave the ANC's report great weight, but ultimately decided in favor of the Applicant. In so doing, the Board noted that the rationale for the ANC's opposition was not entirely clear, both as to the number of children to be enrolled and as to the Applicant's plan to address potential traffic impacts. Both of these issues evolved over the course of the case. First, the ANC based its objection on a child development center for 40 children. (Exhibits 23 and 25) Second, the ANC, at the time of its vote and report, did not have the benefit of, or thereafter consider, the reports from the traffic engineers and DDOT, which concluded that a child development center for 15 children would not adversely impact traffic. The Board cited as persuasive the evidence presented by the traffic engineer and DDOT, but mindful of the ANC's opposition, conditioned its approval with a term of 3 years to allow the Applicant and community a specific time period in which to study the effects of the child development center. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, and 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 be **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

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1. This approval shall be for three (3) years from the date of issuance of this order.
2. The maximum number of children enrolled at the child development center shall not exceed 15 and the maximum number of staff at the center shall not exceed 5.
3. The hours of drop-off shall be 7:00 a.m. to 10:00 a.m. and the hours of pick-up shall be 3:00 p.m. to 6:00 p.m.
4. The staff shall assist with the escorting of the children during drop-off and pick-up.
5. The Applicant shall prohibit employees from parking on the street in front of, or adjacent to, the child development center.
6. At the end of the first year of operation, the Applicant shall provide transportation data and a report about the facility's daily experience of client and visitor drop-off and pick-ups to Advisory Neighborhood Commission 7E. The information shall be provided to the ANC annually thereafter and shall include the number of clients that are dropped off and picked up at the child development center.

**VOTE:** 3-0-2 (Marc D. Loud, Shane L. Dettman, Peter G. May, to APPROVE AS CONDITIONED. 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 31, 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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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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, 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 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. 17870-A of Koo Yuen**, pursuant to 11DCMR § 3104.1, for a special exception to establish a gasoline service station under §§ 726 and 706, in the C-2-A District at premises 3710 Minnesota Avenue, N.E. (Square 5046, Lot 810).

**HEARING DATES:** December 9, 2008, March 24, 2009, April 27, 2009, May 19, 2009  
**DECISION DATE:** May 19, 2009  
**DATE OF DECISION ON RECONSIDERATION:** June 23, 2009

**ORDER DENYING RECONSIDERATION**

On August 29, 2008, Koo Yuen, as agent for property owner Euclid of Virginia, (“Applicant”) filed the instant application, requesting special exception relief from the Board of Zoning Adjustment (“BZA” or “Board”) in order to establish a gasoline service station at 3710 Minnesota Avenue, N.E. (“subject property”). A hearing on the application was originally scheduled for December 9, 2008, and, after several continuances, was completed on May 19, 2009. At the conclusion of the hearing, the Board deliberated and decided to grant the application.

There were no parties in opposition to the application, including Advisory Neighborhood Commission (“ANC”) 7A, within which the subject property is located. ANC 7A did not file a report with the Board or participate in the hearing in any way, although it had been properly notified. Exhibits Nos. 11 & 16. The Board issued a Summary Order granting the application on May 26, 2009, which, like all Board orders, was effective 10 days after its issuance, on May 29, 2009. Exhibit No. 40 (“Order No. 17870”).

On June 4, 2009, Edward Rhodes, Single Member District Commissioner for ANC 7A06 (“SMD”) filed a timely request for reconsideration of Order No. 17870. Exhibit No. 41. The request states that it is made “on behalf of ANC 7A06” and is signed by Commissioner Rhodes as “ANC 7A06 Commissioner.” The letter is on the letterhead of ANC 7A06 and contains an e-mail address for “7A06.” Everything in the letter indicates that the reconsideration request is made by the SMD, and not by the full ANC 7A.

Only a party may request reconsideration of a Board order. 11 DCMR § 3126.2. A full ANC is automatically a party to every BZA application (11 DCMR § 3199.1, definition of “Party”), but an SMD is not. In order to attain party status before the Board, an SMD would have to request it and have it granted by the Board. Neither of these things happened here, therefore, SMD 7A06 was/is not a party to this case. Nor has the SMD been authorized by ANC 7A to act as the representative of the full ANC.

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Commissioner Rhodes claims in his letter requesting reconsideration that he did not receive notification about the application. Although there are two regulations mandating that notice be provided to the full ANC – 11 DCMR §§ 3113.7 & 3113.13(d) – there is no regulation mandating that each SMD within an ANC be separately notified. Further, it appears that Commissioner Rhodes was aware of the application and its substance, as his signature appears on a petition in opposition to the application filed with the Board on December 8, 2008. Exhibit No. 22.

Because the SMD Commissioner was/is not a party to this case, he cannot file for reconsideration. In any event, the concerns cited in his letter are not grounds for reconsideration, since they could have been raised prior to the closing of the record in this case.

For the reasons above, the Board has determined that the SMD 7A06 Commissioner does not have standing to request reconsideration of Order No. 17870. Accordingly, it is hereby **ORDERED** that the reconsideration request is **DENIED**.

**VOTE:**       **3-0-2** (Marc D. Loud, Shane L. Dettman, and Michael G. Turnbull to deny;  
                  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: AUGUST 4, 2009**

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

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

**Application No. 17945 of M. Sikder**, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of an eight (8)-unit apartment house under section 353, in the R-5-A District at premises 932 Bellevue Street, S.E. (Square 5924, Lots 141, 142, and 143).

**HEARING DATE:** July 21, 2009

**DECISION DATE:** July 28, 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) 8E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8E, which is automatically a party to this application. Two letters of support, the first dated June 2, 2008, and the other dated July 23, 2009, were submitted by the Advisory Neighborhood Commission (ANC) 8E Commissioner who represents the Single Member District Member (SMD) 8E02.<sup>1</sup> (Exhibits 24(b) and 28). The Office of Planning (OP) submitted a report in support of the relief sought.<sup>2</sup> (Exhibit 25)<sup>3</sup>

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

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<sup>1</sup> While the Board acknowledged the SMD Commissioner's support in their deliberations, the letters did not rise to the level of an ANC report to which great weight could be given. Neither letter indicated that a vote of the ANC had taken place at a duly noticed meeting at which a quorum was present.

<sup>2</sup> OP recommended approval of the special exception request subject to minor site plan amendments to accommodate the preservation of existing trees on the site. Acknowledging OP's recommendations, the Board requested additional information from the Applicant to supplement the record to show a revised site plan. The Applicant filed revised site plans to meet OP's concerns along with a memorandum from OP that indicated that OP was satisfied that the revised site plan was consistent with OP's goals to revise the parking and drive aisle sizing and relocation of the trash enclosure. (Exhibit 27)

<sup>3</sup> The Department of Housing and Community Development (DHCD) also submitted a report in this case that was supportive. Nonetheless, while acknowledging that DHCD was supportive, the Board did not rely on the DHCD letter, as it referenced an earlier project that was similar in terms of the number of units, but which had been withdrawn. (Exhibit 22)

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pursuant to § 3104.1, for special exception under subsection 353. 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 reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 353, 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 24(a) and 27 – Revised Plans) be **GRANTED**:

**VOTE:**       **4-0-1** (Shane L. Dettman, Meridith Moldenhauer, Marc D. Loud, Anthony J. Hood to APPROVE. One Mayoral appointee (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 31, 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

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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.

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

**Application No. 17951 of Jonathan and Laurie Lyons**, pursuant to DCMR § 3104.1, for a special exception to allow a two-story rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the R-4 District at premises 4109 7<sup>th</sup> Street, N.W. (Square 3229, Lot 33).

**HEARING DATE:** July 28, 2009

**DECISION DATE:** July 28, 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) 4C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C commissioner Timothy Jones testified in support of the application at the public hearing. The ANC did not submit a written report into the record. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, and 223, that the requested relief can be granted 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.

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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. 9 Plans & Elevations) be **GRANTED**.

**VOTE:**       **4-0-1** (Meridith H. Moldenhausser, William W. Keating, III, Shane L. Dettman and Marc D. Loud to Approve. The third (vacant) mayoral appointee 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:** July 29, 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.

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

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SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

**AND**

**Z.C. ORDER NO. 04-05**

**Z.C. Case No. 04-05**

**(Text and Map Amendments – 11 DCMR)**

**(Text Amendment – provisions of New Hill East District)**

**(Map Amendment – to map new Hill East District)**

**April 13, 2009**

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

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

**AND**

**Z.C. ORDER NO. 09-07**

**Z.C. Case No. 09-07**

**(Map Amendment - 11 DCMR)**

**(Map Amendment @ Square 2210, Lot 803 – 2269 Cathedral Avenue, N.W.)**

**July 27, 2009**

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****Zoning Commission Order No. 08-25****Z.C. Case No. 08-25****Consolidated Planned Unit Development and Related Map Amendment  
Matthews Memorial Terrace LP and Matthews Memorial Baptist Church  
(Square 5868, Lots 172, 1000, 1001, 1002, 1047, and 1050)****April 13, 2009**

Pursuant to proper notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on March 5, 2009, to consider an application by Matthews Memorial Terrace LP and Matthews Memorial Baptist Church (the "Applicant") for consolidated review and approval of a planned unit development ("PUD") and a related amendment to the Zoning Map from the R-5-A Zone District to the R-5-B or the C-2-A Zone District, with the C-2-A Zone District as the preferred alternative, for the property known as Square 5868, Lots 172, 1000, 1001, 1002, 1047, and 1050 (the "Application"). The Commission considered the Application pursuant to Chapter 24 of the District of Columbia Municipal Regulations ("DCMR") Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

**FINDINGS OF FACT****Application, Parties, and Hearing**

1. The project site consists of Lots 172, 1000, 1001, 1002, 1047, and 1050 in Square 5868 and is bounded by Martin Luther King Jr. Avenue S.E. to the west, Dunbar Street S.E. to the east, Matthews Memorial Baptist Church to the north, and a residential apartment building to the south (the "Property") and consists of approximately 1.82 acres or 79,311 square feet. The Property is located in the R-5-A Zone District.
2. The Application for consolidated review and approval of a PUD and related amendment to the Zoning Map was submitted on September 26, 2008, by the Applicant. Memorial Terrace LP is a partnership between The Community Builders, a nonprofit affordable housing developer, and Creative Opportunities Ventures, Inc. (a subsidiary of Matthews Memorial Baptist Church). Matthews Memorial Terrace LP will own and operate the residential component of the PUD.
3. The Commission voted to set the case down for a public hearing at its November 10, 2008 public meeting. Notice of the public hearing, including a description of the subject property and the proposed development, was published in the *D.C. Register* ("DCR") on January 2, 2009, at 56 DCR 58, and was mailed to all property owners within 200 feet of the subject property and to Advisory Neighborhood Commission ("ANC") 8C. The Application was updated by a pre-hearing submission filed on December 5, 2008, a supplemental pre-hearing submission filed on February 13, 2009, and the Applicant's presentation at the public hearing.

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4. The Commission opened and closed the public hearing on the above-mentioned Application on March 5, 2009, which was conducted in accordance with the provisions of 11 DCMR § 3022. Parties to the proceeding were the Applicant and ANC 8C. During the public hearing, the Commission heard testimony and received evidence from the parties and the Office of Planning (“OP”) and District Department of Transportation (“DDOT”).
5. At the March 5, 2009 public hearing, Allison Prince of Pillsbury Winthrop Shaw Pittman, LLP, presented the case on behalf of the Applicant. The Commission recognized Jeffrey Goins of PGN Architects as an expert in architecture and Nicole White of Symmetra Design as an expert in traffic engineering and transportation planning (March 5, 2009 Transcript, pp. 11-12.)
6. The Applicant further refined plans, drawings, and other components of the Application in response to the Commission’s comments and concerns, and submitted the revisions with other information requested by the Commission in a post-hearing submission filed on March 26, 2009. The post-hearing submission also addressed issues raised by DDOT during the course of the public hearing.
7. At a public meeting on April, 13, 2009, the Commission took proposed action to approve the Application with conditions.
8. The proposed action of the Commission was referred to the National Capital Planning Commission (“NCPC”) pursuant to § 492 of the Home Rule Act. NCPC, by action dated April 30, 2009, found that the proposed PUD and amendment to the Zoning Map would not affect the federal interests in the National Capital, and would not be inconsistent with the Comprehensive Plan for the National Capital.
9. The Commission took final action to approve the Application on May 11, 2009.

#### PUD SITE AND SURROUNDING AREA

10. The Property consists of a rectangular parcel and is bounded by Martin Luther King Jr. Avenue S.E. to the west, Dunbar Street S.E. to the east, Matthews Memorial Baptist Church to the north, and a residential apartment building to the south. The Property consists of approximately 1.82 acres or 79,311 square feet of land area, and is located in the Barry Farm neighborhood in Ward 8. (Exhibit 3, Exhibit A; Exhibit 3, Exhibit B, pp. A6-A7.)
11. The Property includes multiple lots (to be combined into one record lot) all owned by Matthews Memorial Baptist Church. (Exhibit 3, Exhibit A.)

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12. The Property has significant grade changes, with the southwestern part of the site being at the highest point. The Property slopes downward from Martin Luther King Jr. Avenue S.E. to Dunbar Road S.E. Presently, the property is mostly improved with surface parking and single family dwellings. The site is bordered primarily by medium-density residential development to the south and to the west. (Exhibit 3, Exhibit A; Exhibit 3, Exhibit B, p. A6.)
13. The Property is located in the Moderate-Density Residential Land Use category on the District of Columbia Future Land Use Map.

#### DESCRIPTION OF THE PUD PROJECT

14. The proposed project consists of a new residential building containing approximately 99 units of affordable housing ("Residential Building") and a community building with a community meeting room, a dining room/restaurant, a social services center, a bookstore/cafe, and a medical clinic ("Community Building") (together, the "Project"). The Project will replace some surface parking and several single-family dwellings. (Exhibit 3, Exhibit B, pp. A5-A6; Exhibit 14, Exhibit A.)
15. The Residential Building will contain approximately 99 units that will be distributed among one-bedroom, one-bedroom plus den, two-bedroom, and three-bedroom configurations. The residential units will be distributed as follows: 32 units for senior citizens (only one-bedroom, one-bedroom plus den, and two-bedroom units); 34 units for public housing-eligible individuals and families, many of whom will be displaced from the Barry Farm redevelopment project; and 33 units for individuals and families earning less than 60% of the Area Median Income. Senior units will be on the lowest floors, and the remaining unit types will be distributed on the upper floors. (Exhibit 14, pp. 6-8.)
16. The Community Building will allow Matthews Memorial Baptist Church to expand its community service offerings. The building's community meeting room on the first floor will be available to all community-related organizations. The second floor dining room will operate as a restaurant open to the public during limited hours. Offering both table service and take-out/cafeteria service, the restaurant will be open for lunch and dinner. The dining room will be closed to the public during all other times and will be available for church-related functions. The bookstore/café on the first floor will be open to the public during limited hours and will sell mostly liturgical material and will offer limited refreshments. The third floor social services center will house the Community Development Corporation and the Urban Families House of Hope ("UFHH"). UFHH will provide marriage/relationship counseling, job-searching resources, housing references, parenting skills training, crisis intervention, budgeting classes,

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- a fatherhood initiative program, and other related services. The third floor medical clinic will be leased to a doctor and will provide enough space for the doctor, one nurse, one licensed therapist, and one receptionist. (Exhibit 14, pp. 8-10.)
17. The Project will provide open space in the form of a large terrace along the northern part of the Residential Building and adjacent to the Community Building. Providing seating and sidewalks, the terrace will provide an outdoor space for residents to gather. Also, because of the grade change, the terrace will be protected from Martin Luther King Jr. Avenue S.E. In addition, the Community Building will have a small terrace at the rear that will connect to the larger terrace. The areas in front of both buildings along Martin Luther King Jr. Avenue S.E. will also be landscaped open space. (Exhibit 14, Exhibit A, p. L1.10.)
  18. The front and side elevations of the buildings will feature a design and various materials that will integrate the buildings into the neighborhood. The exterior materials will include fiber cement siding, metallic silver paneling, sandstone blocks, and various types of hammered and smooth cast stone. The Community Building will also feature a green roof. (Exhibit 14, p.7; Exhibit 14, Exhibit A, p. A50.)
  19. The PUD will include approximately 50 parking spaces below the Residential Building and an additional 12 surface parking spaces that will serve the Community Building. (Exhibit 16, pp. 5-6; Exhibit 14, Exhibit A, pp. A5 & A25.)
  20. In conjunction with the PUD, the Applicant requests an amendment to the Zoning Map from the R-5-A Zone District to the C-2-A Zone District, in order to accommodate the proposed uses, height, and density of the Project, including the restaurant and bookstore/café uses. (Exhibit 14, pp. 8-10.)
  21. The total gross floor area of the proposed PUD is approximately 120,602 square feet, for a total density of approximately 1.52 FAR. The proposed Residential Building will have a height of approximately 41.5 feet, and the proposed Community Building will have a height of approximately 30 feet. The Project will have a lot occupancy of approximately 31%. The proposed density, height, and lot occupancy of the Project are all lower than the matter-of-right limitations in the C-2-A District. (Exhibit 14, pp. 10-11.)

#### SATISFACTION OF PUD EVALUATION STANDARDS

22. Pursuant to 11 DCMR Chapter 24, the Applicant requested a PUD-related rezoning to the C-2-A Zone District. The proposed PUD's density, height, and lot

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- occupancy are all within the matter-of-right limitations for the C-2-A Zone District, and are therefore well within the PUD standards set forth in 11 DCMR § 2405. In addition, the Applicant requested relief from the requirement to build only one building on one record lot (§ 2516), from the off-street parking requirements (§ 2101.1), and from the loading requirements (§ 2201.1). This requested flexibility from the C-2-A Zone District will have no impact on the surrounding properties. (Exhibit 14, p.12.)
23. At the public hearing, the Applicant's representative, Bishop C. Matthew Hudson, described his extensive contact with the community, including the ANC, regarding the Project, and cited support from various community organizations as well as from Councilmembers Marion Barry and Kwame Brown as evidence of the Applicant's successful outreach activities. (March 5, 2009 Transcript, pp. 26-29.)
24. The Project will not cause adverse traffic or parking impacts, as demonstrated by the Applicant's traffic study and by testimony presented by the Applicant's traffic consultant, Nicole White, who was recognized by the Commission as an expert in the field of traffic engineering. The Applicant's traffic consultant testified that the proposed development will not have a significant impact on traffic or parking in the neighborhood. According to the traffic expert, the Applicant will implement and maintain a Transportation Demand Management plan, including such features as bicycle storage and para-transit service. She noted that access to the Property from Martin Luther King Jr. Avenue is preferable and can be accommodated without significant adverse effects on traffic conditions in the area, and that primary access to the Property from Dunbar Road would be difficult and inadequate. She also noted the existence of nearby traffic signals along Martin Luther King Jr. Avenue. She also addressed concerns regarding pedestrian safety with recommendations such as enhanced crosswalks. Ms. White also testified that the pedestrian safety concerns should be considered in the broader context of other developments planned for the area. (March 5, 2009 Transcript, pp 46-57.)
25. As detailed in the Applicant's written submissions and testimony to the Commission, the proposed PUD will provide the following Project amenities and public benefits:
- Housing and Affordable Housing: The proposed residential building will include 99 units. The residential units will be distributed as follows: 32 units for senior citizens (only one-bedroom, one-bedroom plus den, and two-bedroom units); 34 units for public housing-eligible individuals and families, many of whom will be displaced from the Barry Farm redevelopment project; and 33 units for individuals and families earning less than 60% of the Area

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Median Income. Senior units will be on the lowest floors, and the remaining unit types will be distributed on the upper floors. (Exhibit 14, pp. 6-8; Exhibit 15, p. 15; March 5, 2008 Transcript, p. 35.)

- Urban Design, Architecture, and Open Spaces: The Applicant's architectural expert, Jeff Goins, who was admitted as an expert in architecture, testified that the Project's design showed a strong sense of neighborhood compatibility by taking into account the topography, the existing retaining wall at the rear of the site, the nearby buildings, the neighborhood houses, and the varying architectural styles. He cited the limited scale, the open space, and the landscaping as important aspects of the Project. (March 5, 2009 Transcript, pp. 29-44.) The Project's design allows parking to be provided at grade, which allows for the creation of significant open space between the community building and the residential building. This space will be an intimate and secure setting with extensive landscaping, seating, and sidewalks. (Exhibit 14, p.15; March 5, 2009 Transcript, p. 41.)
- Site Planning, and Efficient and Economical Land Uses: The proposed Project has been designed to provide the community and residents and their guests with spaces for entertainment, gathering, relaxation, and necessary services, including the terrace, a community room, and the community services center. (Exhibit 14, pp.15-16.)
- Environmental Benefits: The Project will meet or exceed the Green Communities Initiative standard. Features will include numerous environmentally sensitive elements, including the following: a green roof on both the community services building and the underground parking structure; green exterior materials on both buildings. In addition, as part of the Green Communities Initiative, the Applicant held a series of charrettes. Finally, the site is located on major transit routes with bus stops at the site, and it is within walking distance of the Anacostia Metro station, which meets the Smart Growth aspects of green development. (Exhibit 14, p. 16; Exhibit 33.)
- Social Services: The community building will provide a significant benefit to the community. This building will allow the Matthews Memorial Baptist Church to expand its myriad social service offerings. The community building will provide significant upgrades to the current facilities and will facilitate expansion of these community programs and the addition of new programs. A community meeting space will be incorporated into the community building for neighborhood and community organizations. In addition, the community services building will contain a dining room/restaurant and bookstore/café, run by the Matthews Memorial Baptist Church, for the public to visit during

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limited times of the day. The building will also house a medical clinic that will offer a full panoply of medical services for members of Matthews Memorial Baptist Church and the community. (Exhibit 14, pp. 16-17.)

- Effective and Safe Vehicular and Pedestrian Access: As described in Finding of Fact 24, the Applicant's traffic and parking expert testified regarding the Project's effective and safe vehicular and pedestrian access, as well as the proposed TDM program. (Exhibit 14, Exhibit B; March 5, 2009 Transcript, pp. 46-56.) In consultation with DDOT, the Applicant recommended a series of site improvements including a contribution of \$10,000 to DDOT for the enhancement of pedestrian crosswalks at Eaton Road, and hosting of a pedestrian educational campaign at Matthews Memorial Baptist Church. The Applicant agreed to provide these improvements as a benefit of the PUD, and all of the proposed improvements are described in Exhibit 39 of the record. (Exhibit 39, pp. 1-2; Exhibit 39, Exhibit C.)
- Comprehensive Plan: The PUD is not inconsistent with the Property's Moderate Density Residential Land Use designation on the Future Land Use Map. While the Future Land Use Map typically is helpful in determining appropriate uses and density in areas of the city, it is not intended to serve as a "general" zoning map, nor does it mandate a parcel-by-parcel limitation on permitted development. The proposed Project and C-2-A Zone District are consistent with the flexibility that the Moderate Density Residential Land Use category provides for the Property. (Exhibit 14, p. 23.) In addition, the PUD is not inconsistent with the District Elements of the Comprehensive Plan, including the Land Use Element, the Housing Element, the Community Services and Facilities Element, and the Far Southeast/Southwest Area Element.
- Housing Element: The proposed development is consistent with the housing provisions of the Comprehensive Plan since it creates 99 new affordable rental units. The Housing Element of the Plan seeks to ensure housing affordability; foster housing production, and limit displacement. The Property is located in a residential neighborhood. A new development of apartments in this neighborhood will not be disruptive, and in fact provides additional residential opportunity for existing residents of the neighborhood. No displacement of residents will occur as a result of this application, and many neighborhood residents will be able to remain in the area because of this Project. The proposed high quality residential community will serve as an anchor that strengthens and enhances the surrounding residential neighborhood. (Exhibit 14, pp. 19-20.)

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- Land Use Element: This Project has been carefully designed to incorporate the style and improve the aesthetics of the surrounding neighborhood. This new Project is a visually pleasing architectural style that will help stabilize and revitalize the neighborhood by improving the streetscape of Martin Luther King Jr. Avenue. This Project will also provide an anchor for the community that will allow Matthews Memorial Baptist Church to improve upon the many services that it offers to its members and to the community. (Exhibit 14, pp. 20-21.)
- Community Services and Facilities Element: An important component of this Element is the provision of quality and affordable health care where it is needed. With limited options for primary health care services, the neighborhood will significantly benefit from this new Project's expanded health clinic. The community building will allow Matthews Memorial Baptist Church's health clinic to offer additional services in upgraded facilities to meet the needs of the community. (Exhibit 14, pp. 21-22.)
  - Far Southeast/Southwest Area Element: The Project is consistent with the area element calling for housing development, restaurants, health care services, family services, and infill development. The Project advances each of these goals. The development adds affordable housing, and it expands and improves upon necessary community services. The Project achieves two goals of the Comprehensive Plan by providing a restaurant and a health care clinic. In addition, the thoughtful design of the Project's buildings incorporates the neighborhood's aesthetics and topography to create a Project well-aligned with the policies of this area element. (Exhibit 14, pp. 22-23.)

#### GOVERNMENT REPORTS

26. In its February 23, 2009 report, and by testimony at the public hearing, OP recommended that the Commission approve the Project. OP determined that the Project is consistent with the goals and objectives of the Comprehensive Plan by providing public benefits. OP noted that, although the Property is designated as Moderate-Density Residential on the Generalized Land Use Map, this Project would not be inconsistent with this designation and recommended that the entire site be rezoned to the C-2-A Zone District. (Exhibit 24, pp. 1 & 4.)
27. In its February 27, 2009 report and by testimony at the public hearing, DDOT recommended approval of the Project. (Exhibit 25, p. 2.)
28. At the March 5, 2009 hearing, DDOT's representative, Richard Rybeck, raised concerns about safety along Martin Luther King Jr. Avenue because of the high

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rate of speed at which vehicles travel and suggested the use of Dunbar Road as an alternate location for site ingress and egress. (March 5, 2009 Transcript, pp. 154-161.) In a supplemental report, DDOT repeated the concerns, yet also acknowledged and agreed to the safety improvements recommended by the Applicant, as noted in Findings of Fact 24 and 25 (bulleted item “Effective and Safe Vehicular and Pedestrian Access), above, which would mitigate safety concerns. (Exhibit 37.)

#### ANC REPORT

29. Mary Cuthbert, Chair, ANC 8C, testified in support of the Project. She noted that the Applicants presented the Project to the ANC and that the ANC approved the Project in November 2008 (March 5, 2009 Transcript, pp. 101-103.) ANC 8C did not submit a written report articulating its issues and concerns.

#### PARTIES AND PERSONS IN SUPPORT

30. Anthony Muhammad, Chair of ANC 8A, testified in support of the Project. He noted that the Project is a welcome addition to the neighborhood as a means to eliminate blight. He also noted that he submitted a letter of support in November 2008 (March 5, 2009 Transcript, pp. 106-108); however, the official record maintained by the Office of Zoning does not contain any evidence that such a report was submitted.

#### COMPLIANCE WITH PUD STANDARDS

31. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of Project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects.” (11 DCMR § 2403.8.) The Commission finds that the related rezoning, development incentives and requested flexibility from the Zoning Regulations are appropriate and are justified by the benefits and amenities offered by this Project.
32. The Commission credits the testimony of the Applicant, OP, ANC 8C, and ANC 8A and finds that the Project is acceptable in all proffered categories of public benefits and Project amenities, including the proposed housing and affordable housing, community uses, social services, environmental benefits, and architectural planning and design all constitute Project amenities and public benefits. The Commission agrees with the written submissions and testimony of the Applicant’s representatives that the Project will provide superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right Project on the Subject Property would provide.

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33. The Commission finds that the Property is a suitable site for the proposed PUD and that the character, scale, mix of uses, and design of the Project are appropriate, and finds that the site plan is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits.
34. The Commission credits the testimony of OP that the Project provides benefits and amenities of substantial value to the community and the District that are commensurate with the rezoning and other flexibility sought through the PUD. The Commission also credits the testimony of OP that the proposed rezoning to the C-2-A Zone District is appropriate. Finally, the Commission credits the testimony of OP that the proposed PUD is not inconsistent with the Future Land Use Map, District Elements, and applicable Area Element of the Comprehensive Plan.
35. The Commission credits the testimony of the Applicant's traffic consultant and finds that the traffic, parking, and other impacts of the Project on the surrounding area are negligible. The Commission finds that the Applicant's proposed traffic safety improvements, as acknowledged and approved by DDOT in its supplemental report, are adequate to address safety concerns.

#### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. (11 DCMR §2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD Project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR §2400.2.)
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. (11 DCMR § 2402.5.) The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards. In this application, the Commission finds that the requested relief from the parking and loading requirements and to allow more than one principal structure on a single lot can be granted with no detriment to surrounding properties and without detriment to the zone plan or map.
3. The development of this PUD Project executes the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.

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4. Notice of the public hearing was provided in accordance with the Zoning Regulations.
5. The Application meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
6. The Application meets the contiguity requirements of § 2401.3.
7. The PUD is within the applicable height and density standards of the Zoning Regulations. The proposed height and density will not cause significant adverse effects on any nearby properties. The proposed mix of residential and community service uses, including the proposed commercial uses, is appropriate for this site.
8. The impact of the Project on the surrounding area and the operation of city services and facilities is not unacceptable. As demonstrated in the traffic study submitted by the Applicant, the Project will not cause adverse traffic impacts. Overall the impact of the Project on the surrounding area and operation of city services and facilities is favorable.
9. The Applicant can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the Project will be mitigated.
10. The Commission concludes that the benefits and amenities provided by the Project are reasonable for the development proposed in this application.
11. The Applicant seeks a PUD-related zoning map amendment to the C-2-A Zone District. The Applicant also seeks relief from the parking and loading requirements and permission to locate multiple buildings on a single record lot through a PUD. The Commission has judged, balanced, and reconciled the value of the project benefits and amenities, the degree of development incentives requested, and any potential adverse effects, and concluded that the benefits and amenities provided by the Project are a reasonable trade-offs for the requested development flexibility, and the requested flexibility can be granted with no detriment to surrounding properties and without detriment to the zone plan or map.
12. Approval of the PUD and related rezoning is not inconsistent with the Comprehensive Plan, including the designation of the Property as part of the Moderate-Density Residential Land Use Category on the Future Land Use Map, because of other policies and goals regarding the production of housing, neighborhood stabilization and revitalization, and provision of family-based community and service facilities. The PUD is not inconsistent with and promotes numerous elements and policies of the Comprehensive Plan. Specifically, the

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Commission concludes that the Project furthers the Housing Element, Land Use Element, and Community Services and Facilities Element. The Commission also concludes that the proposed PUD is also consistent with policies from the Far Southeast/Southwest Area Element.

13. In accordance with D.C. Official Code §1-309.10(d), the Commission must give great weight to the issues and concerns raised in the written report of the affected ANC. As reflected in the Findings of Fact, ANC 8C voted to support the Project and testified in support of the Project at the public hearing. Because ANC 8C did not submit a written report articulating its issues and concerns, the Commission cannot give them the “great weight” to which they are entitled. Likewise, the Commission cannot accord the comments of ANC 8A great weight because it did not submit a written report articulating its issues and concerns.
14. Approval of the application will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
15. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendation for approval. For the reasons stated above, the Commission concurs with OP’s recommendation and has given it the great weight to which it is entitled.
16. The Commission notes that the Zoning Regulations treat a PUD-related Zoning Map amendment differently from other types of rezoning. PUD-related Zoning Map amendments do not become effective until after the filing of a covenant that binds the current and future owners to use the Property only as permitted and conditioned by the Commission. If the PUD Project is not constructed within the time and in the manner enumerated by the Zoning Regulations (11 DCMR §§ 2408.8 and 2408.9) and as provided for in Condition 1 herein, the Zoning Map amendment expires and the zoning reverts to the pre-existing designation, pursuant to 11 DCMR § 2400.7. A PUD-related Zoning Map amendment is thus a temporary change to existing zoning that does not begin until a PUD covenant is recorded, ceases if the PUD is not built, and ends once the PUD use terminates. The Commission might grant PUD-related Zoning Map amendments in circumstances where it would otherwise reject permanent rezoning. In this case, the Commission believes that the proposed PUD-related map amendment of the Property to the C-2-A Zone District is appropriate given the superior features of the PUD Project and Comprehensive Plan policies and goals supporting the change in zoning, and is permitting a maximum density of 1.52 FAR in the C-2-A Zone District on this Property.

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17. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### DECISION

In consideration of the Finding of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for consolidated review of a Planned Unit Development and related Zoning Map amendment application from the R-5-A Zone District to the C-2-A Zone District for Square 5868, Lots 172, 1000, 1001, 1002, 1047, and 1050 as shown in Exhibit 1. The approval of this PUD and Zoning Map amendment is subject to the following guidelines, conditions, and standards of this Order:

1. The PUD Project shall be developed in accordance with the plans and materials submitted by the Applicant and marked as Exhibits 14, 22, and 39 of the record, as modified by the guidelines, conditions, and standards of this Order.
2. Prior to the issuance of a Certificate of Occupancy for the Project, the Applicant shall contribute \$10,000 to DDOT, host a pedestrian educational campaign, and make the site improvements as specified in Exhibits 37 and 39 of the record, namely for restriping the sidewalks at Eaton Road, and for installing a roadway pedestrian sign.
3. The PUD Project shall include approximately 99 units that will be distributed among one-bedroom, one-bedroom plus den, two-bedroom, and three-bedroom configurations. The residential units will be distributed as follows: 32 units for senior citizens (only one-bedroom, one-bedroom plus den, and two-bedroom units); 34 units for public housing-eligible individuals and families, many of whom will be displaced from the Barry Farm redevelopment project; and 33 units for individuals and families earning less than 60% of the Area Median Income. Senior units will be on the lowest floors, and the remaining unit types will be distributed on the upper floors.
4. The Applicant shall limit the restaurant's public hours of operation to the following times: Tuesday through Saturday, 12:00 p.m. to 9:30 p.m. and Sunday, 2:00 p.m. to 7:00 p.m. The bookstore/café shall be open to the public only during the following times: Monday through Friday, 7:00 a.m. to 11:00 a.m. and Saturday and Sunday, 8:00 a.m. to 4:00 p.m.
5. The Applicant shall have flexibility with the design of the PUD in the following areas:

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- To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;
  - To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials;
  - To change the southern driveway to a two way ingress/egress in the event that DDOT installs a traffic signal at Eaton Road;
  - To vary the residential unit allocations among the eligible groups;
  - To vary the total number of residential units between 96 and 102; and
  - To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit.
6. The PUD shall be valid for a period of two (2) years from the effective date of Zoning Commission Order No. 08-25. Within such time, an application must be filed for a building permit, and construction of the Project must begin within three (3) years of the effective date of this Order. The filing of the building permit application will vest the Order.
7. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (“DCRA”). Such covenant shall bind the Applicant and all successors in title to constrict and use the Property in accordance with this order, or amendment thereof by the Zoning Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
8. The change in zoning from the R-5-A Zone District to the C-2-A Zone District shall be effective upon the recordation of the covenant specified in Condition 6 above.
9. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned

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upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender expression or identity, 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 denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

For these reasons above, the Commission concludes that the Applicant has met the burden; it is thereby **ORDERED** that the Application is **GRANTED**.

On April 13, 2009, upon the motion of Chairman Hood, as seconded by Commissioner Keating, the Zoning Commission **APPROVED** this Application at its public meeting by a vote of 5-0-1 (Anthony J. Hood, Gregory N. Jeffries, William W. Keating, III, Peter G. May, and Michael G. Turnbull) to approve.

On May 11, 2009, on a motion made by Chairman Hood, as seconded by Commissioner Keating, the Zoning Commission **ADOPTED** the **ORDER** at its public meeting by a vote of 4-0-1 (Anthony J. Hood, William W. Keating, III, Peter G. May, and Michael G. Turnbull to approve; Gregory N. Jeffries, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on August 7, 2009.

**DISTRICT OF COLUMBIA REGISTER** VOL. 56 - NO. 32  
 DISTRICT OF COLUMBIA GOVERNMENT  
 OFFICE OF THE SURVEYOR

**AUGUST 7 2009**

Washington, D.C., October 7, 2008

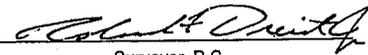
Plat for Building Permit of: SQUARE 5868 LOTS 1000 - 1002, 1047, 1050 & 172

Scale: 1 inch = 50 feet Recorded on Microfilm (LOTS 1000 - 1002)  
 Book A & T Page 3646 (LOT 1047)  
 Book A & T Page 2411 (LOT 1050)  
 Book 187 Page 186 (LOT 172)

Receipt No. 06789

Furnished to: DESMOUND M. GRIMBALL

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

  
 Surveyor, D.C.

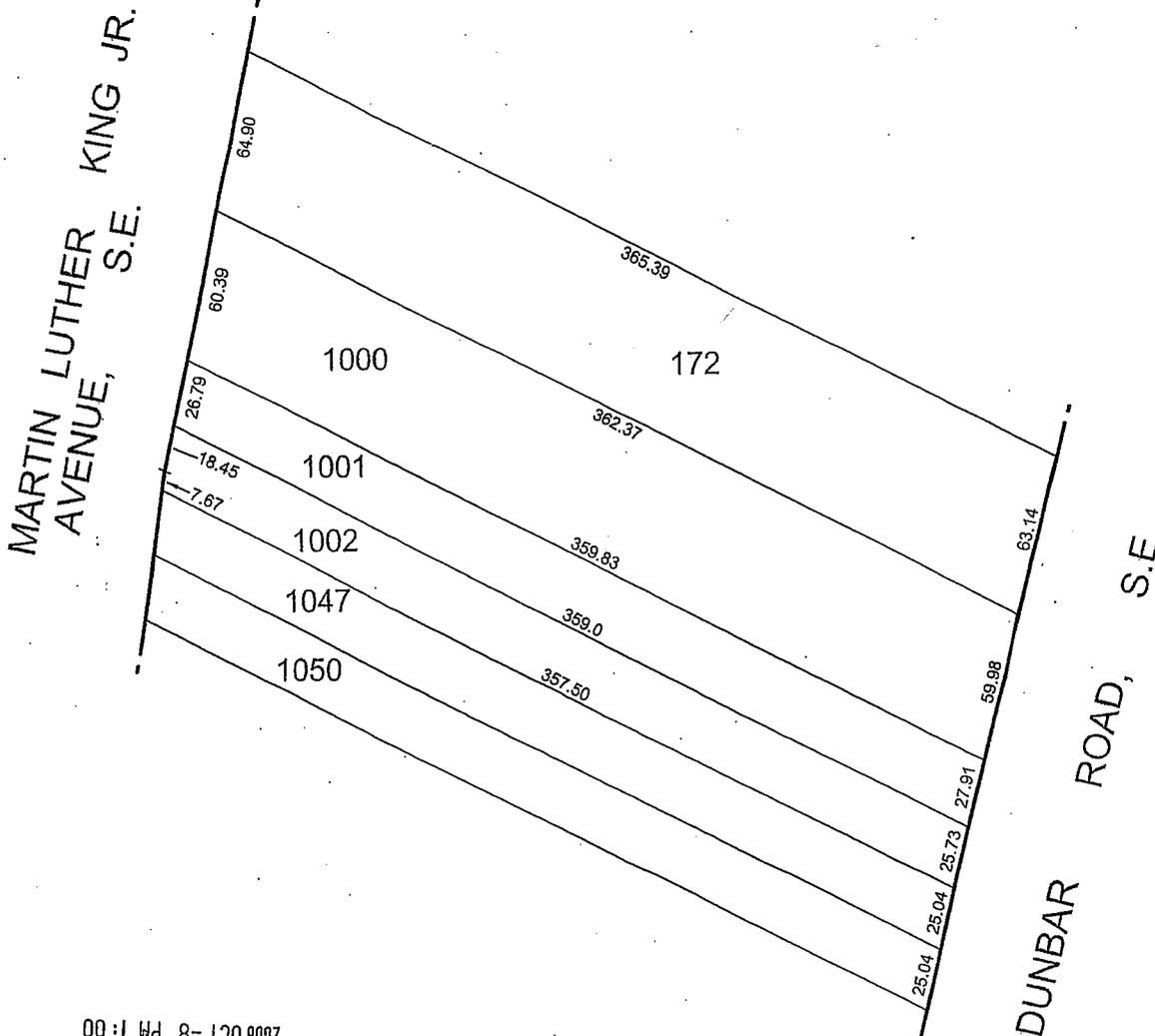
Date: \_\_\_\_\_

By: A.S. 

\_\_\_\_\_  
 (Signature of owner or his authorized agent)

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

RECEIVED  
 D.C. OFFICE OF ZONING  
 2008 OCT -8 PM 1:00



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