

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

The Construction Codes Coordinating Board will be holding a special meeting on Friday, October 9, 2009 at 1:00 pm. The meeting will be held at 941 North Capitol Street, NE, Suite 7237 (7<sup>th</sup> Floor), 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.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST**Raze Permit Applications**

The following is a listing of raze permit applications filed with the Permit Operations Division of the Department of Consumer and Regulatory Affairs:

<b>Application Date</b>	<b>Address</b>	<b>Lot</b>	<b>Square</b>	<b>Use</b>
September 16, 2009	4300 Anacostia Avenue, NE	5	178	1-story recreation center
September 24, 2009	2210 Douglas Street, NE	37	4254	2-story frame house
September 28, 2009	1260 Talbert Street, SE	815	5805	Single family development

For further information, please contact Mr. Tyrone Thomas at the Permit Operations Division via email at [Tyrone.Thomas2@dcra.gov](mailto:Tyrone.Thomas2@dcra.gov) or Ms. Cheryl Randall Thomas, Manager of the Permit Center, at (202) 442-4534.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2009

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate an existing 750 kilowatt diesel-fired emergency generator to the National Education Association (NEA), located at 1201 16<sup>th</sup> Street, NW, Washington, D.C. 20036.

The application for the existing one (1) diesel-fired emergency 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  
Washington D.C. 20002

**No written comments postmarked after November 9, 2009 will be accepted.**

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

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH****NOTICE OF FUNDING AVAILABILITY**

For

**RFA #CHP\_10.14.09****Capital Health Project Round 3 - Wellness Promotion**

The Government of the District of Columbia, Department of Health (DOH), is soliciting applications from qualified organizations located and licensed to conduct business within the District of Columbia to: (A) maximize, through outreach, referral and other efforts, the utilization and impact of primary health care centers, especially but not limited to the health centers funded under Capital Health Project rounds one and two; and (B) promote exercise, good nutrition and other elements, in addition to health care, that are essential to wellness.

Approximately \$1,000,000 (one million dollars) will be made available through this third round of Capital Health Project grants. Funding is being provided from the Community Health Care Financing Fund in accordance with the Community Access to Health Care Amendment Act of 2006. These funds are currently available. The number of awards and the amount of each individual award will be determined by the Department of Health after its review of the applications submitted. The minimum grant award will be \$100,000.

**Eligible Applicants:**

Eligible applicants must be not-for-profit organizations (including a team of not-for-profits) currently located and operating in the District of Columbia. Partnerships between not-for-profit and for-profit organizations are permitted, if a lead not-for-profit applicant is designated.

**Eligible Uses of Grant Funds:**

Funds will be made available for initiatives in areas such as, but not limited to: outreach (through workers and/or media); health/wellness education; care coordination; patient advocacy; stress management; exercise; recreation; nutrition; reducing exposure to environmental risk factors (e.g., violence, lead, tobacco); and enhancing online access to health information.

**The RFA will be available for pick up at 825 North Capitol Street NE, Room 4207, on Wednesday, October 14, 2009, and will also be available (as of that day) at [www.opgd.dc.gov](http://www.opgd.dc.gov) under the District Grants Clearinghouse. The deadline for submission of applications is Friday, November 20, 2009 at 5:00 p.m.** Applications submitted at or after 5:01 p.m. on Friday, November 20, 2009 will not be forwarded to the review panel for funding consideration.

Prospective applicants obtaining this RFA through the Internet should provide the Department of Health with the following information c/o Diane Scroggins ([doh.grants@dc.gov](mailto:doh.grants@dc.gov)) in order to receive any amendments or clarifications that might be issued.

- Name of organization;
- Key contact;
- Mailing address;
- Telephone and fax numbers; and
- E-mail address

**The Pre-Application Meeting for RFA #CHP\_10.14.09** will be held at the District of Columbia Department of Health, 825 North Capitol Street NE, 4th Floor, Conference Room 4131, on **Tuesday, October 20, 2009 from 3:00 p.m. – 4:30 p.m.**

Please e-mail requests for additional information to Diane Scroggins at [doh.grants@dc.gov](mailto:doh.grants@dc.gov).

-----

**HOWARD ROAD ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Copier & Printer Equipment and Services**

HOWARD ROAD ACADEMY Public Charter School (HRA) is requesting proposals for copier and printer equipment and service for three (3) separate locations. Proposals are due on or before 12:00pm, Friday, October 23, 2009. All proposals must be properly formatted and placed in a sealed envelope with the outside of the envelope clearly marked "Copier and Printer Equipment Proposal". Mail or deliver three (3) original copies to:

Dianna Washington  
Business Manager

Howard Road Academy – Business Office  
2005 Martin Luther King, Jr., Ave, SE  
Washington, DC 20020

[dwashington@howardroadacademy.org](mailto:dwashington@howardroadacademy.org)

Additional specifications outlined in the Request for Proposals (RFP), may be obtained from HRA contact person.

**HOWARD ROAD ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Payroll and Human Resource Services**

HOWARD ROAD ACADEMY Public Charter School (HRA) invites all interested vendors to submit proposals to provide services in a wide array of Payroll, Time and Attendance, and Human Resource Services for a mid to large non-profit organization. Proposals are due on or before 12:00pm, Friday, October 23, 2009. All proposals must be properly formatted and placed in a sealed envelope with the outside of the envelope clearly marked "Payroll and Human Resource Services". Mail or deliver three (3) original copies to:

Dianna Washington

Business Manager

Howard Road Academy – Business Office

2005 Martin Luther King, Jr., Ave, SE

Washington, DC 20020

[dwashington@howardroadacademy.org](mailto:dwashington@howardroadacademy.org)

Additional specifications outlined in the Request for Proposals (RFP), may be obtained from HRA contact person.

DEPARTMENT OF HUMAN SERVICES  
OFFICE OF THE DIRECTOR

ERRATA NOTICE

NOTICE OF FUNDING AVAILABILITY

**American Recovery and Reinvestment Act of 2009  
Homelessness Prevention and Rapid Re-Housing Program (1 Grant)**

*This notice supersedes the notice of funding availability published in the DC Register on page 7919, on Friday, October 2, 2009. The text of the revised notice follows:*

The Department of Human Services (DHS) coordinates and provides a range of services that collectively create the enabling conditions for economic and socially challenged residents of the District of Columbia to enhance their quality of life and achieve greater degrees of self-sufficiency. Specifically, DHS provides social services, assessment, case management, and crisis intervention services to vulnerable populations; and is responsible for the implementation and oversight of homeless services in the District.

In an effort to provide assistance to those struggling due to the current economic downturn, the United States Congress passed, and President Barack Obama signed into law, the American Recovery and Reinvestment Act of 2009 (ARRA). The purpose of the ARRA is to assist those who are struggling due to the economic downturn and stimulate the economy. Through the ARRA, the District of Columbia has been allocated categorical funds in the amount of approximately 7.5 million dollars for a Homelessness Prevention and Rapid Re-Housing Program (HPRP). These funds will be utilized to prevent homelessness for those at-risk and re-house those that become homeless. Under this Notice of Funding Availability (NOFA), DHS is seeking organizations with demonstrated experience in providing housing counseling and housing location assistance.

DHS expects to award one (1) grant under this NOFA. The total budget for services provided through this NOFA is \$80,000. All funds provided under this NOFA must be spent by July 21, 2012, and 60% of all funds must be spent by July 21, 2011.

Starting Tuesday, October 6, 2009, applications can be obtained from the District Grants Clearinghouse (<http://www.opgd.dc.gov>). Also, on Tuesday, October 6, 2009, applications may be obtained from Mr. Darrell Cason, Policy and Research Analyst, or the receptionist at 64 New York Avenue, NE, Washington, DC, 6<sup>th</sup> floor. Please call (202) 671-4389 or (202) 671-4200.

A Pre-Application Conference will be held on Tuesday, October 13, 2009, from 12:30 pm to 2:00 pm at the Department of Human Services Headquarters located at 64 New York Avenue, NE, 6<sup>th</sup> Floor, Director's Conference Room. You may reserve your seat by telephoning Darrell Cason at (202) 671-4389 or e-mail him at [darrell.cason@dc.gov](mailto:darrell.cason@dc.gov). **It is strongly recommended that applying organizations attend the pre-application conference.**

**The deadline for application submission is Monday, October 26, 2009, by 4:00 pm**

DEPARTMENT OF HUMAN SERVICES  
OFFICE OF THE DIRECTOR

ERRATA NOTICE

NOTICE OF FUNDING AVAILABILITY

**American Recovery and Reinvestment Act of 2009  
Homelessness Prevention and Rapid Re-Housing Program (4 Grants)**

*This notice supersedes the notice of funding availability published in the DC Register on page 7920, on Friday, October 2, 2009. The text of the revised notice follows:*

The Department of Human Services (DHS) coordinates and provides a range of services that collectively create the enabling conditions for economic and socially challenged residents of the District of Columbia to enhance their quality of life and achieve greater degrees of self-sufficiency. Specifically, DHS provides social services, assessment, case management, and crisis intervention services to vulnerable populations; and is responsible for the implementation and oversight of homeless services in the District.

In an effort to provide assistance to those struggling due to the current economic downturn, the United States Congress passed, and President Barack Obama signed into law, the American Recovery and Reinvestment Act of 2009 (ARRA). The purpose of the ARRA is to assist those who are struggling due to the economic downturn and stimulate the economy. Through the ARRA, the District of Columbia has been allocated categorical funds in the amount of approximately 7.5 million dollars for a Homelessness Prevention and Rapid Re-Housing Program (HPRP). These funds will be utilized to prevent homelessness for those at-risk and re-house those that become homeless. Under this Notice of Funding Availability (NOFA), DHS is seeking organizations with demonstrated experience in providing homelessness prevention and re-housing assistance.

DHS expects to award up to four (4) grants under this NOFA. The total budget for services provided through this NOFA is \$3,866,800. All funds provided under this NOFA must be spent by July 21, 2012, and 60% of all funds must be spent by July 21, 2011.

Starting Tuesday, October 6, 2009, applications can be obtained from the District Grants Clearinghouse (<http://www.opgd.dc.gov>). Also, on Tuesday, October 6, 2009, applications may be obtained from Mr. Darrell Cason, Policy and Research Analyst, or the receptionist at 64 New York Avenue, NE, Washington, DC, 6<sup>th</sup> floor. Please call (202) 671-4389 or (202) 671-4200.

A Pre-Application Conference will be held on Tuesday, October 13, 2009, from 10:00 am to noon at the Department of Human Services Headquarters located at 64 New York Avenue, NE, 6<sup>th</sup> Floor, Director's Conference Room. You may reserve your seat by telephoning Darrell Cason at (202) 671-4389 or e-mail him at [darrell.cason@dc.gov](mailto:darrell.cason@dc.gov). **It is strongly recommended that applying organizations attend the pre-application conference.**

**The deadline for application submission is Monday, October 26, 2009, by 4:00 pm**

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

**Application No. 17717 of Central Union Mission**, pursuant to 11 DCMR §§ 3104.1, 1330.1, 1328.2, and 1304.1 for a special exception to permit the development of a property in excess of 12,000 square feet within the Georgia Avenue Commercial Overlay to construct a mixed-use building with 37 residential units, office and retail uses in the GA/C-3-A District, at premises 3506-3512 Georgia Avenue, N.W., and 714 Newton Place, N.W. (Square 2895, Lots 825, 826, 830, and 831).<sup>1</sup>

**HEARING DATES:** February 19 and October 28, 2008; April 21 and September 22, 2009

**DECISION DATE:** September 22, 2009

**SUMMARY ORDER**

**SELF CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 64)

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. On September 17, 2009, ANC 1A voted to recommend conditional approval of the application. Although the ANC's report was not timely due to special circumstances, the ANC asked for, and the Board granted, a waiver of the time requirement.<sup>2</sup> (Exhibit 67) The Office of Planning (OP) submitted a report in support of the relief pursuant to subsections 1330.1, 1304.1, 3104.1, and 1328.2. (Exhibit 65) The District Department of Transportation (DDOT) submitted a report recommending conditional support of the Applicant's request. (Exhibit 68)

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

---

<sup>1</sup> The Applicant amended the original application in its pre-hearing statement (Exhibit 64) and at the hearing where special exception under subsection 1328.2 was added to the relief sought.

<sup>2</sup> The ANC's recommendation to approve the amended application (Exhibit 67) revised its initial position opposing the original application. (Exhibit 46) In its final report, the ANC indicated that its approval was contingent on the Applicant agreeing that neither a shelter nor a community-based residential facility would be located on the premises. The Applicant agreed to the condition. (Exhibit 64)

BZA APPLICATION NO. 17717

PAGE NO. 2

pursuant to § 3104.1, for special exception under subsections 1330.1, 1328.2, and 1304.1. No parties appeared at the public hearing in opposition to this application.<sup>3</sup> 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, 1330.1, 1328.2, and 1304.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 64 – Amended Plans) be **GRANTED AS CONDITIONED**:

1. The mixed-use development shall not include a Community-Based Residential Facility or Emergency Shelter.

**VOTE:** **3-1-1** (Marc D. Loud, Meridith H. Moldenhauer to APPROVE; Konrad Schlater to DISAPPROVE. Third Mayoral appointee (vacant) not participating, not voting.)

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

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

**FINAL DATE OF ORDER:** OCT 1, 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

---

<sup>3</sup> The Board had received 4 applications for party status in opposition to the initial application (Exhibits 30, 36, 42, and 48), but none of the party status applicants attended the hearing on September 22, 2009. The Board, by consensus, denied the requests for party status, given that the four were not in attendance at the hearing in order to participate. The record contained numerous letters of opposition to the application; however, none of them were parties. (Exhibits 21, 22, 24-29, 31-32, 34-35, 37-41, 43-47, 50-53, 55-60)

BZA APPLICATION NO. 17717

PAGE NO. 3

UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

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

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

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

**Application No. 17953 of Capitol Pizza Mia**, pursuant to 11 DCMR § 3104.1, for a special exception for a fast food restaurant under section 733, in the C-2-A District at premises 2005 18<sup>th</sup> Street, N.W. (Square 2557, Lot 13).

**HEARING DATE:** September 8, 2009

**DECISION DATE:** September 22, 2009

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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) 1C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C, which is automatically a party to this application. ANC 1C did not participate in this application. The Office of Planning (OP) submitted a report in support of this 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 relief under section 773. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 773, that the requested relief can be granted, 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**:

1. The hours of operation shall be 11 a.m. to 1:00 a.m. from Sunday through Thursday, and 11:00 a.m. to 3:30 a.m. from Friday to Saturday.
2. The trash area shall be cleaned no less than twice a week.

**BZA APPLICATION NO. 17953****PAGE NO. 2**

3. The refuse containers shall be secured and closed at all times.
4. The trash shall be removed from the premises at least four times a week.
5. The front of the establishment (out to the street curb) shall be litter free and maintained in a neat and orderly fashion.

**VOTE:**       **4-0-1** (Shane L. Dettman, Meridith H. Moldenhauer, Marc D. Loud, and Michael G. Turnbull (by absentee ballot) to APPROVE; one Mayoral appointee (vacant) not present, 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: OCTOBER 2, 2009**

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

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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.

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.

TWR

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

**Application No. 17993 of D.C. Public Library**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, and pursuant to 11 DCMR § 3104.1\* for a special exception to allow the regulations applicable to that portion of the lot to be located in a less restrictive use district to be extended to that portion of the lot in a more restrictive use district under subsections 2514.2(b) and 2514.1(d), to allow the construction of a new full-service Tenley-Friendship neighborhood library in the C-3-A District at premises 4450 Wisconsin Avenue, N.W. (Square 1729, Part of Lot 808).

*\*Note: At the public hearing, the application was amended to include special exception relief under § 2514.*

**HEARING DATE:** September 22, 2009

**DECISION DATE:** September 22, 2009

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case is 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) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a report expressing conditional support for the application. The Office of Planning submitted a report in support of the application.

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 2101.1. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

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

**BZA APPLICATION NO. 17993**  
**PAGE NO. 2**

Special Exception Relief:

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 § 2514. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and the OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2514, 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. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application, pursuant to Exhibit No. 10 - PLANS, be **GRANTED, SUBJECT to the following CONDITIONS:**

1. The Applicant shall designate an additional parking space for use solely by handicapped individuals (for a total of two spaces so designated).
2. The Applicant shall reserve the five remaining spaces for use by non-DC Public Library visitors to the library.
3. The portion of the library built in a residential zone shall not project further than 11 feet, plus or minus a few inches, into that zone.

**VOTE:**           **4-0-1**           (Marc D. Loud, Konrad W. Schlater, Meridith H. Moldenhauer, Shane L. Dettman to APPROVE; one Mayoral appointee (vacant) not present, not voting)

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

Each concurring member has approved the issuance of this summary order.

**FINAL DATE OF ORDER: SEPTEMBER 30, 2009**

**BZA APPLICATION NO. 17993****PAGE NO. 3**

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

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

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

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.

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.

TWR

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FILING**  
**Z.C. Case No. 09-15**  
**(Consolidated PUD and Related Map Amendment @ Square 2661, Lot 152)**  
**October 1, 2009**

**THIS CASE IS OF INTEREST TO ANC 1B**

On September 25, 2009, the Office of Zoning received an application from G.K.D. 1412 Chapin Street, LLC, *et al.* (the "Applicant") for approval of a consolidated PUD and a related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 152 in Square 2661 in Northwest Washington, D.C. (Ward 1) at 1412 Chapin Street, N.W. The property is currently zoned R-5-B. The Applicant proposes a related map amendment to zone the property to C-2-B.

The Applicant proposes to construct a 48,258 square-foot building with five stories (57 feet in height), that will provide 44 units of workforce housing (defined here as housing affordable to families earning no more than 60% of Area Median Income ("AMI")). The density of the building will be a 5.36 floor area ratio ("FAR") and the lot occupancy will be up to 100% on the ground floor.

The project will provide 16 vehicle parking spaces, one loading/delivery space, and 41 bicycle parking spaces in an indoor garage. The project will be constructed in accordance with the 2008 Enterprise Green Criteria.

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